



**THE AUSTRALIAN RAIL, TRAM AND
BUS INDUSTRY UNION (RTBU), NEW
SOUTH WALES**

NSW BRANCH RULES

As at 08 February 2007

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PART I - MEMBERSHIP AND OBJECTS

1. NAME OF UNION

The name of the **industrial organisation** shall be:-

"The Australian Rail, Tram and Bus Industry Union, New South Wales"

2. REGISTERED OFFICE

The registered office of the Union shall be Level 4, 321 Pitt Street, Sydney in New South Wales or, subject to the approval of the Industrial Registrar, at such other place as the Council may from time to time determine.

3. DEFINITIONS

"Division" means the divisions defined in accordance with Rule 6 of the Rules.

"District" means a geographical area within the Union.

"Metropolitan District" means the district comprising the South Coast line to Nowra and Port Kembla, the Unanderra/Moss Vale line but excluding Moss Vale to Maldon on the main southern line, to Lithgow on the main western line, to Gosford on the main Northern and any Branch lines within the boundaries of this District.

"Northern District" means the District commencing at and including Narara and embracing the main Northern line to Wallangarra, the North Western line and Branch lines and the main Northcoast line to Brisbane and Branch lines.

"North Coast District" means the Districts from and including Paterson on the main Northcoast line to Brisbane and Branch lines.

"Western District" means the District at and including Bowenfels and embracing the main western line to Bourke and all Branch lines west of Lithgow including the Binnaway/Werris Creek line up to and including Turilawa, the Blayney/Harden line up to and including Burrangong, the Forbes/Stockinbingal line to Grawlin Plains and the Broken Hill line.

"Southern District" means the District commencing at and including Picton and embracing the main Southern line to Albury and all Branch lines south of Picton including the Harden/Blayney line up to and including Young, the Stockinbingal/Forbes line up to and including Garema and, the Hillston/Roto line up to and including the Lowlands.

"Election Year" means a year in which biennial or quadrennial elections are due

to be held in accordance with these Rules.

"Financial" and "Unfinancial" shall be as defined in Rule 12 of these Rules.

"Meeting" in relation to a Union Governing Body includes a meeting held by telephone conference or video conference where such a conference is provided for in these Rules.

"National Union" means the Australian Rail, Tram and Bus Industry Union which is an organisation registered under the Industrial Relations Act 1988.

"NSW Branch" means the New South Wales Branch of the National Union established in accordance with the rules of the National Union.

"Office" and "Office Bearer" mean respectively all Offices for which elections are required under these Rules and all holders of such Offices.

"Office Bearers" means the Office Bearers of the union specified in sub-rule 29(1) of these rules.

"Quarter" means a period of three calendar months commencing on either January 1, March 1, July 1 or September 1.

"Region" means a geographical area within the State.

"Sub-Branch" means a sub-grouping of the union embracing all members within a particular region

"Sub-Division" means a group of members within a Branch Division organised on the basis of depots, sheds or other workplaces or on the basis of geographical location or any other convenient sub-grouping of a Division.

"Sub-Divisional Committee" means the Shop Committee of the depot, shed, workplace or location that comprises the Branch Sub-Division.

"Sub-Divisional Representative" means a representative elected by members within a Sub-Division to represent those members on the Divisional Committee.

"union" means the industrial organisation registered under the New South Wales Industrial Relations Act 1996 and called The Australian Rail, Tram and Bus Industry Union, New South Wales.

4. ELIGIBILITY FOR MEMBERSHIP

(1) The following shall be eligible to become members of the Union:

- (i) permanent or casual employees, including persons training for employment, in the tramway services and motor omnibus services and the trolley bus services and light rail services run in conjunction therewith or controlled thereby, and also employees of the State Transit Authority of New South Wales and the Public Transport Corporation of Victoria, the State Transport Authority of South Australia, the Metropolitan Trust, Tasmania, the Brisbane City Council and the Metropolitan (Perth) Passenger Transport Trust any Commonwealth, State or Local Government, in tramway or motor omnibus or trolley bus or light rail services together with such other persons whether engaged in the industry or not who at any time when training for employment or working in the tramway, trolley bus, motor omnibus or light rail services have been admitted as members and who continue that membership.

