

# **ANNEXURE 1**

# Rules of the Timber Furnishing and Textiles Union

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## 1 - NAME

The name of the Union shall be the “Timber Furnishing and Textiles Union”.

## 2 - ELIGIBILITY TO JOIN THE UNION

(A) Without limiting the generality of any other sub-rule or paragraph or being limited thereby the following persons are eligible to be members of the Union:

(i) All persons who are employed or are usually employed in any position on or in or in connection with (a) saws and wood working machines; (b) handling and treating timber and articles manufactured therefrom; (c) sawmills, timber yards, box and case factories, saw makers shops, joiners workshops, car and waggon shops, coach builders workshops, coopers workshops, furniture factories wooden sporting goods factories and veneer and plywood factories; (d) the preparing of woodwork for joiners, carpenters, builders, implement makers, coachbuilders, car and wagon builders, furniture factories, box and case factories, wooden sporting goods factories, veneer and plywood factories and coopers shops; (e) falling splitting and hewing timber.

Provided that millwrights, blacksmiths and maintenance engineers employed as such elsewhere than in bush sawmills, and fitters and/or turners, other than wood turners, shall not be eligible for membership unless covered by the provisions of paragraph (ii) hereof.

In these Rules, the words "wood and/or timber" without in any way limiting the ordinary meaning of the words, shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

(ii) An unlimited number of persons engaged or usually engaged in any occupation connected with manufacture, processing and supply of pulp, paper, paper board, strawboard, plastic materials (obtained from the wood and cooking chemicals in establishments where the organisation has as members persons coming within any other sections of this constitution) paper bags or any similar commodity, excepting employers of labour and

(iii) Such other persons who may be appointed from time to time to any office.

(AA)

(a) However, nothing in the Rule 2(A) shall entitle the Timber, Furnishing and Textiles Union to enrol any person who is employed, usually employed or qualified to be and desirous of being employed or seeking to be employed as a carpenter or joiner, other than those persons employed, usually employed or qualified to be and desirous of being employed or seeking to be employed in or in connection with a joiners workshop.

(b) However, nothing in the Rule 2(A) shall entitle the Timber, Furnishing and Textiles Union to enrol any person who is employed, usually employed or qualified to be and desirous of being employed or seeking to be employed in or in

connection with the casting of plain or ornamental plaster sheets by mechanical or manual means, except for persons employed at Etex Australia Pty Ltd in Altona in the State of Victoria.

- (B) (a) Subject to sub-rule 2(B)(b), without limiting the generality of any other sub-rule or paragraph or being limited thereby an unlimited number of persons who are employed in, or competent to be employed in or in connection with the following industries or trades are eligible to be members of the Union:
- (i) Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accommodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattress-makers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen, and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

- (b) Sub-rule 2(B)(a) does not apply to persons within the following categories:

- (i) persons who are engaged in Queensland, the Northern Territory or the Australian Capital Territory;
- (ii) persons who are engaged in the plate, sheet or ornamental glass industry in New South Wales or Western Australia;
- (iii) persons engaged in or in connection with the following industries or trades in New South Wales or Western Australia:
  - Plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters and plate-glass factories and luxfer glazing; and
- (iv) floor covering layers in Queensland or Western Australia.

(BB) However, nothing in the foregoing Rule 2(B) shall entitle the Timber, Furnishing and Textiles Union to enrol any person who is employed, usually employed or qualified to be and desirous of being employed or seeking to be employed in or in connection with:

- (a) laying tiles whether made of stone, ceramic, porcelain, marble, slate, terra cotta, pottery ware, concrete, terrazzo, faience, mosaic, ceramic, opalite, glazed, semi glazed floor tiles or floor tiles of any similar material or composition;
- (b) concrete finishing (including concrete grinding, polishing and remediation) except where the finishing is incidental to the laying of a floor covering;
- (c) the casting of plain or ornamental plaster sheets by mechanical or manual means, except for persons employed at Etex Australia Pty Ltd in Altona in the State of Victoria.

### **(C) Additional Eligibility for Admission to Membership in the State of New South Wales**

This rule 2(C) does not apply outside the State of New South Wales.

Without limiting the generality of any other sub-rule or paragraph or being limited thereby, the following provisions of this rule provide for additional eligibility for admission to membership of the Union in the State of New South Wales:-

- (A) The union shall consist of all persons who are employed or are usually employed in any position on or in or in connection with:
  - (a) Saws and Woodworking machines;
  - (b) Handling and treating timber and articles manufactured therefrom;
  - (c) Sawmills, timber yards, box and case factories, sawmakers shops, joiners workshops, car and waggon shops, coachbuilders shops;
  - (d) preparing woodwork for joiners, carpenters, implement makers, coachbuilders, car and waggon builders;

- (e) Hewing, splitting and felling timber and such other persons who may from time to time be appointed to any office.

Provided that millwrights, blacksmiths and maintenance engineers employed as such elsewhere than in bush sawmills, and fitters and/or turners shall not be eligible for membership; and

Provided further than any employee covered by an award by the New South Wales Industrial Relations Commission, or its predecessors, existing at the time of the registration of rule 2(D) of the Construction, Forestry, Mining and Energy Union (New South Wales Branch) shall not be eligible for membership under this sub-rule 2(C)(A), in the event of such award being in respect of members of an existing Industrial Union registered under the Industrial Relations Act 1996 (NSW) or its predecessors.

In this rule, the words “wood and/or timber” without in any way limiting the ordinary meaning of the words, shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence, from whatever material made or manufactured or constructed, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and by similar methods and with similar machines and/or tools as in the case of wood or timber.

(AA)

- (a) However, nothing in the Rule 2(C)(A) shall entitle the Timber, Furnishing and Textiles Union to enrol any person who is employed, usually employed or qualified to be and desirous of being employed or seeking to be employed as a carpenter or joiner, other than those persons employed, usually employed or qualified to be and desirous of being employed or seeking to be employed in or in connection with a joiners workshop.
- (b) However, nothing in the Rule 2(C)(A) shall entitle the Timber, Furnishing and Textiles Union to enrol any person who is employed, usually employed or qualified to be and desirous of being employed or seeking to be employed in or in connection with the casting of plain or ornamental plaster sheets by mechanical or manual means.

(B) Without limiting the generality of any other sub-rule or paragraph or being limited thereby, the Union also shall consist of an unlimited number of persons:

- a) employed in, or deemed to be employed in, usually employed in or qualified to be in desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or callings, and/or vocations, and/or industrial pursuits of; and/or
- b) who are employed in an occupation, in or in connection with the furnishing industry (as hereinafter defined) whether on salary or wages or piece-work rates, or as members of a butty-gang; and/or
- c) who, pursuant to the Industrial Arbitration Act 1940, or any Act, amending, repealing or replacing the said Act, are deemed to be employees for the purpose of the cited Act, and are engaged in the industrial pursuit or

pursuits of the following industries, occupations, callings, and vocations;  
viz:

- (i) cabinetmaking including cabinetmakers employed in retail shops;
- (ii) cabinetmakers and joiners manufacturing kitchen cabinets;
- (iii) patternmaking;
- (iv) chair, couch and/or seating accommodation manufacture in any material whatsoever;
- (v) chair, couch and/or seating accommodation assembling, fitting up and repairing in any material whatsoever;
- (vi) journeymen, tradesmen and persons wholly or partially engaged in the installation of chair, couch and/or seating accommodation;
- (vii) wood carvers;
- (viii) wood finishers, lacquerers, sprayers, varnishers and journeymen tradesmen and persons engaged in applying any other form of coating including, but without limiting the generality of the foregoing, powder coating and coatings applied by mechanical, electrostatic or other means;
- (ix) wood turners, other than those engaged in saw mills, timber yards and the coachbuilding industry;
- (x) wood machinists other than those engaged in the saw mill departments of furniture factories;
- (xi) wood polishers and french polishers including wood polishers and french polishers employed in retail shops and/or by contract polishers;
- (xii) journeymen, tradesmen and persons wholly or partially engaged in the manufacture, assembly, fitting up and/or installation of new furniture or furnishings such new furniture or furnishings being manufactured of any material whatsoever;
- (xiii) journeymen, tradesmen and persons wholly or partially engaged in the repair, renovation, refurbishment and/or restoration of damaged, used or second-hand furniture or furnishings such furniture or furnishings being constructed of any material whatsoever;
- (xiv) journeymen, tradesmen and persons wholly or partially engaged in the manufacture, installation, repair, renovation, refurbishment and/or restoration of wooden mantelpieces and/or overmantels;
- (xv) billiards, table tennis, snooker and pool table makers, repairers, restorers, fitters and installers;
- (xvi) journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in, or in connection, with the design, manufacture, alteration, repair and installation of amusement machines, poker machines, card machines, juke boxes and suchlike, roulette wheels, baccarat tables, blackjack card shoe boxes and any other form of amusement, recreational and or gaming machine, furniture or furnishings now in existence, or hereafter coming into existence, which pursuant to the principles of ejusdem generis would be classified as furniture, furnishings, decoration or ornamental background work;
- (xvii) journeymen, tradesmen and persons wholly or partially engaged in any operation or procedure incidental to, or in, or in connection with the manufacture or repair of spring units, couches, divans, lounges,

- sofas or similar articles whether constructed or weaved wire or of spiral springs attached to wire and/or metal framework excepting persons engaged in the metallic bedstead-making industry;
- (xviii) journeymen, tradesmen and persons wholly or partially engaged in the manufacture of bedding, baldachins, bed valances and bedding materials such bedding and bedding materials being manufactured of any material or combination of materials whatsoever;
- (xix) journeymen, tradesmen and persons wholly or partially engaged in the manufacture, case cutting, sewing and/or repair of all forms and types of mattresses (inclusive of spring filled, wire, machine made and/or filled mattresses and water filled mattresses);
- (xx) persons wholly or partially engaged in any operation or process, including feather processing, incidental to or in, or in connection with mattress case and bed covering filling said mattress and bed coverings including but, not limiting the generality of the foregoing, quilts, doonas, sleeping bags and bedspreads;
- (xxi) journeymen, tradesmen and persons wholly or partially engaged in any operation or process in or in connection with or incidental to the design, manufacture, alteration, repair and installation of display materials and devices, exhibition stands and show cases including but, not limiting the generality of the foregoing, point of sale materials, merchandising devices, panelling and show room stock fixtures;
- (xxii) journeymen, tradesmen and persons wholly or partially engaged in cutting, jigsaw cutting, fitting up and/or assembling, laying of carpet, carpet tiles, seagrass, linoleum, hessian, imitation grass, or any other form of floor covering in any material whatsoever, laminating and/or painting, covering, staining, spraying, polishing, rolling, moulding, vacuum forming, wire bending, machining and die cutting performed incidental to, or in or in connection with display work and exhibition work;
- (xxiii) journeymen, tradesmen and persons wholly or partially engaged in the design, manufacture, alteration, repair and installation of any composition of wood, metal or other construction, in any material whatsoever, and in any other process performed incidental to or, in or in connection with display work, exhibition work and ornamental background work;
- (xxiv) persons wholly or partially engaged in teasing upholstery or bedding material;
- (xxv) journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to or in or in connection with the following industries and callings;
- \* the manufacture, finishing, repair, alteration and restoration of frames of manilla type furniture;
  - \* the manufacture, weaving, finishing, repair, alteration and restoration of perambulators or pithcane bassinets; and
- (xxvi) mottling, lacing, preparing material, lapping and fixing pre-woven sheets of reedtex, hytex or like material or machine woven pithcane to frames;

- (xxvii) journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to or in connection with the manufacture of basketware said basketware being manufactured of any material whatsoever;
- (xxviii) wicker workers and makers of articles of whatsoever description made of bamboo, cane, pithcane, willow, rush grasses, seagrass, reedtex, hytex or any similar or like material or any material introduced in substitution for the aforesaid materials;
- (xxix) upholsterers including upholsterers employed in retail shops;
- (xxx) journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with carpet planning, measuring, cutting, laying, repairing, fixing, sewing and/or machining including all preparatory work performed incidental to, or in connection with the foregoing and also including, but without limiting the generality of the aforesaid the installation of protection, floor patching and/or levelling, removal and replacement of furniture, drilling, plugging and adhering, taking up and or disposal of carpet, underlay, smoothedge and such like, naplocking and the installation of smoothedge;
- (xxxi) journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with tilelaying - excepting journeymen, tradesmen and persons wholly or partly engaged in any operation or process in or in connection with the laying or fixing of encaustic, ceramic and vitreous tiles, faience, mosaic and opalite not exceeding in measurement .093 square metres where the said tiles, faience, mosaic and opalite is fixed with cement composition but including journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with the laying of vinyl tiles and sheeting, rubber tiles or sheeting, cork tiles or sheeting, parquetry, floor sanding, synthetic grass laying, linoleum and any other form of floor covering material introduced in substitution for, or in addition to, the aforesaid floor covering materials;
- (xxxii) journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to or in, or in or in connection with the laying or installation of any form of floor covering material not elsewhere specified in this Rule.
- (xxxiii) journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in or in connection with the manufacture or repair of soft furnishings, loose coverings, stuffed quilts, pillows, bolsters, cushions, blinds (other than venetian blinds), vertical drapes, curtains, tapestry and furnishing drapery, said operations or processes, including but without limiting the generality thereof, planning, designing, cutting, measuring, fixing, sewing, measuring-up on site and installation on site;
- (xxxiv) journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with the manufacturing or repair of window blinds including venetian blinds, wood weave blinds, blinds manufactured from holland or ticking, wire blinds, gauze blinds, gauze screens or blinds and

- screens manufactured from other textile material or other material introduced in substitution for, or in addition to, the aforesaid materials, said operations or processes including, but without limiting the generality thereof, planning, designing, cutting, measuring, assembling, painting fixing and installation on site;
- (xxxv) journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with the manufacture or repair of cornice boxes, cornice rods and rails, pelmets and pelmet boxes, facias and the like used in or in connection with all forms of window blinds heretofore described, said operations or processes including, but without limiting the generality thereof, planning, designing, measuring, measuring on site, cutting, assembling including assembling on site, painting, fixing and installation on site;
- (xxxvi) cabinetmakers engaged in piano and organ manufacture or repair;
- (xxxvii) polishers and french polishers engaged in piano and organ manufacture or repair;
- (xxxviii) journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with the manufacture or repair of pianos, pianofortes, organs and general musical instruments and wood winds, said operations or processes including, but without limiting the generality thereof, planning, designing, assembling including assembly on site, iron frame fitting, key making, sound board making, action fitting, stringing, bass stringing making, chipping up, bass string fitting, tuning and regulation including tuning and regulation on site;
- (xxxix) journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with, the manufacture and repair of mount and ticket boards, picture frames, photograph frames and lobby frame stands and any other manufacture of wood, metal or other construction in any material whatsoever of a like nature to the aforesaid manufactures, said operations and processes including, but without limiting the generality thereof, cutting, jigsaw cutting, fitting up, mount cutting, cardboard frame cutting, covering, shooting, coating, squeezing, applying and/or making compo, joining or finishing the said manufactures by bronzing, gilding burnishing, staining, spraying, polishing or waxing or covering the said manufactures with silk, or tapestry or other material or textiles;
- (xl) journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with the manufacture, in any material whatsoever, or repair, of clock cases, printer cases, ice chests, camp furniture, wireless, radio, stereo-phonetic and quadrophonic equipment, television equipment, video recorders, video monitors and the like, sound reproduction equipment, refrigerators, incubators, talking machines, sewing machines, lampshades and all forms of church, office, shop, commercial, domestic and residential furniture, furnishings and ornaments not specified elsewhere in the Rule 2(C);

- (xli) journeymen, tradesmen and persons who cannot now conveniently belong to an existing registered industrial union who are performing work incidental to, or in or in connection with the industry or industries, and/or occupations, and/or callings and/or vocations and/or industrial pursuits previously specified in this Rule in factories, retail shops or other establishments manufacturing furniture, pianos, organs, table tennis, billiards, snooker and pool tables, mantelpieces, overmantels, beds, bedding, quilts, mattresses, venetian and other window blinds, picture frames and any other form of furniture, furnishings, ornaments or ornamentation not elsewhere specified in this Rule;
  - (xlii) apprentices in any of the tradesmen callings previously specified in this Rule;
  - (xliii) juniors engaged in any of the industries, callings, vocations and industrial pursuits previously specified in this Rule;
  - (xliv) all persons appointed as foremen, sub-foremen and leading hands in any establishment in any of the industries, occupations, callings, vocations and industrial pursuits previously specified in this Rule;
  - (xlv) all persons, whether engaged in or in connection with the industry or industries, and/or occupations and/or callings and/or vocations and/or industrial pursuits previously specified in this Rule or not, who have been appointed as Officers of the Union.
- d) Persons who are eligible for membership of the Public Service Association of New South Wales shall not, by reason of anything contained in sub-rule 2(C)(B) only of this rule, be eligible for membership of the Union.
- i) In this Rule the words "wood, timber, metal and plastic" without in any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever material made or manufactured or constructed, which is or can or may be used in the place of wood, timber, metal or plastic, and which can be handled and/or treated and/or machined and/or worked in a similar way and by similar methods and with similar machines and/or tools as in the case of wood, timber, metal or plastic.
- ii) In this Rule the word "furniture", in addition to its etymological, dictionary, statutory and judicial meanings shall mean and include all manner, forms and types of accoutrements, chattels, goods, items and articles now in existence, or hereafter coming into existence, which are used in the interior or exterior decoration, adornment, fitting-out, beautification, making habitable and ornamentation of any form of church, office, shop, commercial, domestic, residential or recreational premises or location and, without limiting the generality of the foregoing, shall include all manufactures and items commonly described as outdoor and/or garden furniture; and the word "furnishings" shall have a like meaning.