Provided nothing in this paragraph shall permit the Union to enrol as members persons employed in the States of Victoria, Queensland, Tasmania and Perth as clerks, Ticket Examiners, Depot Starters, Assistant Depot Starters or Inspectors; and

- (ii) an unlimited number of employees employed in or in connection with the Railway and Tramway industry or industries governed and controlled directly by the Governments of the Commonwealth of Australia and the States of Queensland, New South Wales, Victoria, South Australia, western Australia and Tasmania, or indirectly by such Governments, or any of them through Commissioners, Boards, Managers, Directors, or any other means, and also all railway systems in Commonwealth owned and controlled by private persons or companies, and the Secretary and/or any employee of the Railway Institute established by or under the direction or with the approval of the Commissioners, Boards, Managers, Directors or other controlling authorities of any of the railway systems in New South Wales; and
- (iii) (a) an unlimited number of railway employees (adult or junior, male or female) who become and remain members of the Union and persons who while being members of the Union retire from the railway industry upon the ground of ill health or having reached retiring age and whose membership has not been terminated pursuant to these Rules;
- (b) for the purpose of sub-paragraph (iii)(a) above, "Employee" or "Railway Employee" means any officer or employee employed by any Railway Department and also any officer or employee employed in any railway system in New South Wales owned or controlled by

private persons or corporations other than officers in a supervisory position employed at an annual rate of salary and shall include the Secretary or any employee of any Railway Institute established by or under the direction or with the approval of the Railway Commissioner or other controlling authority of any railway system in the Commonwealth and "Railway industry" has a corresponding meaning; and

- (iv) an unlimited number of persons eligible to be employed in the Railway Train Running Industry including Locomotive Drivers, Electric Train Drivers, Firemen, Electric Helpers, Chargemen and Cleaners, Packers and Trimmers, Wash-out Men, Wash-out Men's Assistants, Motor Drivers any other workers engaged in or about the working or management of or incidental to any Steam Locomotive or Motor driven by electricity or other power used on any Railway.

provided that, except as provided in Sub-Rules 4(3), 11(3) and 11(4) of these Rules, a person shall only be eligible to remain as a member while he/she continues to meet one or other of the eligibility criteria specified in the foregoing paragraphs.

- (2) Each of the paragraphs numbered (i) to (iv) in Sub-Rule 4(1) of these Rules shall be interpreted separately. Accordingly, each paragraph shall neither limit nor be limited by the provisions of any other paragraph.
- (3) Notwithstanding the proviso to Sub-Rule 4(1), a person who is admitted to membership pursuant to the provisions of Rule 9 and who subsequently is elected as a paid Office Bearer of the Union or becomes an employee of the Union, shall be entitled to remain as a member while holding such Office or engaged in such employment.
- (4) Notwithstanding Sub-rules 4(1), (2) and (3) only persons whose usual place of work is located within the State of New South Wales together with persons employed by the State Rail Authority or its successor within the State of Queensland or the Australian Capital Territory shall be eligible to become members of the Union.

5. OBJECTS OF UNION

The objects of the Union are:-

- (a) to uphold the rights of combination of labour, to maximise the amount of labour employed within the rail, tram and bus industry and to improve, protect and foster the best interests of its members;
- (b) to take all necessary steps and actions under any relevant legislation or

otherwise, for the purpose of securing satisfactory industrial and working conditions without discrimination, in respect of the remuneration of labour, the hours of labour and other conditions in or in relation to employment in the rail, tram and bus industry;

- (c) to provide for the protection and safety of its members and members of the public in the course of or in connection with its members' employment;
- (d) to obtain preferential treatment for its members in all aspects of their employment by all lawful means;
- (e) to improve the social and economic position of its members;
- (f) to assist members or their families in distress;
- (g) to formulate and carry into operation schemes for the advancement of members and to make arrangements with persons engaged in any trade, business or profession for the provision to members of any special benefits, privileges and advantages and in particular in relation to goods and services;
- (h) to establish and maintain social clubs and other recreational facilities and amenities for the benefit of members and their families;
- (i) to establish, operate and maintain health services;
- (j) to establish sickness and/or accident funds, mortality benefit and/or retirement gratuity funds and any other appropriate funds for the benefit of members, Office Bearers and employees of the Union or any particular class or group of members, Office Bearers and employees of the Union;
- (k) to establish Branches, Sub-Branches, Divisions, Sub-Divisions or other organisational structures of the Union and to establish Governing Bodies and/or Consultative Committees in relation to each organisational level;
- (l) to assist members by all reasonable and proper means, to address any and all grievances which the members may have, and without limiting the generality of the foregoing –
 - (i) to assist members in enforcing their rights under any law relating to industrial conciliation or arbitration or compensation for illness or injuries or any other statutory enactment;
 - (ii) to provide financial, legal and other assistance for securing, protecting and advancing the rights, privileges, benefits, interests and welfare of members and their families and for the conduct of

negotiations or any proceedings for the attainment of this object;

- (m) to establish and/or maintain Official Journals, other journals, newspapers or other, publications, or radio, television or other electronic broadcasting facilities and/or to assist in the establishment, operation and maintenance of any such publications or facilities owned by bona fide trade unions or labour organisations or conducted in the interests thereof, including but not limited to the purchase of shares in any corporation carrying on such an activity;
- (n) to provide information on industrial, economic, social, legal and political matters affecting members;
- (o) to organise and/or assist in the training and education of members and without limiting the generality of the foregoing, to assist any movement or institution for the training of members in the skills and duties of their occupation or their rights and duties as members of the working class;
- (p) to encourage, develop and maintain fraternal relations with and to assist kindred organisations and their members and dependants, either in or out of Australia;
- (q) to encourage and support the organisation of industrial unionism by the establishment of one union for all grades and classifications of railway, tram and bus industry unions in other sections of the transport industry or in other industries as the Council may from time to time determine;
- (r) to co-operate, affiliate, federate, amalgamate, merge with or absorb any association, organisation or union of employees, whether registered or not pursuant to any industrial law of the Commonwealth of Australia or of any State or Territory of Australia;
- (s) to assist in the movement for the socialisation of the means of production, distribution and exchange, and for the application of the principles of democracy to industry, and without limiting the generality of the foregoing, to assist, support and/or encourage direct representation in the Federal and State Parliaments and Municipal and Shire Councils with the view to promoting such legislative reforms as will ensure social justice to workers and to actively support by all possible means, the complete nationalisation of all forms of public transport and carriage of freight;
- (t) to affiliate with and/or assist financially or otherwise, any bona fide labour or trade union organisation or association or representative body or council which promotes or protects the cause of labour;
- (u) to establish, maintain and/or assist any body, corporation or association

concerned with research into industrial, economic, social, legal and political matters affecting members and the trade union movement;

- (v) to resist the introduction or the continuation of bonus, butty gang, piece work and similar pernicious systems of employment;
- (w) to raise funds by contributions, levies, fines, donations, fees, interest on capital, and otherwise for any of the objects of the Union;
- (x) to invest funds;
- (y) to purchase, take on lease or in exchange, hire or otherwise acquire any property, including any land, buildings or easements, for any purpose connected with the conduct of the Union;
- (z) to sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Union;
- (aa) to borrow or raise funds or secure the repayment of funds;
- (bb) to undertake and do all such acts, matters and things as may be necessary, incidental or conducive to the attainment of the above objects or any of them.

PART II - STRUCTURE AND GOVERNMENT OF THE UNION

6. STRUCTURE AND ORGANISATION,

- (1) The Union shall be organised on a Divisional, Sub-Branch and a Sub-Divisional basis.
- (2) There shall be six Divisions, namely:-

Administrative, Supervisory, Technical and Professional
Infrastructure
Locomotive
Rail Operations
Tram and Bus
Fleet Manufacture, Overhaul Maintenance and Service

with the scope of each Division being as defined as follows:

- (a) The Administrative, Supervisory, Technical and Professional Division shall comprise members employed in an administrative, supervisory, technical or professional position or in any clerical or other position which attracts an annual salary but excluding crafts, trades and the driving of trains, buses, trams or other vehicles.
- (b) The Infrastructure Division shall comprise members employed in the construction and maintenance of a permanent way and associated structures, signalling, buildings, bridges, electrical reticulation and related areas.
- (c) The Locomotive Division shall comprise members employed in railway train running including locomotive drivers, electric train drivers, firemen, locomotive assistants, electric helpers, chargemen and cleaners, and rail motor drivers and trainees in these callings.
- (d) The Rail Operations Division shall comprise members employed in all operational aspects of railway services both freight and passenger, other than members in Locomotive Division or in the Administrative, Supervisory, Technical and Professional Division
- (e) The Tram and Bus Divisional comprise members employed in the tramway, motor omnibus and/or trolley bus industry including light rail services which are an extension of existing tram routes.
- (f) The Fleet Manufacture, Overhaul Maintenance and Service Division shall comprise members, other than professional or salaried staff, employed in workshops, running sheds, depots and maintenance centres.