Further the fact that a given item, article or furniture manufacturing must, as a result of its particular construction, be wrought into or attached to any building, structure or other fixture, shall not be construed so as to eliminate the said item, article or furniture manufacture from the foregoing definition;

- iii) In this Rule the word "ornament", in addition to its etymological, dictionary, statutory and judicial meanings shall mean and include all manner, forms and types of accoutrements, chattels, goods, items and articles now in existence, or hereafter coming into existence, which are used to decorate, adorn or beautify any form of church, office, shop, commercial domestic or residential premises and, without limiting the generality of the foregoing, shall include all forms of manufacture in ceramic, glass, porcelain, acrylic, metal or any other material whatsoever, such as figurines, flower vases, pottery, statues, statuettes, wall ornaments and any other form of ornament or ornamentation which pursuant to the principles of ejusden generis, would be classified as an ornament or ornamentation.
- iv) In this Rule the word "employee" shall have the meaning ascribed to it within the meaning of section for the *Industrial Arbitration Act 1940*, which section, inter-alia, defines employees in terms which include deemed employees; said definition being cited as follows:

"Employee" means persons employed in any industry, whether on salary or wages or piece-work rates or as members of a butty-gang, and includes any person who is, pursuant to any provisions of this Act, deemed to be an employee for the purpose of this Act, but shall not include a member of a family in the employment of a parent, and the fact that a person is working under a contract for labour only, or substantially for labour only, or as lessee of any tools or other implements of production or an outworker, or is working as a salesman, canvasser, collector, commercial traveller, insurance agent or in any other capacity in which he is paid wholly or partly by commission, shall not in itself prevent such person being held to be an employee.

- (BB) However, nothing in the Rule 2(C)(B) shall entitle the Timber, Furnishing and Textiles Union to enrol any person who is employed, usually employed or qualified to be and desirous of being employed or seeking to be employed in or in connection with:
- (a) laying tiles whether made of stone, ceramic, porcelain, marble, slate, terracotta, pottery ware, concrete, terrazzo, faience, mosaic, ceramic, opalite, glazed, semi glazed floor tiles or floor tiles of any similar material or composition;
  - (b) concrete finishing (including concrete grinding, polishing and remediation) except where the finishing is incidental to the laying of a floor covering;
  - (c) the casting of plain or ornamental plaster sheets by mechanical or manual means.
- (C) Provided that nothing in this Rule 2(C) shall make any person eligible to be a member of the Union who is of a class of employees for whom, as of the date of this Rule being approved, was subject to a representation order, a State demarcation order, a demarcation order, a demarcation undertaking or agreement (however described) in relation to that class of employees, in favour of another organisation or association.

(D) Without limiting the generality of any other sub-rule or paragraph to Rule 2 or being limited thereby:

The Union shall consist of:

- (a) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the following industries, mills, factories, places of work, products or processes in Australia:-
- (i) textile, woollen (other than wool scouring), worsted, wool tops, spinning, weaving, dyeing, finishing, waste-breaking, flock, wadding, felt and feltex, flax, cotton, carpets, silk and artificial silk, rayon and/or any vegetable or synthetic fibre or non woven substance, technical textile, textile backing, textile coating, textile services, hosiery, half-hose, knitting, textile printing, textile furnishings, tapestry, braids and tassels;
- (b) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the designing, preparing, patternmaking, manufacturing, making including the treatment or conversion of any vegetable or synthetic fibre or non-woven substance, processing, repairing, altering, trimming, blocking, pressing, finishing or selling from factory outlets of:
- (i) infants' nappies;
  - (ii) table and sanitary napkins;
  - (iii) facial and toilet tissue;
  - (iv) tampons;
  - (v) mats, towels and absorbent cloths, pads and wipers;
  - (vi) substitutes for the products of any of the industries, mills, factories, places of work, products or processes listed in paragraph (a) above;
- (c) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the Felt Hatting Industry, and the designing, preparing, patternmaking, manufacturing, making, processing, repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets the whole or any part of all articles of headwear and/or millinery including but not limited to hats, caps, berets, hoods and helmets.
- (d) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the designing, preparing, patternmaking, manufacturing, making, processing, repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets the whole or any part of footwear of every description including but not limited to boots, shoes, slippers and wood lasts.
- (e) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with designing, preparing,

## 2 - ELIGIBILITY TO JOIN THE UNION

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patternmaking, manufacturing, making, processing, repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets the whole or any part of:

- (i) any male or female garment;
  - (ii) any article of wearing apparel whatsoever, made from material of any description;
  - (iii) any article of neckwear;
  - (iv) handkerchiefs;
  - (v) any fashion accessory whatsoever.
- (f) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with designing, preparing, patternmaking, manufacturing, making, processing, repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets of the whole or any part of any description of textile furnishings including but not limited to any description of serviettes, pillowslips, pillowshams, sheets, blankets, bedspreads, tablecloths, towels, quilts, aprons, mosquito nets, bed valances, cot covers, blinds, carpets, cushions, curtains or bed curtains and automotive textile furnishings including but not limited to motor vehicle and other seat covers, mats and dash covers.
- (g) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the laundry industry, or the dyeing and/or cleaning and/or repairing and/or pressing and/or ironing any garment or any article of any description whatsoever.
- (h) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with designing, preparing, patternmaking, manufacturing, making, processing repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets of the whole or any part of any description of umbrella;
- (i) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the embroidering and/or ornamenting of:
- (i) any of the articles referred to in any other part of this rule;
  - (ii) artificial flowers.
- (j) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the industry of a furrier.
- (k) Without limiting the generality of any other subrule of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the making of chenille and the designing, preparing, patternmaking, manufacturing, making, processing, repairing,

### 3 – DESCRIPTION OF INDUSTRY

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altering, trimming, blocking, pressing, finishing and/or selling from factory outlets of articles of all descriptions made of chenille;

- (l) Without limiting the generality of any other part of this rule, all persons other than electrical workers, and fitters (including persons performing the job of fitters where these persons are described as mechanical and fabrication tradespersons, and including howsoever ‘fitters’ are termed in the future), wholly or partly engaged or usually engaged in or in connection with:
- (i) the maintenance or repair of machinery used at any premises referred to in any other part of this rule, or at any premises where any of the processes or activities referred to in any other part of this rule occurs, or in relation to a product referred to in any other part of this rule, including but not limited to mechanics engaged in the maintenance or repair of machinery used in the production of boots, shoes and slippers.
  - (ii) cleaning at any premises referred to in any other part of this rule, or at any premises where any of the processes or activities referred to in any other part of this rule occurs, or in relation to a product referred to in any other part of this rule.
  - (ii) receiving, dispatching, packing, unpacking, storing and/or otherwise handling goods at any premises referred to in any other part of this rule, or at any premises where any of the processes or activities referred to in any other part of this rule occurs.
- (m) Such other persons as have been elected or appointed officers or organisers or employees (other than clerical employees) of the Union or a Branch and who have been continuously employed in any one or more of the industries of the Union for at least three years.
- (n) Such other persons who are independent contractors who, if they were employees performing the work of the kind that they usually perform as independent contractors, would be eligible for membership of the union.
- (E) Without limiting the generality of any other sub-rule or paragraph to Rule 2 or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

### 3 – DESCRIPTION OF INDUSTRY

(A) The industry of any person employed in any position on or in or in connection with:

- (1) (a) saws and woodworking machines; (b) handling and treating timber and articles manufactured therefrom;
- (2) (a) sawmills; (b) timber yards; (c) box and case factories; (d) sawmakers shops; (e) joiners workshops; (f) car and waggon shops; (g) coach builders shops; (h) coopers

#### 4 – OBJECTS

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workshops; (i) furniture factories; (j) wooden sporting goods factories; (k) veneer and plywood factories;

- (3) without limiting the generality of the foregoing, the industry of any person employed in any position in or in connection with the preparing of wood work for (i) joiners; (ii) carpenters; (iii) implement makers; (iv) coachbuilders; (v) car and waggon builders; (vi) builders; (vii) furniture factories; (viii) box and case factories; (ix) wooden sporting goods factories; (x) veneer and plywood factories; (xi) coopers shops;
- (4) The industry of any person employed in or in connection with hewing splitting and falling timber; and
- (5) without limiting the generality of the foregoing the industry of wood working machinists. In the Industry, the words "Wood and/or Timber" without in any way limiting the ordinary meaning of the words shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and
- (B) The Industry of paper-making, strawboard making, paper-bag making or the making of any similar commodity.
- (C) The furnishing and wood working industries, including coffin making and the industry of making musical instruments of which wood forms a part.
- (D) Without limiting the generality of Sub-Rules (A) to (C) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.
- (E) Without limiting the generality of Sub-Rules (A) to (D) herein or being limited thereby the industries in or in connection with which the Union is registered are the textile, clothing and footwear industries, including but not limited to those parts of the industries referred to in Rule 2(D).

#### 4 – OBJECTS

- (a) To uphold the right of combination of labour, and to improve, protect, and foster the best interests of the Union and its members, and to assist them to obtain their rights under industrial and social legislation.
- (b) To regulate and protect the wages and conditions under which all members or other persons entitled to become members of the Union may be employed, to achieve compulsory unionism and control the supply of labour, to take such steps as may be necessary for the efficient operation of the industries in or in connection with which the organisation is registered, to regulate relations between the members and their employers and between the members and other employees in or in connection with the Industries of the Union and to foster the best interests of the members of the Union.
- (c) To improve industrial relations in the industries in or in connection with which the Union is registered and undertakings where members are employed, and to exercise all the

#### 4 – OBJECTS

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- powers, privileges and advantages of employees under the Act and any legislation replacing that Act and under any Commonwealth or State legislation, or any other legislation in any way relating to the Industries of the Union either directly or indirectly affecting the members.
- (d) To do all things conducive to the welfare and organisation of the working class.
  - (e) To provide legal assistance to the Union and its members to protect the interests of the Union in all its Districts and to assist other trade unions by any legal method.
  - (f) To secure preference in employment, retrenchment, promotion, demotion and transfer of employment for members.
  - (g) To protect members from any infringement of their rights.
  - (h) To organise the education of members.
  - (i) To secure or assist in securing legislation for safety in or in connection with the Industries of the Union and for the general and material well being of members.
  - (j) To establish funeral, sick, accident, unemployment or other funds, including insurance or assurance funds, for the assistance, support and benefit of members, or other trade unionists, and to establish a fund from which to provide retiring allowances to full time officers and employees of the Union and its Districts.
  - (k) To establish Branches, Sub – Branches, Districts, Sectors, Sections, Associations or Committees of the Union.
  - (l) To effect unity between its Districts and other bodies of a similar character.
  - (m) To work as far as is lawful in harmony with other labour unions.
  - (n) To establish and maintain a Union journal or journals for the publication of matters directly or indirectly relating to the affairs of the Union or its members, and to assist to establish or maintain labour and trade union journals, radio and television broadcasting stations and other means of mass communication, information or education, and to invest in such ventures.
  - (o) To promote the interchange of membership between the Union and other unions throughout the world.
  - (p) To assist members by loan or otherwise.
  - (q) To constitute, conduct, carry on and manage clubs for the benefits of members.
  - (r) To co – operate or otherwise combine with, affiliate to or amalgamate with, pay affiliation fees to and assist financially or otherwise, or join or absorb, any organisation, union or association which has objects similar to the objects of the Union, and to be represented on other bodies and trade union organisations.
  - (s) To render financial assistance to its Districts other unions or labor organisations for any charitable purpose.

## 6 - DEFINITIONS

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- (t) To take part in any or all questions of matters affecting or involving the wages and conditions of labour.
- (v) To establish and/or support co-operative ventures generally and to do such other things which may be deemed necessary in connection therewith.
- (w) To hold, purchase, lease, transfer, rent, sell, mortgage or otherwise deal in property and to enter into contracts and agreements in connection with same and to do all such other things as may be deemed necessary in connection therewith for the purpose of furthering directly or indirectly any one or more objects.
- (x) To raise funds by levies and/or other means for the furtherance of any one or more objects.
- (y) To raise political levies, donate to and/or affiliate with political parties and to partake in conciliation and/or arbitration systems in the States and for that purpose to have branches, or districts registered in the States.
- (z) To obtain such other objects as the National Conference or National Executive shall from time to time determine or as may be lawfully adopted by the Union.
- (aa) To do all such other acts and things as are incidental or in any way related to the carrying out of any one or more of the above objects.

## 5 - SIGNING OF DOCUMENTATION

Any document required or permitted by the FW Act or the RO Act or any document required to be executed on behalf of the Union shall be signed by the National Secretary or, in the absence of the National Secretary, either the National President or National Senior Assistant Secretary, the TCF National Secretary, or such other National Officer as authorised by the National Executive.

## 6 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

“**DISTRICT**” means a District of the Union set up in accordance with these Rules

“**DISTRICT MANAGEMENT COMMITTEE**” means a committee of management governing a District of the Union.

“**NATIONAL OFFICERS**” means the National Secretary, the National President, the National Senior Assistant Secretary, the TCF National Secretary, the National Senior Vice President (TCF), the National Assistant Secretary, and the National Assistant Secretary (PPW).

“**FINANCIAL MEMBER**” shall mean any member of the Union who has paid all subscriptions, fines, levies and dues in accordance with Rule 8 of the Rules.

“**FW ACT**” means the *Fair Work Act* (Cth) or any Act replacing that Act.

“**MEMBER**” shall mean a member of the Union and membership shall have a corresponding meaning.

“**OFFICE**” has the same meaning as defined by section 9 of the *Fair Work (Registered Organisations) Act 2009*

“**OFFICER**” has the same meaning as defined by section 6 of the *Fair Work (Registered Organisations) Act 2009*

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

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

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

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

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

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

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

“**RO ACT**” means the *Fair Work (Registered Organisations) Act 2009* (Cth) or any Act replacing that Act.

“**RO REGULATIONS**” means the *Fair Work (Registered Organisations) Regulations 2009* or any regulations replacing those Regulations.

“**RULES**” means these rules.

“**TCF SECTOR**” means the members of the Union eligible in accordance with Rule 2 (D) and 3(E).