- (3) Notwithstanding the provisions of Sub-Rule 6(2), the Council may, with the consent of the Divisional Committees and a majority of the financial members of the Division effected, determine that two or more Divisions should operate as a single Division within the Union.
- (4) Divisions shall be divided into Sub-Divisions with each Sub-Division being organised on the basis of depots, sheds or other work place, or geographical location or any other convenient sub-grouping of members within a Division. The establishment and scope of each sub-Division shall be determined by Divisional Committee but may be reviewed by the Council.
- (5) The union shall be divided into sub-branches with each Sub-Branch being based on a particular geographical region and comprising of all members of the branch within that region. Subject to these rules, the establishment and scope of each sub-branch shall be determined by the council.
- (6) In addition to the structure and organisation provided for in this Rule, the Council. may establish any other convenient groupings or sub-groupings of members within Branch Divisions or Sub-Branches.
- (7) Council or Divisional Committee shall not exercise powers provided for in these rules so as to make the Divisional, Sub-Divisional, or Sub-Branch structure of the Union not in accord with the Divisional, sub-Divisional or sub-Branch structure of the NSW Branch.

7. MEMBERSHIP OF DIVISIONS

- (1) Each member shall be allocated to that Division which most closely matches his/her work functions. The allocation shall be undertaken by the Secretary and shall be done in accordance with the same principles as are used within the National Union to determine which member of the National Union shall be allocated to which National Division within the National Union. Any uncertainty over appropriate allocation or any dispute in relation thereto, shall be resolved by the Council.
- (2) Subject to Sub-Rule 8(3), the Division to which a member is allocated shall determine his/her electorate for the purposes of elections for Divisional Office Bearers.
- (3) Where the Council has determined that two or more Divisions shall operate as a single. Division, then the members of those Divisions shall be allocated to the single Division for the purposes of operations and elections.
- (4) A member who becomes a paid office bearer or an employee of the Union shall retain his/her Divisional membership.

8. GOVERNING BODIES

- (1) The Governing Bodies and other Committees within the Union shall be the Council, the Executive and Divisional Committees.
- (2) The composition of the Union's Governing Bodies shall be as follows:

Council:

Members of the Executive
Delegates to Council from the Divisions
Organisers (where such positions are established as an office under the rules)

Executive:

President
Senior Vice-President
Junior Vice-President
Secretary
Assistant Secretary
Divisional Presidents
Divisional Secretaries

Divisional Committees:

Divisional President
Divisional Vice-President
Divisional Secretary
Representatives of Sub-Divisions

- (3) The powers and responsibility of the Union's Governing Bodies and Office Bearers shall be as set out in Part V of these Rules.
- (4) The qualifications for office, term of office, the method of electing Office Bearers and the method of removal of Office Bearers shall be as set out in Parts V and VI of these Rules.

PART III - MEMBERSHIP

9. ADMISSION TO MEMBERSHIP

- (1) All persons who are eligible for membership of the Union under the provisions of Rule 4 of these Rules may be entitled to seek membership of the Union by making application to the Secretary.
- (2) The form of application for membership shall be determined by the Secretary. The form of application shall be in the same form as used by the NSW Branch and shall be an application for membership of both the Union and the NSW Branch.
- (3) Except as provided for in Sub-Rule 9(4) of these Rules, a person's membership of the Union commences on and from the date on which his/her application for membership is received by the Secretary.
- (4) If the Secretary considers that an applicant for membership is either ineligible for membership of the Union or is of general bad character, the Secretary shall refer the application for consideration by the Executive. The Executive shall decide whether to accept or reject the application and in the event of acceptance, the applicant shall be deemed to be a member from the date that his/her application was received by the Secretary.
- (5) The Secretary shall inform applicants for membership in writing of the financial obligations arising from membership and of the circumstances and the manner in which a member may resign from the Union.
- (6) No error, omission or want of form in connection with a person's application for membership shall invalidate membership.
- (7)
 - (a) Notwithstanding any other provision of these rules members of the NSW Branch may become members of the Union in accordance with the provisions of this sub-rule.
 - (b) An application for membership of the Union in respect of a member of the NSW Branch may be made on behalf of such person by the NSW Branch.
 - (c) No error, omission or want of form in connection with any person's application for or admission to membership shall invalidate membership under this sub-rule.
 - (d) A person shall be taken to have become a member under this sub-rule on the date when the application made on behalf of that person by the NSW Branch is received by the Union, provided that he/she shall be notified by letter by the Union and/or the NSW Branch:

- (i) that on the date specified in the letter being not less than six weeks after the date of the letter that an application in accordance with this rule will be made on his/her behalf to the Union; and
- (ii) of the financial obligations arising from membership and the circumstances and manner in which a member may resign from membership;
- (iii) that if a written objection to the Secretary of the NSW Branch is received within one month of the letter then no application on his/her behalf will be made.

10. SUBSCRIPTIONS. FEES, LEVIES AND FINES

- (1) To be a financial member of the Union, a member of the Union, who is also a member of the NSW Branch; shall be required:
 - (a) to pay any levies which are determined from time to time by the Council;
 - (b) to pay any fines as may be imposed upon him/her pursuant to these Rules; and
 - (c) to be a financial member of the NSW Branch.
- (2) To be a financial member of the Union, a member of the Union, who is not also a member of the NSW Branch shall be required to pay:
 - (a) any subscription rates as are determined from time to time by the Council.;
 - (b) any levies which are determined from time to time by the Council; and
 - (c) any fines as may be imposed upon him/her pursuant to these Rules.
- (3) Subject to sub-rule 11(4), all subscriptions shall be paid either annually in advance or quarterly in advance at the option of the individual member. Where subscriptions are paid annually, payment shall be made no later than January 1 in each year and where subscriptions are paid quarterly, then payment shall be made no later than January 1, April 1, June 1, October 1 in each year.
- (4) Where the Union has entered into an arrangement with an employer or other body providing for the collecting and remitting of subscription payments through regular payroll, bank account or other deductions, then a member may elect to pay his/her subscription by means of such deductions. Where a member has so elected, he/she shall sign a deduction authority authorising the periodic deduction of the prescribed subscription rate.
- (5) The employer or other body making the subscription deduction shall be the agent of the member in making those deductions and it shall be the member's

responsibility to ensure the deductions are duly made, provided that an advice slip showing that the requisite subscription rate was deducted for a given period shall be conclusive evidence that the member's subscription has been paid for that particular period.

- (6) A member paying his/her subscription through periodic deductions shall be financial from the date of the first such deduction provided that he/she owes no prior arrears.
- (7) Notwithstanding the foregoing provisions of this Rule, should any member during any financial year be without pay owing to ill health or to other causes which the Executive regards as warranting special consideration, then the Executive may grant the member exemption from payment of all or any contributions imposed in accordance with these Rules for all or part of the period during which he/she is without pay. During the period of the exemption, the member shall be deemed to be financial.
- (8) Notwithstanding the foregoing provisions of this rule, if a member is a financial member of another Union of employees approved by the council up until the end of that quarter during which he/she joins the Union, that member shall not be required to pay contributions for that quarter and shall be deemed to be financial up until the end of that quarter.

11. MEMBERSHIP STATUS

- (1) Except as provided in Sub-Rules 11(3) and 11(4) of these Rules, only members who continue to meet the eligibility criteria specified in Rule 4 of these Rules or who, after being admitted as members of the Union, are elected as paid Office Bearers of the Union or become employees of the Union, shall be entitled to remain as members.
- (2) Members no longer entitled to remain as members shall cease to be members once removed from the Register of Members pursuant to Rule 15 of these Rules.
- (3) The Council or the Executive may confer Honorary Life Membership on any member who has given meritorious service to the Union and its members. Such Life Membership shall commence on and from that member's retirement, resignation or cessation of eligibility to remain a member. An Honorary Life Member shall be exempt from payment of subscriptions, fees, fines and levies but he/she shall not be entitled to vote in any election or ballot or at any meeting within the Union, or to nominate for or hold any Office within the Union. Honorary Life Membership shall not be regarded as financial membership for the purposes of these Rules.
- (4) The Council or the Executive may confer Associate Membership on any member of the Union who ceases to meet one or other of the eligibility criteria