“**TCF SECTOR COUNCIL**” means the body constituted pursuant to Rule 13.

“**UNION**” means the “Timber Furnishing and Textiles Union”.

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**7 - MEMBERSHIP**

- (i) A candidate for membership of the Union may make application to the National Secretary or the District Secretary covering the area in which the candidate resides or is employed and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the Rules.
- (ii) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the National Executive may require, and shall, when requested, fill in and sign such application form as may be provided.
- (iii) An application for membership of the Union may be referred by the Secretary of the relevant District to the National Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the National Conference the decision of which shall be final.

The National Conference shall decide the appeal at a meeting specially conducted for that purpose and the appellant shall have the right to attend the meeting and state a case on the appeal.

- (iv) All members shall be deemed to be attached to the District covering the locality in which the member resides, except:
  - (a) where the member is eligible for membership of the Union pursuant to Sub Rule 2 (A) of these Rules to the PPW District; and
  - (b) members in the TCF Sector who reside in Queensland, who shall be deemed to be attached to the NSW District.
- (v) Notwithstanding anything elsewhere contained in the Rules no application for membership of the Union shall be void or irregular only for the reason that the form of application is not fully completed or completed at all, or that some other form of application is used, or any other procedure under the Rules has not been complied with provided that the person intended to, and did in fact, in some way or other, apply for membership and the Union treated the person as a member.

**8 - ENTRANCE FEES AND CONTRIBUTIONS**

- (i) Applicants for membership of the Union shall pay on application an entrance fee in accordance with these rules. Such entrance fee if applicable shall not exceed \$300.00. The payment of the entrance fee shall not be a condition precedent to any person being constituted a member under these rules.
- (ii) The contribution payable by each member shall be fixed by the National Executive subject to the processes provided for in Rule 18.
- (iii) The National Executive may if, in its opinion it is desirable or necessary for financial or any other reason that the aforesaid entrance fees or contributions should be altered, waived or suspended, make such decision as it deems desirable or necessary, and the altered, waived or suspended entrance fee and/or contribution payable shall be applicable to the member(s), group or class of members concerned.

## 9 - RESIGNATION OF MEMBERS

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- (iv) Members must pay any entrance fee, contribution, levy and fine imposed in accordance with these rules, subject to any decisions made by the National Executive in accordance with Rule 8 (iii) or Rule 33. A member will be deemed to be unfinancial if any such payment is not made within three months of becoming payable in accordance with these rules.
- (v) An unfinancial member will not be eligible to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.
- (vi) A member shall be deemed to be financial immediately upon payment of all arrears outstanding.
- (vii) Contributions shall be paid to and collected by the National Secretary, or an authorised agent of the Union.
- (viii) The National Executive may fix a special or different rate of contribution and/or entrance fee for any class of members within the Union.

Any decision made by the National Executive in accordance with this rule must not discriminate between members on the basis of race, colour, sex, sexual orientation, age, physical or mental disability, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin.

- (ix) A member shall, when applying for membership be informed of the financial obligations arising from membership and the circumstances, and the manner, in which a member may resign from the organisation and shall be informed of such in writing.

## 9 - RESIGNATION OF MEMBERS

- (1) A member may resign from membership of the Union by a written notice addressed and delivered to the National Secretary or other officer of the Union authorised to receive such correspondence.
- (2) The notice of resignation will take effect where that member,
  - (a) 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 be a member;whichever is later; or
  - (b) in any other case:
    - (i) at the end of 2 weeks after the notice is received by the Union; or
    - (ii) on the day specified in the notice;whichever is later.

## 11- SUPREME GOVERNING BODY OF THE UNION

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- (3) All contributions and or levies due in relation to the period before the members resignation took effect are to be paid. Where the member fails to do so the Union may prosecute such member in the appropriate court for the recovery of that amount.
- (4) A notice delivered to the person mentioned in sub-rule (1) 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.

## 10 - REGISTER OF MEMBERS

A register of members and any other records of the Union required to be kept by the RO Act and the Regulations made thereunder shall be kept at the registered office of the Union and so far as such records relate to the Union or a District at the registered office of the Union or the office of a District.

## 11- SUPREME GOVERNING BODY OF THE UNION

- (i) The supreme governing body of the Union shall be the National Conference which shall meet at least every two (2) years.
- (ii) The National Conference shall consist of the following:
  - (a) the National Officers of the Union; and
  - (b) delegations from each District calculated in accordance with (iii) hereof.
- (iii) Each District shall be entitled to two (2) representatives up to 500 members, one (1) additional representative between 500 members and 1,000 members and one representative for each additional 1,000 members, based, on the aggregate income received by the Union in relation to members of that District (Union contributions only) divided by the amount of the yearly contribution fixed by the Rules from time to time, for the financial year ending on the 31st December in the year preceding the quadrennial election of representatives to act as its representatives at the National Conference.

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

Provided further that the delegation from each District will include ex officio: the District Secretaries of each District and the District Secretaries will be counted as representatives in calculating the entitlement of each District in accordance with this sub clause.

## 11- SUPREME GOVERNING BODY OF THE UNION

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- (iv) Representatives of the District other than those ex officio representatives as provided for in sub-rule (iii) hereof shall be elected by secret postal ballot of all members of the District eligible to vote every four (4) years in accordance with the provisions of Rule 37 of these Rules.
- (v) In the event of a circumstance leading to a casual vacancy in a position of a National Conference Delegate that vacancy shall be filled in accordance with the provisions of Rule 39.
- (vi) Districts, may where elected delegates to National Conference agree, arrange multiple voting representation at a National Conference by notifying the National Secretary prior to the beginning of the National Conference of the number of delegates to be credentialed and of the arrangements for proxy voting to be adopted by that/those delegate/s to National Conference.
- (vii) Where one or more representatives of a District is or are unable to attend a meeting of the National Conference the District Management Committee of that District may itself select a proxy representative or representatives to act on its behalf at that meeting. Such representative or representatives shall vote in accordance with the instructions of the District Management Committee of the District.
- (viii) The method of calling nominations and the election of District delegates to National Conference shall be under the provisions of Rule 37 of these Rules.
- (ix) A majority of delegates eligible to attend the National Conference shall form a quorum.
- (x) All duly approved expenses of representatives to National Conference shall be borne by the Union.
- (xi) No alteration of the personnel of the representatives at a meeting of the National Conference shall be permitted after the credentials of the representatives have been received and accepted by the National Conference, unless such alteration is rendered necessary by death or serious illness.
- (xii) The National Conference shall have power:
  - (a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects.
  - (b) To decide the general policy of the Union and to take steps to enforce the carrying out of such policy.
  - (c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of \$100, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members, organisers or delegates of the Union, for knowingly refusing to comply with the rules of the Union or decisions of the National Conference, National Executive, District Management Committee or the PPW District sub-branch Management Committee relevant to such person.

Provided that a copy of the rules, the decisions of National Conference, National Executive or of the District Management Committee to which a member is attached are available to members at each District Office.

No penalty shall be imposed unless -

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

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

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

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

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

- (xvii) All meetings of the National Conference shall be held at such time and place as the Conference shall from time to time determine, and in case of default, or of special

## 12 - NATIONAL EXECUTIVE

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meetings, as the National Executive shall determine. A meeting of the National Conference may be conducted by any method by which the members of the National Conference can communicate with each other, including but not limited to some or all of the members of the National Conference participating in the meeting by telephone, computer and/or audio-visual conferencing.

(xviii) A loan, grant or donation of an amount exceeding \$1,000 shall not be made by this Union unless the National Conference -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

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

## 12 - NATIONAL EXECUTIVE

i). The National Executive shall consist of the following:

- National Secretary;
- National President;
- TCF National Secretary;
- National Senior Assistant Secretary;
- National Assistant Secretary;
- National Assistant Secretary (PPW) (held by the PPW District Secretary);
- National Senior Vice President (TCF);
- Two National Vice Presidents; and
- No less than 10 and no more than 12 additional National Executive Members, four of whom shall be women.

The number of additional National Executive members in excess of 10 (if any) shall be determined by the National Conference prior to the calling of nominations and they shall be elected by the conference from the conference delegates other than the National Officers.

If the PPW District Secretary is elected to the position of National President, then the National Assistant Secretary (PPW) position ceases to exist. If the PPW District Secretary vacates the position of National President then the National Assistant Secretary (PPW) position is re-established.

- ii). Except for the filling of extraordinary vacancies the National Vice Presidents and the National Executive members other than the National Senior Vice President (TCF) shall be elected by and from the National Conference. The National Senior Vice President (TCF) shall be elected by the National Conference from the National Conference Delegates representing the TCF Sector. These officers and National Executive Members shall be elected every four years and shall hold office until their successors are elected.
- iii). Preceding such conferences the National Executive shall appoint a National Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the Union. Such National Returning Officer shall have the conduct of the election of the National Executive members and the National Senior Vice President (TCF) and the National Vice Presidents in accordance with these Rules.
- iv). Nominations unless otherwise determined by the National Executive shall be called for on the second day of the National Conference. Where practicable the ballot shall be conducted on that day. The National Returning Officer shall call for nominations for all positions at the one time.

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

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

- (a) The National Returning Officer shall notify the person concerned of the defect in the nomination; and
  - (b) The National Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.
- v). The ballot for the National Senior Vice President (TCF) and the two other National Vice Presidents shall be dealt with and completed. The ballot for the National Executive members shall be dealt with and completed.
  - vi). If the nominations are equal to the number of positions to be filled the National Returning Officer shall forthwith declare to the National Executive that such candidates are elected. An officer shall not hold more than one position on the National Executive.
  - vii). If there are more candidates than the number required for filling the office/s the National Returning Officer shall prepare voting papers and conduct the ballot.
  - viii). The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the 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. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the National Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the National Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the National Returning Officer may proceed nonetheless.

- ix). Any delegate to National Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the National Returning Officer a request for an absentee vote together with an address where the delegate can receive communications and, if any delegate has done so, the National Returning Officer shall not declare the result of the ballot until the Returning Officer has given such delegates a reasonable opportunity to vote.
- x). The National Returning Officer shall declare to National Conference the result of the ballot as soon as the count is completed. In the event of a tie, the National Returning Officer shall determine the result by declaring the candidate who currently holds the office being contested elected. Should no candidate hold the office which is being contested the Returning Officer shall determine the result by casting lots.
- xi). Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly holding such office.
- xii). A National Executive member shall hold office until a successor is elected.
- xiii). The National Executive shall, have and may exercise, subject to the review of its actions by National Conference, the care, control, powers, superintendence, management and administration in all respects of the affairs, business, funds and property of the Union and have and exercise all of the powers of the National Conference, and, without limiting the generality of the foregoing it may -
  - (a) Interpret and enforce the general policy of the Union.
  - (b) Control and conduct the business and affairs of the Union.
  - (c) Appoint the editor of any Union journal and manage and control the policy of the journal.
  - (d) Hear and decide any appeal from any District or member. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.
  - (e) Settle disputes between Districts. Any District concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.
  - (f) To deal with any District not working in conformity with the Rules, Decisions and policy of the Union.
  - (g) To deal with and decide any matter submitted to it by any District of the Union.
  - (h) To confirm, over-rule or otherwise deal with decisions of the Districts of this Union.
  - (i) To make, alter and rescind any of the rules of this Union including any rules relating to Districts subject to Rule 21 of these Rules.
  - (j) To appoint and remove organisers or specialist officers.

- (k) To select persons as delegates to represent the Union at meetings, committees or to affiliated organisations.
- (l) Expend such moneys by way of ordinary expenditure of the Union as may be necessary.
- (m) Submit any matter to the members for decision by ballot.
- (n) Ensure that officers, committee members, organisers, delegates or members of the Union and Districts and PPW Sub Branches comply with the rules, policies and decisions of the union and subject to Rule 16 impose penalties [i.e., fines not exceeding the sum of \$100, suspension, expulsion or dismissal from office,] on officers, members, representatives, committee members or delegates of or to the Union for knowingly refusing to comply with the rules, policies or the decisions of the National Executive. Provided that the rules, policies or the decisions of the National Executive are available to members in the minutes of the National Executive and the registered rules of the union are available at each District Office. No penalty shall be imposed unless -
  - (i) The officer, member, representative, committee member, organiser or delegate concerned has been summoned to attend the meeting (which may be conducted by some or all of the participants attending via audio/visual conferencing) seven (7) days prior to the meeting;
  - (ii) Particulars are given in the summons of the charge(s) and/or offence and/or allegation to enable a reply;
  - (iii) The officer, member, representative, committee member, organiser or delegate is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

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

- (p) Take such action as may be necessary to secure the satisfactory working of any Districts of this Union, take such action as may be necessary to ensure the adherence to the rules of the Union and decisions and policies of the National Conference and/or National Executive by any District and the Act or the RO Act and, subject to Rule 16, suspend or dismiss all or any members holding positions in, or for, a District and the appointment of a member of the National Executive or any other member or members of the Union to conduct the affairs of such District. Provided that an election or appointment shall be held within three (3) months therefrom.

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

- (q) Control and supervise the work of the National Officers.

- (r) To establish new Districts and amalgamate existing Districts, to close or disband Districts in accordance with these Rules (provided that the National Executive shall not exercise any such power affecting the PPW District without its consent), and generally to control Districts and the members thereof.
  - (s) To establish working parties and committees subject to the directions of the National Executive.
- xiv). All decisions of the National Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these Rules.
- xv). The National Executive shall meet at least three times in each calendar year. The members of the National Executive may be summoned by the National Secretary to a meeting to be held at such time and place as shall be decided by the National Secretary, provided that a majority of the members of the National Executive may demand a meeting of such National Executive which shall be held at such time and place as stipulated by such members of the National Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, telegram, telex, facsimile, email, online or otherwise in writing, telephone or verbally, provided that in the latter two instances such is confirmed by letter, telegram, facsimile, email, online or other writing. A meeting of the National Executive may be conducted by any method by which the members of the National Executive can communicate with each other, including but not limited to some or all of the members of the National Executive participating in the meeting by telephone, computer and/or audio-visual conferencing.

### **13 - TCF SECTOR COUNCIL**

- (i) The TCF Sector Council shall be constituted as follows:
  - (a) TCF National Secretary;
  - (b) National Senior Vice President (TCF);
  - (c) the Secretary of any District:
    - (i) with 20% or more of its membership from the TCF Sector; or
    - (ii) containing 20% or more of the total membership of the TCF Sector, based on the membership figures for the year immediately prior to the quadrennial elections; and
  - (d) At least four ordinary TCF Sector Council members, in addition to the positions set out at (a)-(c) above, including at least one from each of the Victorian District and the NSW District, to be determined in accordance with Sub Rule (vi) below.
- (ii) The TCF Sector Council shall, subject to directions of the National Executive and National Conferences as otherwise provided for in these rules, have responsibility to oversee decisions concerning:
  - TCF Industry and Industrial policies
  - TCF and related industry awards, industrial instruments
  - TCF legal issues, campaigns, outwork and supply chain matters

- TCF international matters, and
  - TCF Sector dues.
- (iii) National Executive will consult with the TCF Sector Council concerning any matters affecting members of the TCF Sector only.
- (iv) Meetings of the TCF Sector Council shall be summoned by the TCF National Secretary, and the TCF National Secretary subject to the TCF Sector Council, National Executive and National Conference, will be the officer responsible for conducting the work of the TCF Sector Council between meetings.
- (v) A Sub-Committee of the TCF Sector Council, which shall consist of all of the members of the TCF Sector Council from the TCF Sector, shall have the responsibilities as per rule 21 – Alteration of Rules.
- (vi) Ordinary TCF Sector Council Members
- (a) A National Executive TCF Sector Member, other than a person holding an office described in Sub Rule (i)(a)-(c) above, shall be an ex officio member of the TCF Sector Council in the capacity of ordinary TCF Sector Council member.
  - (b) An election is to be conducted where despite Sub Rule (vi) (a), one or more further positions are required to ensure there is at least one ordinary TCF Sector Council member from each of the Victorian District and the NSW Districts.
  - (c) An election is also to be conducted where despite Sub Rules (vi) (a) and (vi) (b), one or more further positions are required to ensure at least four ordinary TCF Sector Council members.

#### **14- MANNER OF SUMMONING MEETINGS**

- (a) The National Executive, or the National Conference may, in their absolute discretion, summon meetings of members over which they have authority and/or responsibility from time to time.
- (b) If such meeting is called, notice shall be given by any of the following options:
- (i) in a union journal circulating in the area covering the members to which the meeting relates; or
  - (ii) in a mass circulation daily newspaper circulating in the area in which the meeting is to be held; or
  - (iii) meeting notice posted on the Union's website.
- (c) The notice of the meeting shall be issued at least fourteen days before the date of the meeting. The notice of such meeting shall specify the day, the date, the time and the place of such meeting.

## 16 - REMOVAL OF OFFICERS

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- (a) On receipt of a petition signed by not less than 10 per cent of the financial members of the Union, the National Executive shall take a referendum of the whole of the members of the Union upon the matter or matters submitted by the Districts or members. A decision reached by a majority of the actual votes recorded shall be binding on the National Conference, National Executive and the members of the Union.
- (b) National Conference or National Executive may at any time by its own motion take a referendum of the whole of the members of the Union upon any matter it thinks fit.
- (c) The referendum referred to in this rule shall be conducted as follows:
- (i) The petition shall have set out the member's full name, address, signature and the date the said petition was signed by the member. In determining the 10% requirement of financial members for a referendum to be conducted, the petition shall be presented to the District Secretary within 30 days of the first financial member signing the aforesaid petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 10% financial members.
- (ii) The Referendum shall take place within two months of the receipt of the petition.
- (iii) The National Executive shall:
- Determine the question to be submitted to the members and the form of the ballot paper.
- Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.
- Appoint a National Returning Officer and National Scrutineer to conduct the ballot.
- The ballot for the referendum shall be held with any necessary changes in the same manner as provided for in Rule 37 for a ballot for the election of National Officers. Provided that any material enclosed in the envelope in which the ballot paper is posted to the member must be authorised by the National Executive.

## 16 - REMOVAL OF OFFICERS

- (a) Any National or District Officer may be removed from office by majority decision of the National Executive, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of
- (i) misappropriation of funds of the Union;
- (ii) a substantial breach of the Rules of the Union;
- (iii) gross misbehavior;
- (iv) gross neglect of duty; or
- (v) ceasing to be eligible to hold office according to the Rules of the Union.
- (b) Should any officer be removed from office by the National Executive, a casual vacancy shall occur and the vacancy shall be filled in accordance with the provisions of Rule 38.
- (c) Any officer so removed from office shall have the right of appeal to the National Conference. In the event of the appeal being upheld the National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

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

## 17 - DUTIES OF NATIONAL OFFICERS

- (i) National President:

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

The National President shall have a deliberative vote only.

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

- (ii) National Secretary:

The National Secretary shall be the principal officer of the Union for all purposes of these rules, the RO Act and the RO Regulations and any successor legislation or regulations thereto.

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

The National Secretary is responsible for the keeping of minute books in which are recorded proceedings and resolutions of meetings of National Executive and National Conference.

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

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

The National Secretary shall have the power, subject to decisions of the National Executive or National Conference, to appoint, control and dismiss the staff of the National Office and Districts and PPW District Sub Branches.

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

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

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

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

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

With the approval of the National Executive the National Secretary may delegate to another the performance of any of the duties set out in this rule. The existence of such delegation shall not prevent the performance of a duty by the National Secretary either concurrently or with the exclusion of the delegate.

In the absence of the National Secretary, the National Senior Assistant Secretary and the TCF National Secretary, the National Executive shall determine whether and the manner in which one of the other National Officers may exercise any or all of the powers and duties of the National Secretary.

- (iii) There may be a National Senior Assistant Secretary and/or up to two National Assistant Secretaries. Whether there is to be a National Senior Assistant Secretary and/or National Assistant Secretaries shall be determined by the National Executive prior to the calling of nominations.

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

The National Senior Assistant Secretary may subject to the provisions of sub-rule 17 (ii) exercise any and all of the powers and duties of the National Secretary in the absence of the National Secretary.

The other National Assistant Secretaries shall perform all duties assigned by the National Executive, shall be under the control of the National Secretary and shall attend all meetings of National Executive and National Conference.

- (iv) TCF National Secretary

There shall be a TCF National Secretary who shall perform all duties assigned by the National Executive, shall be under the control of the National Secretary and shall attend all meetings of the National Executive, National Conference and the TCF Sector Council.

The TCF National Secretary may subject to the provisions of sub-Rule 17 (ii) exercise any and all of the powers and duties of the National Secretary in the absence of the National Secretary.

(v) National Senior Vice President (TCF)

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

(vi) National Vice President(s)

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

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

(vii) Members of National Executive:

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

## 18 - FUNDS AND PROPERTY

A (i) The National Office shall collect all entrance fees, contributions, levies and fines and all other monies relating to the membership.

(ii) All monies received by the National Office shall be paid to the credit of the Union on current account with a bank approved by the National Executive. Cheques or other types of instruments for the withdrawal of any funds of the Union shall be signed by the National Secretary and one of the National Senior Assistant Secretary, the TCF National Secretary, the National President, or one person authorised for that purpose by the National Executive. In the event of the absence of the National Secretary all cheques and other instruments for the withdrawal of any funds of the Union shall be signed by the National Senior Assistant Secretary, TCF National Secretary or the National President, and one other person authorised for that purpose by the National Executive.

(iii) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects of the Union for members of this Union or in the expenses of management of this Union or in satisfying any debt to or of the National Office, may be disbursed by decision of the National Secretary.

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

(iv) The funds of the Union may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The National Executive shall have the authority to hold, purchase, lease, sell, mortgage or otherwise deal in property on behalf of the Union which shall be executed on the National Executive's behalf by the National Secretary.

(vi) The property of the Union shall be under the control of the National Executive.

- (vii) The Union shall develop and implement internal policies and procedures relating to the expenditure of the Union and its Districts, to ensure that the Union and its Districts are conducted in accordance with the principles of good governance and to ensure accountability to members of the Union.
- (viii) Such policies and procedures shall be adopted by the National Executive and, once adopted, shall be binding on all officers and members of the Union and its Districts. Such policies and procedures must be identified in the resolutions of the National Executive as Rule 18A policies and procedures.
- (ix) Rule 18A policies and procedures must be published on the website of the Union with fourteen (14) days of their adoption.

B. Budget/s

- i) At the first meeting of the National Executive at the commencement of each financial year the National Executive shall approve a budget/s for the Union.
- ii) To ensure the equitable distribution of resources amongst members throughout the Union, budgets will take into account clear and consistent criteria including the following:
  - a) the percentage of membership income contributed;
  - b) appropriate financial support and underpinning for Union operations;
  - c) any cross subsidies between funds as may be necessary to provide and maintain effective operations throughout the Union for appropriate coverage and representation for all members of the Union.
  - d) the provision of ongoing funding for core Union activities including growth recruitment, face to face organising, and campaigns in support of Union activities, industrial disputes, legal representation and advice, development of delegate and member involvement and activities, publications including newsletters and similar communications with members, member benefits and associated matters.
  - e) nationally consistent levels of contributions and costs structures including wage levels and employment standards for employees of the Union and each part of the Union.
  - f) as far as possible provide adequate funds for the purpose of continuing to build an appropriate asset base to both for the financial survival growth of the Union and where possible to house the operations of the Union and its various constituent parts.
  - g) where appropriate to support and continue to build specific member support funds and provident funds.

C. Special Funds

Schedule 1 of these rules lists specific funds of Districts and the Mortality Fund of the TCF Sector. These funds shall be managed and maintained by the National Executive on behalf of and for the benefit of those groups of members for whom those funds were established. Those funds will be expended to the members of those groups of members in a manner consistent with the purposes for which the funds were established and that manner will not be changed without consultation and agreement with the relevant District Committee of Management or the TCF Sector Council.

**19 - AUDITOR AND AUDITOR'S REPORT**

- (i) The National Executive shall appoint as auditor a competent person resident in the city in which the National Office is located who shall each year for the period ending 31 December audit the books and accounts of the Union and draw up a correct report on same. Such a person must be a registered auditor in accordance with the relevant provisions of the RO Act.
- (ii) The auditor shall, in the auditor's report, draw attention of the National Executive and National Conference to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Union.

**20 - REPORTING UNIT**

- (i) The whole of the Union shall constitute the reporting unit on an alternative basis as by the RO Act.
- (ii) The National Secretary shall be the designated officer for the purposes of the RO Act for the Union.
- (iii) On receipt of a petition signed by not less than 5% of the members of the Union the National Secretary shall convene a general meeting of members to present the auditor's report, the general purpose financial report and the operating report.
- (iv) The petition shall have set out the member's full name, address, signature and the date the said petition was signed by the member. In determining the 5% requirement of members for a general meeting to be held, the petition shall be presented to the National Secretary within 30 days of the first member signing the aforementioned petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 5% members.
- (v) The Auditor's Report, the general purpose financial report and the operating report shall be the only matter to be considered at the general meeting.
- (vi) The General Meeting shall be conducted as a series of meetings in localities of each of the Districts and each of the PPW Sub Branches.

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## 21 - ALTERATION OF RULES

These Rules including any Rules relating to Districts of this Union may be altered or rescinded or new rules made by the National Executive. Proposals for alterations of such rules may also be proposed by Districts and shall be forwarded with the notice to the National Executive.

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

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

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

Provided that any such rescission, alteration or amendment which affects in any way the representation under these rules of the TCF Sector shall be of no effect unless endorsed by a resolution of the TCF Sector Council Sub-Committee in accordance with Rule 13.

## 22 - RULES BINDING ON MEMBERS AND DISTRICTS

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

## 23 - DISTRICTS

- i. For the purposes of organisation of the members of the Union and for provision of services to members each member of the Union shall be allocated to a District as follows:
  - (a) the NSW District which shall consist of:
    1. all members resident in that State of NSW and the Australian Capital Territory other than those persons who are eligible for membership of the PPW District as provided for in (f) of this Sub Rule; and
    2. all members of the TCF Sector resident in the State of Queensland;
  - (b) the Victorian District consisting of all members resident in the State of Victoria other than those persons who are eligible for membership of the PPW District pursuant to (f) of this Sub Rule and those persons who are eligible for membership of the Greater Green Triangle District pursuant to (g) of this Sub-Rule;
  - (c) the South Australian District consisting of all members resident in the State of South Australia other than those persons who are eligible for membership of the PPW District pursuant to (f) of this Sub Rule and other than those persons who are eligible for membership of the Greater Green Triangle District pursuant to (g) of this Sub-Rule;

- (d) the Tasmanian District consisting of all members resident in the State of Tasmania other than those persons who are eligible for membership of the PPW Branch pursuant to (f) of this Sub Rule.
  - (e) the Queensland Northern Territory Western Australian District consisting of all members resident in the States of Queensland, Western Australia and the Territory of the Northern Territory other than those persons who are eligible for membership of the PPW Branch pursuant to (f) of this Sub Rule and other than those persons who are eligible for membership of the TCF Sector resident in the State of Queensland;
  - (f) the PPW District consisting of all members eligible for membership of the Union pursuant to Sub Rule 2 (A)(ii).
  - (g) the Greater Green Triangle District consisting of all members in the State of South Australia whose place of employment is located in any of the following municipalities: Mt Gambier, Grant, Robe, Kingston, Naracoorte-Lucindale, Southern Mallee, Tatiara, Coorong or Wattle Range: and in the State of Victoria all members whose place of employment is located in one of the following municipalities: Ararat, Colac Otway, Corangamite, Glenelg, Horsham, Moyne, Northern Grampians, Southern Grampians, Warnambool or West Wimmera: other than those persons who are eligible for membership of the PPW Branch pursuant to (f) of this Sub Rule.
- ii. The National Conference or National Executive shall have power to constitute such other Districts and allocate members thereto as it may determine appropriate from time to time.
  - iii. The National Executive shall determine the location of each District Office.

## **24 - SUBMISSION OF INDUSTRIAL DISPUTES**

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

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

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

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

## **25 - INDUSTRIAL AGREEMENTS**

Industrial agreements and other related instruments required to be signed or executed on behalf of the Union shall be signed or executed by the National Secretary provided that the National Secretary may delegate this power to a National Officer or relevant District Secretary.

## **26 - INDUSTRIAL DISPUTES**

- (i) In the event of an Industrial dispute taking place in any District the officers of such District shall try, by conciliation to settle the dispute. In the event of the District officers concerned being unable to secure a satisfactory settlement the matter may be referred to the National Executive who shall seek to resolve the dispute.
- (ii) In the event of no satisfactory settlement of such dispute being secured the District Secretary shall immediately report the matter to the National Secretary who shall on behalf of the Union take charge of such dispute and shall if necessary convene a meeting of the National Executive to deal with the matter.
- (iii) (a) The National Secretary or a person authorised to act on behalf of the National Secretary shall make any submission to a tribunal.  

The National Secretary or a person authorised to act on behalf of the National Secretary shall be the person to sign or issue any document necessary for such submission.
- (b) The Union may be represented in any proceedings before any Commonwealth or State Industrial Tribunal by the National Secretary or by such other officers or persons authorised by the National Secretary and subject to any authorisation vested by State Legislation.
- (iv) Notwithstanding anything contained elsewhere in this Rule, PPW District shall have autonomy in industrial matters affecting its members only and no action will be taken in relation to such matters by the National Conference or National Executive unless authorised and requested by the PPW District Management Committee.
- (v) Notwithstanding the other provisions of this rule, where industrial disputes relate to matters affecting the TCF Sector only the TCF Sector Council and the TCF National Secretary will perform the same functions as the District Executive and the District Secretary as provided for in (i) and (ii).

## **27 - UNION OFFICE**

The registered office of the Union shall be the office of the National Secretary and shall be at 165 Bouverie Street, Carlton, or such other place as the National Executive shall decide.

## **28 - RECOVERY OF DUES**

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

**29 – LEVIES**

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

All levies shall be added to contributions and shall be a first charge against all payments made by a member of the Union.

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

**30 - LIFE MEMBERSHIP AND OTHER RECOGNITION FOR SERVICE**

- (a) The National Conference or National Executive may award life membership of the Union to any member who has retired from, or left the industry, and who, in the opinion of the National Conference or National Executive has contributed special or outstanding service to the Union. Life members shall not be liable to pay dues of any kind to the Union, and shall not be entitled to nominate for or to hold any office, or vote in the Union elections.
- (b) The National Conference or National Executive may award a Certificate of Outstanding Service to any member who in the opinion of the National Conference or National Executive has contributed special or outstanding service to the Union.

**31 - VOTING OTHER THAN AT MEETINGS**

- (a) If the National Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of National Executive members at any time the National Secretary may submit a resolution dealing with such matter to the members by letter, facsimile, email, telephone, online, telegram, verbally via audio-visual conferencing and/or any other means of communications or any combination thereof.
- (b) A copy of such resolution shall be sent at the same time to each member of the National Executive and each District Secretary.
- (c) The votes on such resolution shall be returnable to the National Secretary at such time as the National Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.
- (d) No amendment shall be allowed on any such resolution, but if it is negative any member may request the National Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the National Secretary being requested to submit more

than one such resolution the order in which same shall be submitted shall be in the National Secretary's absolute discretion.