specified in Rule 4 of these Rules. Such Associate Membership shall commence on and from the date of the Council or the Executive's decision. To be a financial such an Associate Member of the Union, who is also a member of the NSW Branch, shall be required to pay any Union levies which are determined from time to time by the Union Council, to pay any fines as may be imposed upon him/her pursuant to these Rules and to be a financial member of the NSW Branch. To be a financial such an Associate Member of the Union, who is not also a member of the NSW Branch, shall be required to pay any subscription rates and entrance fees as are determined from time to time by the Council, any levies which are determined from time to time by the Council and to pay any fines as may be imposed upon him/her pursuant to these Rules. An Associate Member shall not be entitled to vote in any election or ballot or at any meeting within the Union nor to nominate for or hold any Office within the Union. Associate Membership shall not be regarded as financial membership for the purposes of these Rules.

12. FINANCIAL STATUS OF MEMBERS

- (1) A member of the Union, who is also a member of the NSW Branch, is unfinancial if he or she is unfinancial in accordance with the Rules of the National Union or if he or she is more than thirteen weeks in arrears in the payment of any fees, fines or levies imposed in accordance with these Rules. A member of the Union, who is not also a member of the National Union, is unfinancial if he/she is more than thirteen weeks in arrears in his/her subscriptions or in the payment of any fees, fines or levies imposed in accordance with these Rules.
- (2) A member, while unfinancial, shall not be eligible for any of the rights and privileges of membership including the right to vote in any election or ballot of members or, to attend or vote at any meeting within the Union or to nominate for or hold any Office within the Union.
- (3) Notwithstanding the provisions of Sub-Rule 12(1) of these Rules, a member who is unfinancial shall not become financial until he/she pays all arrears owing.
- (4) When a member who is unfinancial makes a part payment or payments in relation to subscriptions, fees, fines and/or levies outstanding, such payment or payments shall be applied to the amounts owing in the same order in which such amounts were incurred with the amount outstanding longest being discharged first.

13. RESIGNATION FROM MEMBERSHIP

- (1) A member may resign from membership of the Union by written notice addressed and delivered to the Secretary.
- (2) A notice of resignation takes effect:-
 - (1) Where the member ceases to be eligible to become or remain a member of the Union:-
 - (a) On the day on which the notice is received; or
 - (b) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become or remain a member;whichever is later; or
 - (2) In any other case: -
 - (a) at the end of two weeks; or
 - (b) on the day specified in the noticewhichever is later
- (3) Subject to section 476(3) of the Industrial Relations Act 1991, any subscriptions, fees, fines and levies owing but not paid by a former member of the Union in relation to a period before the member's resignation took effect, may be sued for and recovered in the name of the Union in a Court of competent jurisdiction, as a debt due to the Union.
- (4) A notice delivered to the Secretary shall be deemed 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 merely because it was not addressed and delivered to the Secretary.
- (6) A resignation from membership 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.

14. DUTIES OF MEMBERS

A member of the Union shall not:-

- (1) Contravene or fail to observe any of these Rules;
- (2) Contravene or fail to observe any lawful resolution of the Governing Bodies of the Union;
- (3) give false or misleading information to the Union on any matter relating to the objects of the Union;
- (4) divulge any of the confidential business of the Union to someone not entitled to know such information;
- (5) obstruct the Union or its Governing Bodies or its Office Bearers in the performance of their functions under these Rules;
- (6) Defraud or attempt to defraud the union
- (7) misappropriate any property of the Union;
- (8) make a false charge against a fellow member;
- (9) Obstruct, insult or behave in an offensive manner towards any Office Bearer or employee of the Union who is acting in the course of his/her duties;
- (10) Violate or attempt to violate the terms of any applicable industrial Award or Agreement or enter into or attempt to enter into any agreement with any employer or an employee thereof contrary to the provisions of an applicable Award or Agreement;
- (11) Fail, without reasonable excuse, to attend any meeting of the Governing Bodies of the Union when summoned by such a body.