### **32 - BRANCH INFORMATION**

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

### **33 - UNEMPLOYED MEMBERS**

- (i) When, in the opinion of the National Executive, a condition of unemployment in the industry exists the following conditions may be applied:
- (ii) Members becoming unemployed, ie, being employed under the terms of the Award or Agreement covered by this Union for less than one month in any quarter, may apply to be placed on an unemployed members list if any.
- (iii) This list shall be kept at the Union Office under the control and supervision of the National Executive.
- (iv) Members wishing to be placed on the unemployed list may apply in writing to the National Secretary.
- (v) All applications for inclusion on the unemployed members' list shall be dealt with by the National Executive or other authorised committee who shall, if satisfied that the application is genuine, include them on the list.
- (vi) Members placed on the list shall be exempt from the payment of contributions for the period specified in this Rule. They shall be entitled to all rights under these rules, but shall only qualify for funeral benefit applicable at the discretion, or upon conditions determined by the National Executive and shall not be eligible to hold office.
- (vii) Exemption from payment of contributions shall operate for a period of twelve months from the date of inclusion on the unemployed members' list, or until again employed, whichever is the lesser.
- (viii) On expiration of the 12 months' period, unemployed members may make further application to be again placed on the unemployed list. Each further application may be approved by the National Executive who may require payment of such amount of contributions as may be considered reasonable.
- (ix) Any member commencing employment without notifying the National Secretary and continuing to receive the benefits of this unemployed clause while in employment shall be deemed to have committed a breach of the Rules. Such member(s) shall be required to pay full contributions for the period of employment and in addition, may be dealt with under the provisions relating to misconduct.

### **34 - DUTIES OF ORGANISERS**

The National Executive may determine the number (if any) of Organisers of a District and the number (if any) to be appointed by it or elected pursuant to Rule 37 and shall determine the duties to be performed by any such Organisers.

### 35 - DISTRICT GOVERNANCE

A. District Management Committee:

- (i) Each District shall have a Management Committee that shall consist of a President, Secretary, a Vice President, elected Organisers (if any) and no less than three Management Committee members, provided that:
  - (a) the President of the Queensland Northern Territory Western Australian District will be a member assigned to that District and who resides in Queensland; and
  - (b) on and from no later than 2 January 2019, the Victorian District shall additionally have a TCF Full Time Officer.

Prior to the calling of nominations the National Executive may determine after considering any recommendations from a District Management Committee that that District Management Committee shall also consist of any of the following further members:

- a. up to two (2) further Vice-Presidents, one of which will be a designated affirmative action position;
- b. Assistant Secretary/s; and
- c. no more than fourteen (14) further Committee members, one of which will be a designated affirmative action position.

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

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

- (ii) (a) If, prior to the immediately preceding quadrennial elections, nominations were not determined to be called by the National Executive for any of the positions of:
  - (i) 2 further Vice Presidents (one of which will be a designated affirmative action position), or
  - (ii) District Assistant Secretary/s, or
  - (iii) Committee members up to 18 (one of which will be a designated affirmative action position); and

at any time in the period between quadrennial elections the circumstances of a District change such that the creation of one or any of those positions would enhance the democratic or operational functions of a District, the District Committee of Management may recommend to the National Executive that one or any of those positions should be created.

- (b) The National Executive may determine that the position/s recommended by the District Committee of Management be created, provided that the number of positions after the new position is created must not exceed the total numbers allowed above taking into account the need for affirmative action positions.
- (c) If a position is created by the National Executive pursuant to this clause it shall be subject to election as if it were a casual vacancy pursuant to clause 38 of these Rules.
- (iii) The District Management Committee shall, subject to these Rules, be the highest deliberative body of the District and shall subject to the Rules, policies and decisions of the National Conference and/or National Executive, manage and superintend the affairs of the District and perform all the duties allotted to them by the Rules. The District Management Committee shall, subject to these Rules, have the following responsibilities, functions, powers and duties:
  - (a) to take such steps as it shall consider necessary to carry out all or any of the objects of the Union in a manner consistent with the decisions of National Conference and the National Executive;
  - (b) to maintain close liaison with the National Executive;
  - (c) to ascertain and identify the concerns, ideas and interests of members allocated to that District;
  - (d) to actively contribute to the development, implementation of the strategies and plans of the Union;
  - (e) to ensure that the National Conference, and National Executive, are fully informed of the concerns, ideas and interests of the members in its District;
  - (f) to establish such Committees or sub committees as it may from time to time determine;
- (iv) The District Management Committee shall meet as required and at least twice per annum. A quorum for any meeting shall be a majority of its members. A meeting of a District Management Committee may be conducted by any method by which the members of the District Management Committee can communicate with each other, including but not limited to some or all of the members of the District Management Committee participating in the meeting by telephone, computer and/or audio-visual conferencing.

B. District Executive:

- (i) There shall be a District Executive.

- (ii) The District Executive shall include the President/s, Vice-President/s and Secretary and such other members of the District Management Committee as it may determine appropriate, provided that the Victorian District Executive shall include:
  - (a) the TCF Assistant Secretary, until 1 January 2027, at which time this office shall cease to exist by operation of this rule; and
  - (b) the TCF Full Time Officer.

The District Executive shall carry out any duties which they have been directed to perform by the District Management Committee and shall meet as frequently as is necessary to do so.

A meeting of a District Executive may be conducted by any method by which the members of the District Executive can communicate with each other, including but not limited to some or all of the members of the District Executive participating in the meeting by telephone, computer and/or audio-visual conferencing.

C. District Officers:

- (i) Duties of District Officers shall be as follows:
  - (a) The District President shall preside at all meetings of the District Management Committee, carry out such duties as may be assigned from time to time by the District Management Committee, and shall have a deliberative vote only, shall sign the minutes of proceedings of all meetings convened by the District Management Committee.
  - (b) The District Vice President/s shall attend all meetings of the District Management Committee, and assist the District President in the conduct of the duties of that office, shall officiate in the absence of the District President with all of the powers of the District President.
  - (c) The District Secretary shall:
    - 1. be under the control of the District Management Committee and shall conduct correspondence in connection with all matters relating to the business of the District;
    - 2. be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Management Committee in the District;
    - 3. ensure the keeping of minute books in which are recorded proceedings and resolutions of meetings of the District Management Committee; prepare the agenda for each District Management Committee meeting; and attend meetings of the District Management Committee and other meetings of members of the District;
    - 4. be in charge of the District Office/s and subject to the directions of the District Management Committee and the National Executive shall direct those activities carried out on behalf of the District by

- any officials or employees including organisers through the District office/s;
5. when vacating office, deliver to the successor in office, in the presence of the District Management Committee, all books, documents and other property of the District in the District Secretary's possession;
  6. forward to the National Secretary when requested a true copy of the minutes of each meeting of the District Management Committee or any special meeting thereof;
  7. summon all meetings of the District Management Committee, issue all necessary notices to members of the District Management Committee in connection with such meetings. In consultation with the District President the District Secretary shall be authorised to convene any extraordinary meeting as deemed necessary;
  8. attend and participate in any meeting of members of the District;
  9. be a member of National Conference pursuant to Rule 11;
  10. be responsible for the implementation of and compliance with of the decisions, rules and policies determined by the National Conference or National Executive by the District of which the District Secretary was elected.
- (d) The District Assistant Secretary/ies shall:
1. be under the control of the District Management Committee and be under the direction and authority of the District Secretary;
  2. in the absence of the District Secretary fulfil the office and perform the duties of the District Secretary; and
  3. attend meetings of the District Management Committee and other meetings of members of the District.
- (e) The Officers of the PPW District and of the PPW Sub Branches shall have the duties and carry out the functions as provided for in Rule 47 of these Rules.
- (f) District Management Committee members shall have the powers of a Shop Steward.

### **36 - FULL TIME PAID OFFICERS**

- (a) A member who has been elected to any position in a full-time capacity shall be employed full time in the service of the Union and be paid such weekly wages and conditions as shall be determined by the National Executive.
- (b) Full-time officers including any full time paid District or PPW sub branch officers shall be paid from the Union Fund.

- (c) Full-time paid officers shall be under the control of the National Secretary, subject to the directions and powers of the National Executive.
- (d) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of the intention so to do to the National Executive.
- (e) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the National Executive first being obtained.
- (f) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the National Executive within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the National Executive a medical certificate setting out that the officer has recovered and is capable to carry out the duties in accordance with the Rules.
- (g) Notwithstanding anything otherwise provided for in these Rules, the following shall be full time paid officers:

TCF National Secretary

NSW District Secretary

NSW District Assistant Secretary

Victoria District Secretary

Victoria District TCF Assistant Secretary (until 1 January 2027)

Victoria District TCF Full Time Officer

### **37 - ELECTIONS**

- (a) (i) Any member of the Union who is financial as provided for in Rule 8, at the time of nominations and has continuously been a financial member of the Union for a period of at least three years immediately prior to the closing date of nominations, may nominate for the following positions:

National Secretary

National President

National Senior Assistant Secretary

National Assistant Secretary

- (ii) Any member of the TCF Sector of the Union who is financial as provided for in rule 8 at the time of nominations and has continuously been a financial member of the TCF Sector of the Union for a period of at least three years immediately prior to the closing date of nominations may nominate for the following position:

TCF National Secretary

- (ii)(a) Any member of the TCF Sector of the Union who is financial as provided for in rule 8 at the time of nominations and has continuously been a financial member of

the TCF Sector of the Union for a period of at least one year immediately prior to the closing date of nominations may nominate for the following position/s, where such position/s are to be elected pursuant to rule 13(vi):

Ordinary TCF Sector Council member

Where the position of ordinary TCF Sector Council member is required pursuant to rule 13 (vi) to be from the Victoria District or from the NSW District, a member nominating for the position must also be a member of that District.

- (iii) No member shall be entitled to nominate for more than one full time office.

Where a member nominates for more than one full time office the National Returning Officer shall seek from the member a decision as to which position the member wishes to contest.

- (iv) The National Assistant Secretary (PPW) position will be held by the District Secretary of the PPW District. If the PPW District Secretary is elected to the position of National President, then the National Assistant Secretary (PPW) position ceases to exist. If the PPW District Secretary vacates the position of National President then the National Assistant Secretary (PPW) position is re-established.

- (v) In respect of the above positions, other than the position of ordinary TCF Sector Council member:

(A) the term of office shall be four (4) years such term commencing from 2 January following the elections or when the election of the office has been declared, whichever is the later.

(B) the existing officeholders shall hold the positions until 1 January 2027 or until the election of the office has been declared, whichever is the later.

The term of office for the position/s of ordinary TCF Sector Council Member is as provided for in Sub Rule (c)(xxiii) of this rule.

- (vi) A member who is an elected or appointed officer or employee of any other Union shall not be eligible to nominate for, nor hold, any of the above positions within the Union.

- (b) District position

- (i) The National Executive shall determine prior to the calling of nominations whether any of the District positions set out below in Sub Rule (b)(iii)(A) of this rule in any District is to be a full time paid Office.

- (ii) No member shall be entitled to nominate for both the position of District Secretary and District Assistant Secretary (if any). No member shall be entitled to nominate for more than one full time office. Where a member nominates for more than one full time office the National Returning Officer shall seek from the member a decision as to which position the member wishes to contest.

- (iii) (A) The membership qualifications necessary for members to nominate for the following District positions is as follows:

District Secretary : –

- a financial member of the Union at the time of nomination;
- continuous financial membership of the Union for a period of 3 continuous years immediately preceding the person's nomination; and
- attachment to the District to which the position pertains for a period of 3 continuous years immediately preceding the person's nomination.

District President: — a financial member of the Union at the time of nomination;

- continuous financial membership of the Union for a period of 1 continuous year immediately preceding the person's nomination; and
- attachment to the District to which the position pertains for a period of 1 continuous year immediately preceding the person's nomination.

District Vice President: -

- a financial member of the Union at the time of nomination;
- continuous financial membership of the Union for a period of 1 continuous year immediately preceding the person's nomination; and
- attachment to the District to which the position pertains for a period of 1 continuous year immediately preceding the person's nomination.

District Assistant Secretary/ies:

- a financial member of the Union at the time of nomination;
- continuous financial membership of the Union for a period of 1 continuous year immediately preceding the person's nomination; and
- attachment to the District to which the position pertains for a period of 1 continuous year immediately preceding the person's nomination.

Victoria District TCF Full Time Officer:

- a financial member of the Union at the time of nomination;
- continuous financial membership of the Union for a period of 1 continuous year immediately preceding the person's nomination; and
- attachment to both the TCF Sector and the Victorian District for a period of 1 continuous year immediately preceding the person's nomination.

District Management Committee Members:

- a financial member of the Union at the time of nomination;
- continuous financial membership of the Union for a period of 1 continuous year immediately preceding the person's nomination; and
- attachment to the District to which the position pertains for a period of 1 continuous year immediately preceding the person's nomination.

PPW Sub Branch Secretary:

- a financial member of the Union at the time of nomination;
- continuous financial membership of the Union for a period of 1 continuous year immediately preceding the person's nomination; and

- attachment to both the PPW District and the Sub-Branch to which the position pertains for a period of 1 continuous year immediately preceding the person's nomination.

PPW Sub Branch Senior Vice President:

- a financial member of the Union at the time of nomination;  
- continuous financial membership of the Union for a period of 1 continuous year immediately preceding the person's nomination; and  
- attachment to both the PPW District and the Sub-Branch to which the position pertains for a period of 1 continuous year immediately preceding the person's nomination.

PPW Sub Branch Junior Vice President:

- a financial member of the Union at the time of nomination;  
- continuous financial membership of the Union for a period of 1 continuous year immediately preceding the person's nomination; and  
- attachment to both the PPW District and the Sub-Branch to which the position pertains for a period of 1 continuous year immediately preceding the person's nomination.

PPW Sub Branch Committee of Management Members:

- a financial member of the Union at the time of nomination;  
- continuous financial membership of the Union for a period of 1 continuous year immediately preceding the person's nomination; and  
- attachment to both the PPW District and the Sub-Branch to which the position pertains for a period of 1 continuous year immediately preceding the person's nomination.

District Organiser:

- a financial member of the Union at the time of nomination;  
- continuous financial membership of the Union for a period of 1 continuous year immediately preceding the person's nomination; and  
- attachment to the District to which the position pertains for a period of 1 continuous year immediately preceding the person's nomination.

- (iv) In respect of the above positions:
- (A) the term of office shall be four (4) years, such term commencing from 2 January following the elections or when the election of the office has been declared, whichever is the later; and
  - (B) the existing officeholders shall hold the positions until 1 January 2027 or until the election of the office has been declared, whichever is the later.
- (v) A member who is an elected or appointed officer or employee of any other Union shall not be eligible to nominate for, nor hold, any District positions within the Union.

- (c) (i) Nominations for the above positions, shall be called by the National Returning Officer by notification on the union website on 11 August 2026 and each four years thereafter following that date.
- (ii) Nominations shall open on 18 August 2026 and each four years thereafter following that date, other than in respect of the position of ordinary TCF Sector Council member. Any member desiring to nominate for the above positions shall apply either personally or in writing to the National Returning Officer for a nomination form. Such forms shall be signed by the candidate and:
- (A) if nominating for any of the positions listed in paragraph (a)(i) of this rule – signed by at least ten financial members of the Manufacturing Division;
- (B) if nominating for the position listed in paragraph (a)(ii) of this rule – signed by at least ten financial members of the TCF Sector;
- (C) if nominating for the position of District Secretary – signed by at least ten financial members of that District;
- (D) if nominating for any other position listed above – signed by at least five financial members of the Union;

and forwarded by certified post to the National Returning Officer or handed personally at the National Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

- (iii) Nominations shall be closed at noon on 1 September 2026 and each four years thereafter following that date, other than in respect of the position of ordinary TCF Sector Council member. Nominations must be received by the National Returning Officer by that time on the date to be eligible.
- (iv) A member having nominated for any office in accordance with these Rules may withdraw the nomination by notifying the returning officer in writing of an intention to do so at any time up to 14 days after the closing of nominations. The returning officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the members name from the ballot papers prior to their distribution.
- (v) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of District Management Committee member 50 words, containing only the candidate's personal history and only the candidate's policy statement.
- (vi) The National Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the National Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.
- (vii) If at the closing date for nominations only sufficient nominations have been received by the National Returning Officer to fill any vacancy or vacancies the

National Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the candidates by submitting a National Returning Officer's report to the National Secretary.

- (viii) If all nominations are received and there are more nominations than there are vacancies the National Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or a nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.
- (ix) The National Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable the supply of a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.
- (x) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.
- (xi) Where a ballot is required, the National Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the National Returning Officer.
- (xii) The National Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by prepaid post to each member eligible to vote in the election an envelope addressed to such member at their address appearing on the list of members eligible to vote supplied to the National Returning Officer by the National Secretary and that envelope shall contain only the following documents -
  - (a) a ballot paper initialled by the National Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote;
  - (b) a declaration envelope and an empty unsealed pre-paid post envelope addressed to the National Returning Officer, c/- the numbered mail box referred to in this rule;
  - (c) such printed instructions necessary for the completion of each of the ballot papers enclosed in the said envelope and any other instructions that the National Returning Officer may consider necessary;
  - (d) the candidates statement provided for in accordance with sub-rule (c)(v) of this rule.
  - (e) provided that the National Returning Officer shall post to each member eligible to vote by mail each relevant ballot paper.
- (xiii) For the purpose of the election the books of the Union shall be deemed to have closed as at 1 August in the year of the election. Only members who are shown in the records at the office of the Union as having paid all contributions, levies and

finer prior to 1 August shall be entitled to vote. Provided that any member who at any time prior to the closing of the ballot satisfies the National Returning Officer that they have paid all contributions, levies and fines prior to the 1 August in the year of the election shall be entitled to receive a ballot paper and the National Returning Officer shall send by post, a ballot paper in accordance with sub-rule (c)(xii)(a) of this rule. Provided that for the purpose of the position of ordinary TCF Sector Council member, a reference to 1 August in this Sub Rule does not apply.

- (xiv) The opening date of the ballot shall be 1 October and the closing date shall be noon 15 October in each year in which the ballot is held, other than in respect of the position of ordinary TCF Sector Council member. All ballot papers shall be returned to the National Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the National Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.
- (xv) The National Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box until the commencement of the count of the ballot which will take place no later than the first working day following the closing of the ballot and shall be completed as soon as is practicable.
- (xvi) Any candidate at their own expense may appoint a financial member of the union to act as their Scrutineer by notification in writing to the National Returning Officer. Any Scrutineers so appointed may be present at any stage of the counting of the ballot provided that the National Returning Officer is also present.
- (xvii) The National Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 6, Definitions, and the candidate or candidates receiving the necessary votes shall be deemed elected.
- (xviii) In the case of equality of votes for any 2 or more candidates the National Returning Officer shall determine the result by declaring the candidate who currently holds the office being contested elected. Should no candidate hold the office which is being contested the Returning Officer shall determine the result by casting lots.
- (xix) The National Returning Officer shall declare the successful candidates elected and notify the National Secretary of the result of the ballot and the result shall be notified to the members. The Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Union area.
- (xx) The National Returning Officer's report to the National Secretary shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.
- (xxi) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.
- (xxii) In any election the National Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be

present at all stages of the ballot. They shall obey any directions given to them by the National Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the National Returning Officer may proceed nonetheless.

(xxiii) Election of ordinary TCF Sector Council members

The provisions of Sub Rule (c) apply to the election of ordinary TCF Sector Council members, other than where provided, and other than to the extent of any inconsistency between Sub Rule (c)(xxiii) and the remainder of Sub Rule (c), in which case the provisions of Sub Rule (c)(xxiii) prevail.

Where required by rule 13, an election for the position of ordinary TCF Sector Council member must take place subsequent to, but in the same calendar year in which, the National Conference election of National Executive members pursuant to rule 12.

The date on which the roll of voters for any such election is to be closed is to be 14 days prior to the date on which nominations for the election open.

The period in which nominations for any such position shall be received closes at 4pm on the 18th day after the date on which nominations for the position opened.

The ballot for any such position shall commence 5 weeks after the closing of nominations for the position, and shall close at noon on the 14th day after the ballot commences.

The term of office of a person elected to the position of ordinary TCF Sector Council member will commence upon the declaration of election for the position, and conclude upon the election of National Executive members by the National Conference pursuant to rule 12 in the calendar year four years subsequent to the commencement of the term.

### **38 - CASUAL VACANCIES**

- (i) A casual vacancy shall occur in any office of the Union when the holder of the office dies, resigns, is removed from office or otherwise ceases to hold office in accordance with the rules.
- (ii) Where a casual vacancy occurs and the unexpired portion of the term of office is more than 12 months or three quarters of the term of office whichever is the greater, the vacancy shall be filled by election in accordance with Rule 37.
- (iii) Where a casual vacancy occurs in the office of a National Officer and the unexpired term of the office is less than 12 months or three quarters of the term of office, such vacancy may be filled by appointment by the National Executive of an eligible member of the Union for the balance of the term of that office.
- (iv) Where a casual vacancy occurs in the office of a District Officer or a member of a District Management Committee or an officer of a PPW sub-branch of the PPW District, such vacancy may be filled by appointment by the District Management Committee of the relevant District of an eligible member of the District for the balance of the term of that office.

- (v) Where a casual vacancy occurs in the office of TCF National Secretary or Senior Vice-President (TCF) and the unexpired term of the office is less than twelve months or three quarters of the term of office such vacancy may be filled by appointment by the TCF Sector Council of an eligible member of the Union for the balance of the term of that office.

### **39 - REMOVAL OF DISTRICT OFFICERS AND DISTRICT MANAGEMENT COMMITTEE MEMBERS**

- (a) Any officer/member of a District Management Committee may be removed from office by a two-thirds majority of the National Executive at a special meeting of the National Executive called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Union of misappropriation of the funds of the Union or a substantial breach of the rules of the Union or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.
- (b) Any officer/member of the District Management Committee charged may be suspended immediately by decision of the National Executive pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of the rules. The officer or District Management Committee member charged shall be given reasonable opportunity to attend the meeting (which may be conducted by some or all of the participants attending via audio/visual conferencing) at which the charges are heard and of being heard in their defence, or if the officer prefers, may answer the charges in writing.

In the case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to the National Conference whichever is appropriate as soon as it is conveniently possible from the date of the decision. Rule 46 - Appeals of Members shall apply.

### **40 - DUTIES OF MEMBERS AND OFFENCES**

#### **A. DUTIES**

- (a) To adhere strictly to the Rules of the Union including any Rules relating to its Districts.
- (b) To promote the industrial welfare of every other member.
- (c) To attend the meetings of the District as often as possible and to assist the Officers to the best of the members' ability.
- (d) To supply the District Secretary with information as to where work is procurable for members.
- (e) Not to knowingly divulge any portion of the Union's business to any non-member or to discuss it with members in the presence or within the hearing of non-members.

- (f) When joining the Union to furnish the District Secretary with an address and notify any change of address within fourteen (14) days of such change.
- (g) Not to defraud other members.
- (h) To render every assistance to Shop Stewards/Job Delegates in their respective workplaces in the carrying out of their duties.
- (i) To answer or cause to answer any correspondence received from the District Secretary and to supply any information that may be required.
- (j) To report to the National Secretary or the District Secretary any member believed to be guilty of a breach of the Rules.

B. OFFENCES

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

- (i) misappropriation of the funds of the Union;
  - (ii) a substantial breach of the Rules of the Union; or
  - (iii) gross misbehaviour or gross neglect of duty.
- (2) Any charge must be made in writing and shall be made to the National Secretary or the District Secretary. Such Officer shall, if directed by the National Executive, summon the member charged. Such summons shall be in writing and shall state the time and place of the hearing and the substance of the charge. The member's fares to and from the place of the meeting shall be paid. The member shall on written request, be supplied with such further particulars as may be necessary to indicate the precise matters with which the member is charged.
- (3) At the appointed time and place (or any time and place to which the meeting is adjourned or postponed and of which the member charged is notified) the charge may be investigated, whether or not the person charged is present, unless a satisfactory explanation of the absence has been received.
- (4) At the hearing (which may be conducted by some or all of the participants attending via audio/visual conferencing) the member charged must be given a reasonable opportunity to present a defence to the charges including a reasonable opportunity to call any witness upon whose evidence the member wishes to rely, and if necessary to tender a written submission.
- (5) If the National Executive finds the member concerned so charged guilty it may:
  - (a) Impose a fine of a sum not exceeding \$100.00, and/or
  - (b) Suspend the member from membership; and/or
  - (c) Remove the member from any office or position; and/or
  - (d) Expel the member from membership of the Union.
- (6) Suspension from membership shall deprive a member of the rights and benefits of membership, but shall not relieve the member of the obligations of membership and shall not exceed six months for any one offence.
- (7) An appeal under this Rule shall lie in respect of any decision from the National Executive to the National Conference, provided that Notice of Appeal shall be given in writing to the National Secretary within twenty-one days from the date of the member being notified of the National Executive decision and shall set forth in full all matters which the appellant desires to be considered.
- (8) The National Conference shall decide the appeal at a meeting specially conducted for that purpose and the appellant shall have the right to attend the meeting and state a case on the appeal.
- (9) Notwithstanding anything to the contrary in these Rules a person elected to any office within the Union shall not be dismissed from office unless found guilty of misappropriation of the funds of the Union a substantial breach of the Rules of the Union or of gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold the office.

### **41 - PAYMENT OF FINES**

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

### **42 - SHOP STEWARDS AND JOB DELEGATES**

- (1)
  - (a) A majority of the members employed in a workplace may elect from among the members so employed a person or persons to be shop steward or shop stewards of the workplace. The method of electing the shop steward shall be as follows:
    - (i) the District Secretary or the organiser of the relevant workplace shall be notified of the time and place of the meeting of members to be held to elect a shop steward;
    - (ii) the District Secretary or the organiser of the relevant workplace shall attend the meeting of the relevant members and shall call for nominations;
    - (iii) if more than one nomination is received, a vote shall be taken and the successful candidate shall apply to the District by submitting their name, roll number and postal address to the District Secretary for consideration by the District Management Committee;
    - (iv) The District Management Committee and/or Divisional Executive may accept or refuse the application to become a shop steward.
  - (b) The National Secretary or District Secretary may appoint a member of a workplace to be the shop steward in that workplace.
  - (c) A Shop Steward shall at all times be a financial member of the union.
  - (d) The National Secretary shall be advised by the relevant District Secretary of the appointment of shop stewards.
- (2) A shop steward elected or appointed under this rule, shall as far as possible perform the following duties, subject to the direction of the District and the Union:
  - (a) Discuss with, and endeavour to join workers in their workplace into the Union and advise the relevant District Secretary or organiser of the outcome of these attempts;
  - (b) To see that these Rules are adhered to;
  - (c) To assist in the resolution of any complaints or disputes at the workplace, and if unsuccessful to refer any such matters to the District Secretary or organiser;
  - (d) To report as soon as possible to the relevant District Secretary or organiser any breach or suspected breach of an agreement or award which is occurring or is suspected to have occurred at their workplace or any other workplace affecting the Union;

- (e) To notify the relevant District Secretary or organiser, when possible within twenty-four hours, of all occupational health and safety incidents affecting members of the Union;
  - (f) To take an interest in the welfare of new employees in the workplace, including those workers on probation, apprentices and trainees;
  - (g) to attend Union training; and
  - (h) On direction of the District Secretary or at the request of one third of the members in the workplace, call a meeting of such members as soon as convenient;
- (3) Where no alternative arrangements for the payment of Union contributions have been determined by the Union, the Shop Steward shall collect all contributions, fines and levies due to the Union by members in the workplace where the Shop Steward is employed, and will pay all money collected to the District Secretary within 14 days. At the entire discretion of the National Executive, the Shop Steward may be paid a Commission on all monies (except levies) collected.
- (4) If the National Secretary or District Secretary is advised by members in any workplace of their dissatisfaction with the performance of a Shop Steward then a meeting of members will be convened to consider the complaints.
- (5) The position of a Shop Steward shall be terminated in any of the following events:
- (a) if the Shop Steward resigns from membership of the organisation or is expelled therefrom in accordance with these Rules;
  - (b) if the Shop Steward dies;
  - (c) if the Shop Steward fails to account for moneys received by him or her as a shop steward/Job Delegate in accordance with these Rules within the time fixed by these Rules for him or her to account thereof;
  - (d) if the Shop Steward is found guilty of a breach of any of these Rules;
  - (e) if the Shop Steward ceases to be employed in a trade, occupation or calling covered by the constitution of the organisation;
  - (f) if the Shop Steward ceases to be employed by an employer in the establishment or part thereof where he or she was appointed a Shop Steward/Job Delegate;
  - (g) if a majority of the members employed in the workplace or part thereof where he or she is a shop steward attend and vote at a meeting duly convened for that purpose of deciding whether he or she should continue to be a shop steward thereat decides that he or she shall cease to be shop steward at such establishment or part thereof.
- (6) In this Rule reference to a workplace can also mean part of a workplace such as a shift or crew or other work group. Shop Stewards can also be known as Job Delegates and reference to one is also a reference to the other.

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

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

#### 44 - ALLOWANCES

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

#### 45 - CHANGE OF RESIDENCE

Members are required to advise the National Secretary or the District Secretary within fourteen days of any change of residence.

#### 46 - APPEALS OF MEMBERS

- (a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Union including any District may make a written appeal to the National Executive for redress.
- (b) Any member dissatisfied with the decision of the National Executive may appeal to the National Conference within one month of the decision being given.
- (c) An appeal shall be in writing and shall be lodged with the National Secretary. The appeal shall set forth concisely the grounds on which it is based and the National Conference may confirm, annul or modify the penalty or finding.

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

The following provisions shall apply in respect of the Pulp and Paper Workers' District of the Union (in this Rule called "the PPW District")

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

#### PPW DISTRICT PROVISIONS

- (2) The business of the PPW District shall be conducted by the District Management Committee which shall consist of the District Secretary, Sub-Branch Delegates, and any Affirmative Action delegates elected by the members of the District in accordance with Rule 47(10)A.
- (3) The powers of the District Management Committee shall include the following powers:-
  - (a) To establish new Sub-Branches and amalgamate existing Sub-Branches, to close or disband Sub-Branches in accordance with the Rules, and generally to control Sub-

Branches and the members thereof including the power to disallow By-Laws made by any Sub-Branch in conflict with the Rules.

- (b) When establishing a new Sub-Branch to make Rules providing for the admission of members to that new Sub-Branch, the establishment of a Management Committee of that new Sub-Branch, the election of officers of that new Sub-Branch and all such matters as may be necessary.
- (4A) The District shall hold an Annual General Meeting and such other meetings as may be necessary. Such meetings shall consist of a series of meetings of the members of each Sub-Branch held at times, places and dates to be decided by the District Management Committee. Members entitled to attend the meetings shall be notified thereof by circular or advertisement, or by printed notices or by such other similar means as the District Management Committee may deem reasonable. Any proposed resolution put to the series of meetings shall have been passed if it receives on the aggregate of all meetings held in the series, the majority of votes.
- (5) The National Conference or District Management Committee shall have the power to suspend any Sub-Branch Management Committee and/or all or any officers, committee members and delegates of a Sub-Branch if it is satisfied after due enquiry and after giving it or them the opportunity of being heard:-
  - (a) That the Rules of the District or Sub-Branch have not been bona fide observed or enforced by the Sub-Branch.
  - (b) That any lawful decision of the District Management Committee has not, after notification, been bona fide observed and enforced by the Sub-Branch.
  - (c) That the Sub-Branch is wilfully neglecting to provide for the collection of fees, levies, fines or contributions.
  - (d) That for any reason the Sub-Branch cannot or fails to meet in accordance with the Rules.
  - (e) That the officers of the Management Committee of the Sub-Branch refuse to disclose to the District Management Committee information concerning the Sub-Branch or the Management Committee.
- (6) If a Sub-Branch or a Sub-Branch Management Committee fails to comply with any lawful direction of the District Management Committee and incurs legal costs or has imposed upon it a fine and/or legal costs arising from the conduct of the Sub-Branch, the Sub-Branch Management Committee or members of the Sub-Branch, which conduct is in contravention of the lawful direction of the District Management Committee then the District Management Committee shall have the power to direct that the amount of legal costs, fine and/or legal costs so incurred by and/or imposed upon the Sub Branch or Sub-Branch Management Committee shall be paid to the Union from the funds of the Sub-Branch.
- (7) The District Management Committee shall call a meeting upon the requisition of three (3) Sub-Branches. A meeting of the District Management Committee may be conducted by any method by which the members of the District Management Committee can communicate with each other, including but not limited to some or all of the members of the Sub-Branch participating in the meeting by telephone, computer and/or audio-visual conferencing.

- (8) The Sub-Branch Delegates to the District Management Committee shall be the Sub-Branch Secretary together with the additional Delegates who shall be elected quadrennially by the membership of each Sub-Branch in accordance with Rule 37. The additional Delegates shall be elected on the following basis:-
- (a) Each Sub-Branch with a membership of less than 100 members - the Sub-Branch Secretary only.
  - (b) Each Sub-Branch with a membership of 100 members or more but less than 400 members - the Sub-Branch Secretary together with one (1) additional Delegate.
  - (c) Each Sub-Branch with a membership of 400 members or more but less than 1,000 members - the Sub-Branch Secretary together with two (2) additional Delegates.
- (9) The Sub-Branch Management Committee may appoint a proxy delegate to any meeting of the District Management Committee when the delegate or delegates of the Sub-Branch to the District Management Committee (being either the Sub-Branch Secretary or additional Delegate or Delegates) is or are unable to attend that meeting: Provided that such proxy delegate shall be entitled to speak and vote on any matter except that such proxy delegate shall not participate in any step in any election for an office conducted amongst members of the District Management Committee.
- (10A) In addition to the Sub-Branch Delegates to the District Management Committee there may be up to two further delegates to the District Management Committee who shall be designated Affirmative Action Delegates to the District Management Committee. Affirmative Action Delegates shall be elected quadrennially by the members of the District in accordance with the provisions of Rule 37. Failure to fill a designated affirmative action position shall not prevent a District carrying out or conducting the business of the District.
- (10B) The District Secretary and National Conference Delegates shall be elected quadrennially by the members of the District in accordance with the provisions of Rule 37.
- (11) The District President, Senior District Vice President and Junior District Vice President shall be elected by secret ballot after nominations have been called for by the Returning Officer at the meeting of the District Management Committee held next after the declaration of the quadrennial elections by and from the members of the District Management Committee in accordance with the provisions of Rule 37 with the necessary changes.
- (12) In the event of a member being elected to the office of District Secretary and as an Additional Delegate of a Sub-Branch to the District Management Committee such position of Additional Delegate shall be deemed vacant and shall be filled by an election in accordance with the provisions of Rule 37 with the necessary changes.
- (13) In the event of a member being elected to the offices of District Secretary and Sub-Branch Secretary the office of Sub-Branch Secretary shall be deemed vacant and shall be filled by an election in accordance with the provisions of Rule 37.
- (14) (a) In the event of an industrial dispute taking place in any Sub-Branch the officers of such Sub-Branch shall try, by conciliation, to settle the dispute. In the event of the Sub-Branch officers concerned being unable to secure a satisfactory settlement the matter shall be referred to the District Secretary who shall, on behalf of the District Management Committee take charge of such dispute and shall consult with the

District President and shall, if necessary, convene a meeting of the District Management Committee to deal with the matter.

- (b) (i) A majority of the Sub-Branches shall, at special meetings of the Sub-Branch Management Committees called for that purpose, decide whether an industrial dispute affecting members of the District is to be submitted by the District to the appropriate tribunal established under the FW Act.
  - (ii) The District President and District Secretary or such other person or persons as the District Management Committee may decide shall be empowered to make submissions on behalf of and represent the District before a Federal or State Industrial Tribunal and to sign or issue any document including any agreement for the District which is necessary in respect of any such submission or presentation.
- (15) Any delegates representing the District or a Sub-Branch on the Australian Labor Party shall be a member of that party.
- (15A) The District Secretary shall be ex-officio a member of all committees of the Sub-Branches but shall not be entitled to exercise a vote on matters appertaining exclusively to only one Sub-Branch.

#### PPW SUB-BRANCH PROVISIONS

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

- (b) Any member not employed within a Sub-Branch area shall be attached to the Sub-Branch nearest to where they are employed.
- (18)
- (a) Officers of the Sub-Branches shall be the President, two (2) Vice-Presidents (a Senior and Junior Vice President) and a Secretary. Such officers shall also be officers of the Union. These officers together with such number of other members which shall not be less than three (3) or exceed ten (10) as the Sub-Branch shall determine shall form the Sub-Branch Committee of Management.
  - (b) Delegates to the District Committee of Management shall be ex-officio members of all Committees and Sub-Committees of the Sub-Branch to which they belong.
  - (c) The Officers of the Sub-Branch together with the other members of the Sub-Branch Management Committee shall be elected quadrennially by the members of the Sub-Branch in accordance with the provisions of Rule 37.
- (19)
- (a) No member shall hold more than one of the offices of Sub-Branch President, Sub-Branch Senior Vice-President, Sub-Branch Junior Vice-President, Sub-Branch Committee member, or Sub-Branch Secretary. If a member is elected to any two or more of the said offices, such person shall not later than 5 days after the declaration of the result of the election by notice in writing delivered to the Sub-Branch Secretary signify which one of the said offices such member elects to hold. The member shall thereupon be deemed to have resigned from the other office or offices and the vacancy shall be filled in accordance with the provisions of Rule 37 mutatis mutandis.
  - (b) No member shall hold the office of Sub-Branch Secretary and Sub-Branch Additional Delegate from the Sub-Branch to the District Management Committee. If a member is elected to each of the said offices, such person shall not later than 5 days after the declaration of the result of the election by notice in writing delivered to the Sub-Branch President signify which one of the said offices such member elects to hold and shall thereupon be deemed to have resigned from the other office. The vacancy so occurring in the other office shall be filled in accordance with the provisions of Rule 37 mutatis mutandis.
- (20) Each Sub-Branch shall elect delegates to represent it on any body with which the Sub-Branch is affiliated. The election shall be conducted amongst members of the Sub-Branch Management Committee and be held at the next Sub-Branch Management Committee meeting following Sub-Branch elections. Nominees are required to be a member of the Sub-Branch Management Committee.
- (21) Times and places of meetings of a Sub-Branch shall be fixed by the Sub-Branch Management Committee and shall be notified to members by being posted on workplace notice boards at least three (3) days prior to the date of such meetings. At least one meeting shall be carried out quarterly. A meeting of Sub-Branch may be conducted by any method by which the members of the Sub-Branch can communicate with each other, including but not limited to some or all of the members of the Sub-Branch participating in the meeting by telephone, computer and/or audio-visual conferencing.
- (22) Each Sub-Branch shall decide the starting and finishing times of its meetings and no extension shall exceed thirty (30) minutes beyond the time of normal finishing.
- (23) The Sub-Branch President and Sub-Branch Secretary may call a meeting of the Sub-Branch Management Committee at any time by giving the membership of such Committee three (3) days notice in writing of the date, time and place of such meeting. The Sub-

Branch President and Sub-Branch Secretary shall call a meeting of the Sub-Branch Management Committee. The Sub-Branch Management Committee if required to do so, by a written request of a majority of members of the Sub-Branch Management Committee may, at any meeting held of such Management Committee, decide the date, time and place of future meetings.

- (24) A quorum for a Sub-Branch meeting shall consist of five (5) members (not including officers or members of the Management Committee) where the Sub-Branch has a membership of 100 or less members; a quorum for a Sub-Branch meeting shall consist of ten (10) members (not including officers or members of the Sub-Branch Management Committee) where the Sub-Branch has a membership of over 100 members. If no such quorum is present at a meeting of a Sub-Branch thirty (30) minutes after the normal starting time of such meeting that meeting shall lapse.
- (25) If due to the absence of a quorum at a meeting, a Sub-Branch is unable to conduct its business, the Sub-Branch Management Committee shall conduct such business with the full authority of a properly constituted Sub-Branch meeting.

#### 48 – TRANSITIONAL RULES

- (i) The provisions of this Rule shall apply notwithstanding anything elsewhere contained in the Rules of the Union.
- (ii) This Rule is intended to give effect to the withdrawal of the Manufacturing Division from the Construction, Forestry and Maritime Employees Union (“amalgamated organisation”).
- (iii) This Rule shall take effect on the withdrawal day.
- (iv) Definitions

For the purposes of this Rule

- (a) “equivalent office” shall mean an office in the Union that corresponds to a Manufacturing Division office;
- (b) “Manufacturing Division office” shall mean an office in the Manufacturing Division of the amalgamated organisation;
- (c) “office” includes all elected offices and positions whether or not the office or position would be defined as an “office” for the purpose of the RO Act;
- (d) “withdrawal day” shall mean the date fixed in accordance with section 109(1)(a) of the RO Act as the day on which the withdrawal of the Manufacturing Division from the amalgamated organisation takes effect;
- (v) Transition of Elected Offices and Positions
- (a) On the withdrawal day, a person who:

- (1) was elected to a Manufacturing Division office; and
- (2) held that office immediately before withdrawal day;

holds the equivalent office in the Union as if they were elected in accordance with the Union Rules.

- (b) The first term of office for each equivalent office (regardless of whether or not it was filled on the withdrawal day) will end on the day that the Manufacturing Division office would have ended if the withdrawal had not occurred. Nothing in this transitional Rule permits a person to hold office after the day that would have been the person's last day of term in the Manufacturing Division Office if the withdrawal had not occurred.
- (c) Without limiting the operation of this Rule, the following table sets out a list of equivalent offices and positions in the Manufacturing Division of the amalgamated organisation and the Union.

<b>MANUFACTURING DIVISION OFFICE / POSITION</b>	<b>UNION OFFICE / POSITION</b>
<b>Divisional Offices</b>	<b>National Offices</b>
Divisional President	National President
Divisional Senior Vice President ( <i>TCF</i> )	National Senior Vice President ( <i>TCF</i> )
Divisional Vice President	National Vice President
Divisional Vice President	National Vice President
Divisional Secretary	National Secretary
TCF National Secretary	TCF National Secretary
Divisional Senior Assistant Secretary	National Senior Assistant Secretary
Divisional Assistant Secretary	National Assistant Secretary
<b>Divisional Executive</b>	<b>National Executive</b>
Divisional Executive Member ( <i>position 1</i> )	National Executive Member ( <i>position 1</i> )
Divisional Executive Member ( <i>position 2</i> )	National Executive Member ( <i>position 2</i> )
Divisional Executive Member ( <i>position 3</i> )	National Executive Member ( <i>position 3</i> )
Divisional Executive Member ( <i>position 4</i> )	National Executive Member ( <i>position 4</i> )
Divisional Executive Member ( <i>position 5</i> )	National Executive Member ( <i>position 5</i> )
Divisional Executive Member ( <i>position 6</i> )	National Executive Member ( <i>position 6</i> )
Divisional Executive Member ( <i>position 7</i> )	National Executive Member ( <i>position 7</i> )
Divisional Executive Member ( <i>position 8</i> )	National Executive Member ( <i>position 8</i> )
Divisional Executive Member ( <i>position 9</i> )	National Executive Member ( <i>position 9</i> )
Divisional Executive Member ( <i>position 10</i> )	National Executive Member ( <i>position 10</i> )
Divisional Executive Member ( <i>position 11</i> )	National Executive Member ( <i>position 11</i> )
Divisional Executive Member ( <i>position 12</i> )	National Executive Member ( <i>position 12</i> )
<b>Pulp and Paper Workers' District</b>	<b>Pulp and Paper Workers' District</b>
District President	District President
District Senior Vice President	District Senior Vice President

District Junior Vice President	District Junior Vice President
District Secretary	District Secretary
Melbourne Sub-Branch Secretary	Melbourne Sub-Branch Secretary
Maryvale Sub-Branch Secretary	Maryvale Sub-Branch Secretary
Millicent Sub-Branch Secretary	Millicent Sub-Branch Secretary
Sydney Sub-Branch Secretary	Sydney Sub-Branch Secretary
Tasmanian Sub-Branch Secretary	Tasmanian Sub-Branch Secretary
Tumut Sub-Branch Secretary	Tumut Sub-Branch Secretary
District Management Committee Member <i>(ex officio PPW Melbourne Sub-Branch Secretary)</i>	District Management Committee Member <i>(ex officio PPW Melbourne Sub-Branch Secretary)</i>
District Management Committee Member <i>(additional PPW Melbourne Sub-Branch Delegate)</i>	District Management Committee Member <i>(additional PPW Melbourne Sub-Branch Delegate)</i>
District Management Committee Member <i>(ex officio PPW Maryvale Sub-Branch Secretary)</i>	District Management Committee Member <i>(ex officio PPW Maryvale Sub-Branch Secretary)</i>
District Management Committee Member <i>(additional PPW Maryvale Sub-Branch Delegate 1)</i>	District Management Committee Member <i>(additional PPW Maryvale Sub-Branch Delegate 1)</i>
District Management Committee Member <i>(additional PPW Maryvale Sub-Branch Delegate 2)</i>	District Management Committee Member <i>(additional PPW Maryvale Sub-Branch Delegate 2)</i>
District Management Committee Member <i>(ex officio PPW Millicent Sub-Branch Secretary)</i>	District Management Committee Member <i>(ex officio PPW Millicent Sub-Branch Secretary)</i>
District Management Committee Member <i>(additional PPW Millicent Sub-Branch Delegate)</i>	District Management Committee Member <i>(additional PPW Millicent Sub-Branch Delegate)</i>
District Management Committee Member <i>(ex officio PPW Sydney Sub-Branch Secretary)</i>	District Management Committee Member <i>(ex officio PPW Sydney Sub-Branch Secretary)</i>
District Management Committee Member <i>(ex officio PPW Tasmanian Sub-Branch Secretary)</i>	District Management Committee Member <i>(ex officio PPW Tasmanian Sub-Branch Secretary)</i>
District Management Committee Member <i>(ex officio PPW Tumut Sub-Branch Secretary)</i>	District Management Committee Member <i>(ex officio PPW Tumut Sub-Branch Secretary)</i>
District Management Committee Member <i>(affirmative action position 1)</i>	District Management Committee Member <i>(affirmative action position 1)</i>
District Management Committee Member <i>(affirmative action position 2)</i>	District Management Committee Member <i>(affirmative action position 2)</i>
Delegate to Divisional Conference <i>(PPW position 1 - ex officio PPW District Secretary)</i>	Delegate to National Conference <i>(PPW position 1 - ex officio PPW District Secretary)</i>
Delegate to Divisional Conference <i>(PPW position 2)</i>	Delegate to National Conference <i>(PPW position 2)</i>
Delegate to Divisional Conference <i>(PPW position 3)</i>	Delegate to National Conference <i>(PPW position 3)</i>
Delegate to Divisional Conference <i>(PPW position 4)</i>	Delegate to National Conference <i>(PPW position 4)</i>

<b>Queensland-Northern Territory-Western Australian District</b>	<b>Queensland-Northern Territory-Western Australian District</b>
District President	District President
District Vice President	District Vice President
District Secretary	District Secretary
District Management Committee Member ( <i>position 1</i> )	District Management Committee Member ( <i>position 1</i> )
District Management Committee Member ( <i>position 2</i> )	District Management Committee Member ( <i>position 2</i> )
District Management Committee Member ( <i>affirmative action position</i> )	District Management Committee Member ( <i>affirmative action position</i> )
Delegate to Divisional Conference ( <i>QNW position 1 – ex officio QNW District Secretary</i> )	Delegate to National Conference ( <i>QNW position 1 – ex officio QNW District Secretary</i> )
Delegate to Divisional Conference ( <i>QNW position 2</i> )	Delegate to National Conference ( <i>QNW position 2</i> )
<b>New South Wales District</b>	<b>New South Wales District</b>
District President	District President
District Vice President	District Vice President
District Vice President ( <i>affirmative action position</i> )	District Vice President ( <i>affirmative action position</i> )
District Secretary	District Secretary
District Assistant Secretary	District Assistant Secretary
District Management Committee Member ( <i>position 1</i> )	District Management Committee Member ( <i>position 1</i> )
District Management Committee Member ( <i>position 2</i> )	District Management Committee Member ( <i>position 2</i> )
District Management Committee Member ( <i>position 3</i> )	District Management Committee Member ( <i>position 3</i> )
District Management Committee Member ( <i>position 4</i> )	District Management Committee Member ( <i>position 4</i> )
District Management Committee Member ( <i>position 5</i> )	District Management Committee Member ( <i>position 5</i> )
District Management Committee Member ( <i>position 6</i> )	District Management Committee Member ( <i>position 6</i> )
District Management Committee Member ( <i>affirmative action position</i> )	District Management Committee Member ( <i>affirmative action position</i> )
Delegate to Divisional Conference ( <i>NSW position 1 - ex officio NSW District Secretary</i> )	Delegate to National Conference ( <i>NSW position 1 - ex officio NSW District Secretary</i> )
Delegate to Divisional Conference ( <i>NSW position 2</i> )	Delegate to National Conference ( <i>NSW position 2</i> )
Delegate to Divisional Conference ( <i>NSW position 3</i> )	Delegate to National Conference ( <i>NSW position 3</i> )
Delegate to Divisional Conference ( <i>NSW position 4</i> )	Delegate to National Conference ( <i>NSW position 4</i> )
<b>Victorian District</b>	<b>Victorian District</b>

District Joint President	District Joint President
District Joint President	District Joint President
District Vice President	District Vice President
District Vice President ( <i>affirmative action position</i> )	District Vice President ( <i>affirmative action position</i> )
District Secretary	District Secretary
District Assistant Secretary	District Assistant Secretary
District Management Committee Member ( <i>position 1</i> )	District Management Committee Member ( <i>position 1</i> )
District Management Committee Member ( <i>position 2</i> )	District Management Committee Member ( <i>position 2</i> )
District Management Committee Member ( <i>position 3</i> )	District Management Committee Member ( <i>position 3</i> )
District Management Committee Member ( <i>position 4</i> )	District Management Committee Member ( <i>position 4</i> )
District Management Committee Member ( <i>position 5</i> )	District Management Committee Member ( <i>position 5</i> )
District Management Committee Member ( <i>position 6</i> )	District Management Committee Member ( <i>position 6</i> )
District Management Committee Member ( <i>position 7</i> )	District Management Committee Member ( <i>position 7</i> )
District Management Committee Member ( <i>position 8</i> )	District Management Committee Member ( <i>position 8</i> )
District Management Committee Member ( <i>position 9</i> )	District Management Committee Member ( <i>position 9</i> )
District Management Committee Member ( <i>affirmative action position</i> )	District Management Committee Member ( <i>affirmative action position</i> )
TCF Victorian District Assistant Secretary	TCF Victorian District Assistant Secretary
TCF Full Time Officer	TCF Full Time Officer
Delegate to Divisional Conference ( <i>VIC position 1 - ex officio VIC District Secretary</i> )	Delegate to National Conference ( <i>VIC position 1 - ex officio VIC District Secretary</i> )
Delegate to Divisional Conference ( <i>VIC position 2</i> )	Delegate to National Conference ( <i>VIC position 2</i> )
Delegate to Divisional Conference ( <i>VIC position 3</i> )	Delegate to National Conference ( <i>VIC position 3</i> )
Delegate to Divisional Conference ( <i>VIC position 4</i> )	Delegate to National Conference ( <i>VIC position 4</i> )
Delegate to Divisional Conference ( <i>VIC position 5</i> )	Delegate to National Conference ( <i>VIC position 5</i> )
Delegate to Divisional Conference ( <i>VIC position 6</i> )	Delegate to National Conference ( <i>VIC position 6</i> )
Delegate to Divisional Conference ( <i>VIC position 7</i> )	Delegate to National Conference ( <i>VIC position 7</i> )
<b>Tasmanian District</b>	<b>Tasmanian District</b>
District President	District President
District Vice President	District Vice President
District Vice President ( <i>affirmative action position</i> )	District Vice President ( <i>affirmative action position</i> )
District Secretary	District Secretary

District Management Committee Member ( <i>position 1</i> )	District Management Committee Member ( <i>position 1</i> )
District Management Committee Member ( <i>position 2</i> )	District Management Committee Member ( <i>position 2</i> )
District Management Committee Member ( <i>position 3</i> )	District Management Committee Member ( <i>position 3</i> )
District Management Committee Member ( <i>position 4</i> )	District Management Committee Member ( <i>position 4</i> )
District Management Committee Member ( <i>position 5</i> )	District Management Committee Member ( <i>position 5</i> )
District Management Committee Member ( <i>affirmative action position</i> )	District Management Committee Member ( <i>affirmative action position</i> )
Delegate to Divisional Conference ( <i>TAS position 1 - ex officio TAS District Secretary</i> )	Delegate to National Conference ( <i>TAS position 1 - ex officio TAS District Secretary</i> )
Delegate to Divisional Conference ( <i>TAS position 2</i> )	Delegate to National Conference ( <i>TAS position 2</i> )
<b>Greater Green Triangle District</b>	<b>Greater Green Triangle District</b>
District President	District President
District Vice President	District Vice President
District Vice President ( <i>affirmative action position</i> )	District Vice President ( <i>affirmative action position</i> )
District Secretary	District Secretary
District Management Committee Member ( <i>position 1</i> )	District Management Committee Member ( <i>position 1</i> )
District Management Committee Member ( <i>position 2</i> )	District Management Committee Member ( <i>position 2</i> )
District Management Committee Member ( <i>position 3</i> )	District Management Committee Member ( <i>position 3</i> )
District Management Committee Member ( <i>position 4</i> )	District Management Committee Member ( <i>position 4</i> )
District Management Committee Member ( <i>position 5</i> )	District Management Committee Member ( <i>position 5</i> )
District Management Committee Member ( <i>affirmative action position</i> )	District Management Committee Member ( <i>affirmative action position</i> )
Delegate to Divisional Conference ( <i>GGT position 1 - ex officio GGT District Secretary</i> )	Delegate to National Conference ( <i>GGT position 1 - ex officio GGT District Secretary</i> )
Delegate to Divisional Conference ( <i>GGT position 2</i> )	Delegate to National Conference ( <i>GGT position 2</i> )
Delegate to Divisional Conference ( <i>GGT position 3</i> )	Delegate to National Conference ( <i>GGT position 3</i> )
<b>South Australian District</b>	<b>South Australian District</b>
District President	District President
District Vice President	District Vice President
District Vice President ( <i>affirmative action position</i> )	District Vice President ( <i>affirmative action position</i> )
District Secretary	District Secretary

District Management Committee Member <i>(position 1)</i>	District Management Committee Member <i>(position 1)</i>
District Management Committee Member <i>(position 2)</i>	District Management Committee Member <i>(position 2)</i>
District Management Committee Member <i>(position 3)</i>	District Management Committee Member <i>(position 3)</i>
District Management Committee Member <i>(position 4)</i>	District Management Committee Member <i>(position 4)</i>
District Management Committee Member <i>(position 5)</i>	District Management Committee Member <i>(position 5)</i>
District Management Committee Member <i>(affirmative action position)</i>	District Management Committee Member <i>(affirmative action position)</i>
Delegate to Divisional Conference <i>(SA position 1 - ex officio SA District Secretary)</i>	Delegate to National Conference <i>(SA position 1 - ex officio SA District Secretary)</i>
Delegate to Divisional Conference <i>(SA position 2)</i>	Delegate to National Conference <i>(SA position 2)</i>
<b>TCF Sector</b>	<b>TCF Sector</b>
Ordinary TCF Sector Council Member <i>(position 1)</i>	Ordinary TCF Sector Council Member <i>(position 1)</i>
Ordinary TCF Sector Council Member <i>(position 2)</i>	Ordinary TCF Sector Council Member <i>(position 2)</i>
Ordinary TCF Sector Council Member <i>(position 3)</i>	Ordinary TCF Sector Council Member <i>(position 3)</i>
Ordinary TCF Sector Council Member <i>(position 4)</i>	Ordinary TCF Sector Council Member <i>(position 4)</i>

## (d) Casual Vacancy / Insufficient Nominations Vacancy During Transition Period

- (1) Any casual vacancy arising in any office referred to above shall be filled in accordance with the Rules of the Union.
- (2) Any office referred to above that is vacant on the withdrawal day because insufficient nominations were received when an election was held for the corresponding office in the amalgamated organisation shall be filled in accordance with the Rules of the Union. For the avoidance of doubt, the term of that office will expire on 1 January 2027 or when the election of the office has been declared, whichever is the later.

## (vii) Transition of Membership and Status

On the withdrawal day, any period of membership and/or financial membership in the amalgamated organisation in accordance with the amalgamated organisation's Rules prior to the withdrawal day, shall be deemed to be for all purposes a period of membership and/or financial membership of the Union. Any period of unfinancial membership in the amalgamated organisation in accordance with the amalgamated organisation's Rules prior to the withdrawal day shall be deemed to be for all purposes a period of unfinancial membership of the Union.

## (viii) Transition of Districts

- (a) The Districts of the Union as at the withdrawal day correspond with the Districts of the Manufacturing Division in the amalgamated organisation in accordance with the table below:

<i>Districts of the Manufacturing Division of the Amalgamated Organisation</i>	<i>District Branches of the Union</i>
Pulp and Paper Workers' District	Pulp and Paper Workers' District
Queensland-Northern Territory-Western Australian District	Queensland-Northern Territory-Western Australian District
New South Wales District	New South Wales District
Victorian District	Victorian District
Tasmanian District	Tasmanian District
Greater Green Triangle District	Greater Green Triangle District
South Australian District	South Australian District

- (b) On the withdrawal day, a member of the Union who was a member of a District of the Manufacturing Division of the amalgamated organisation immediately before the withdrawal day becomes a member of the corresponding District of the Union identified in the table in sub-Rule (a).
- (x) Transitional Continuity of Resolutions, Policies Etc

To the extent allowable by law, and without limiting the powers provided under the Rules of the Union, a resolution or other decision (however described), policy, procedure, instruction (however described) or agreement made by the Manufacturing Division of the amalgamated organisation, including governing bodies within the Division and which had application immediately before the withdrawal day continue to apply as though they had been made by the corresponding body with relevant authority under the Rules of the Union.

#### 49 - TRAINING OF OFFICERS

- (a) Each person holding an office in the Union whose duties include duties that relate to the financial management of the Union, shall undertake training:
- (i) approved by the General Manager under the provisions of the RO Act or an Act replacing that Act; and
  - (ii) that covers each of the officer's financial duties.
- (b) An officer shall complete the training required by sub-rule (a) within six (6) months after the person begins to hold office.

## 51 - DISCLOSURE BY OFFICERS OF REMUNERATION AND NON-CASH BENEFITS

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- (a) The Union shall develop and implement internal control policies and procedures relating to the expenditure of the Union, to ensure that the Union is conducted in accordance with the principles of good governance and to ensure accountability to members of the Union.
- (b) Such policies and procedures shall be adopted by the National Executive and once adopted, shall be binding on all officers and members of the Union. Such policies and procedures must be identified in the resolutions of the National Executive as Rule 50 policies and procedures.
- (c) Rule 50 policies and procedures must be published on the website of the Union with fourteen (14) days of their adoption.
- (d) The provisions of sub-rules (a) to (c) herein shall apply, mutatis mutandis, to each District of the Union.

## 51 - DISCLOSURE BY OFFICERS OF REMUNERATION AND NON-CASH BENEFITS

- (a) Each person holding office in the Union shall disclose to the Union any remuneration paid to the officer:
  - (i) because the officer is a member of a board if:
    - (A) the officer is a member of the board only because the officer is an officer of the Union; or
    - (B) the officer was nominated for the position by the Union, a Branch of the Union or a peak council; or
  - (ii) by a related party of the Union, in connection with the performance of the officer's duties as an officer.
- (b) The disclosure required by sub-rule (a) shall be made to the National Executive:
  - (i) as soon as practicable after the remuneration is paid to the officer; and
  - (ii) in writing.
- (c) The Union shall disclose to the members of the Union:
  - (i) the identity of each officer of the Union who, when all officers of the Union are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than fifth;
  - (ii) the identity of each officer who, when all officers are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than second; and
  - (iii) for each of those officers
    - (A) the actual amount of the officer's relevant remuneration for the disclosure period; and

- (B) the form of the officer's relevant non-cash benefits for the disclosure period.
- (d) For the purposes of sub-rules (c), the disclosure shall be made:
  - (i) in relation to each financial year;
  - (ii) within six (6) months after the end of the financial year; and
  - (iii) in writing and published in the annual financial returns.

## **52 - DISCLOSURE BY OFFICERS OF MATERIAL PERSONAL INTEREST**

- (a) Each person holding an office in the Union shall disclose to the Union any material personal interest in a matter that:
  - (i) the officer has or acquires; or
  - (ii) a relative of the officer has or acquires;that relates to the affairs of the Union including any District thereof.
- (b) The disclosure required by sub-rule (a) shall be made to the National Executive:
  - (i) as soon as practicable after the interest is acquired; and
  - (ii) in writing.
- (c) The National Executive shall disclose to the members of the Union the interests disclosed to the Union pursuant to sub-rule (a).
- (d) For the purposes of sub-rule (c), the disclosures shall be made:
  - (i) in relation to each financial year;
  - (ii) within six (6) months after the end of the financial year; and
  - (iii) in writing and published in the annual financial returns.

## **53 - DISCLOSURE BY UNION OF PAYMENTS**

- (a) The Union shall disclose to the members of the Union either of the following
  - (i) each payment made by the Union, during the disclosure period:
    - (A) to a related party of the Union or District; or
    - (B) to a declared person or body of the Union including its Districts; or
  - (ii) the total of the payments made by the Union including its Districts, during the disclosure period:

- (A) to each related party of the Union or District; or
  - (B) to each declared person or body of the Union including its Districts.
- (b) Sub-rule (a) does not apply to a payment made to a related party if the payment consists of amounts deducted by the Union including its Districts from remuneration payable to officers or employees of the Union including its Districts.
- (c) Sub-rule (a) does not apply to a payment made to a related party if:
  - (i) the related party is an officer of the union; and
  - (ii) the payment:
    - (A) consists of remuneration paid to the officer by the union; or
    - (B) is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.
- (d) For the purposes of sub-rule (a), the disclosures shall be made:
  - (i) in relation to each financial year;
  - (ii) within six (6) months after the end of the financial year; and
  - (iii) in writing and published in the annual financial returns.

## **SCHEDULE 1 - SPECIAL FUNDS**

The following are special funds as provided for in sub rule 18C and such funds will be managed and maintained by the National Executive on behalf of and in the interest of and for the benefit of those groups of members for whom the funds were collected, as set out hereunder:

### **Victorian District**

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

### **South Australian District:**

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

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

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

### **PPW District:**

PPW Support Fund - for members of the PPW District

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

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

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

### **NSW District**

Member Support Fund – members of NSW District

### **TCF Sector**

Mortality fund

## SCHEDULE 2 - RULES OF DEBATE

### MOTIONS, HOW DEALT WITH:

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

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

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

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

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

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

### **RIGHT TO SPEAK**

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

## **REPORTS**

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

## **ADJOURNMENT OF MEETING OR DEBATE**

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

## **ADJOURNMENT OF STATED TIME**

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

## **SUSPENSION OF ORDER OF BUSINESS**

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

## **SITTING AS A COMMITTEE**

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

## **DEFINITION**

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

## **CHAIRPERSON'S RULING**

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

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