15. DISCIPLINARY ACTION AGAINST MEMBERS

- (1) A member may be charged by another member with a breach of his/her duties as a member. Such charge shall be in writing and signed by the member and delivered to the Secretary of the Union to which the member charged belongs.
- (2) Upon receipt of the charge, the Secretary shall investigate the matter and, unless he./she decides that the matter is without substance, he/she; shall determine whether the subject matter of the charge is an overall union, matter or a Divisional matter and, in the former case, he/she shall refer the charge to the Executive for determination and, in the latter case, he/she shall refer the matter to the relevant Divisional Committee for determination.

- (3) The executive or a Divisional Committee, as the case may be, shall not find a member guilty of a breach of his/her duties as a member unless he/she has been given reasonable notice and particulars of the charge made and has been given reasonable opportunity to present any defence to the charge.
- (4) Subject to Sub-Rule 15(6) of the Rules, the Executive or a Divisional Committee shall have power to expel or suspend from membership or to impose a fine not exceeding \$100.00 or to rebuke or caution any member found guilty of a failure to fulfil his/her duties as a member.
- (5) A member found guilty may appeal to the Council in relation to the finding of guilt and/or the severity of the penalty imposed.
- (6) Where a member is also an Office Bearer, he/she shall not be suspended or expelled from membership pursuant to this Rule, unless and until he/she has first been removed as an Office Bearer in accordance with these Rules.
- (7) Where a member has been expelled from membership under this rule the Secretary shall remove his/her name from the Register of members. Removal from the Register shall not in any way waive, reduce or affect a member's liability for any arrears due to the Union under these Rules.

16. REGISTER OF MEMBERS AND OF OFFICE BEARERS

- (1) A Register of the names and residential addresses of members of the Union shall be kept by the Secretary. The Register shall show the Division to which a member is allocated and the membership category and financial status of the member.
- (2) A Register of the names, residential addresses and occupations of all Office Bearers of the Union shall be kept by the Secretary.
- (3) It shall be sufficient compliance with this rule if the Secretary keeps a joint register of members of the Union and the NSW Branch. Provided that such register shall indicate which members of the Union are not members of the NSW Branch, if any, and which members of the NSW Branch, if any, are not members of the Union.

17. PURGING THE REGISTER AND CESSATION OF MEMBERSHIP

- (1) The Secretary shall as soon as practicable after a Notice of Resignation takes effect pursuant to the provisions of Rule 13 of these Rules, remove the names and details of the persons who have resigned from the Register.
- (2) The Secretary shall from time to time as directed by the Executive and in accordance with the provisions of Sub-Rule 17(3) of these Rules, remove from

the Register of Members, all members who are unfinancial and all members or who have ceased to be entitled to remain as members Removal from the Register shall not in any way waive, reduce or affect a members liability for any arrears due to the Union under these Rules.

- (3) The Secretary shall give a member one month's notice in writing to the member's last known address of the intention to remove his/her name from the Register pursuant to the provisions of Sub-Rule 17(2) of these Rules. The notice shall specify the reason or reasons why a member is to be removed from the Register. Where at the expiration of the one month notice period, the member has not provided satisfactory evidence as to why he/she should not be removed from the Register, then he/she shall be so removed and his/her membership shall cease from the date of removal. Provided that any member shall have a right of appeal against his/her removal to the Executive. A member lodging an appeal shall be deemed to continue as a member pending determination of his/her appeal.

18. RECOVERY OF DUES

The secretary shall have power to take action in the name of the union in a court of competent jurisdiction to recover any subscriptions, fees, fines or levies due from any member and shall take such action when instructed to do so by the executive.

PART IV - FINANCES

19. UNION FUNDS

- (1) There shall be a Union Fund. In addition, Divisional Funds may be established in relation to all or any Divisions.
- (2) The Union Fund shall be managed and controlled by the Council and Executive and shall consist of:-
 - (a) any real or personal property of which the Union by these Rules or by any established practice not inconsistent with these Rules, has, or in the absence of any limited term lease, bailment or arrangement would have, the right of custody, control or management;
 - (b) the amount of subscriptions received by the Union;
 - (c) the amount of any fines or levies imposed by the Council or the Executive;
 - (d) any interest, rents or dividends derived from the investment or use of the Fund;
 - (e) any superannuation or long service leave or other fund operated or controlled by the Union for the benefit of its officers or employees;
 - (f) any sick pay fund, accident pay fund, funeral fund, tool benefit fund or like fund operated or controlled by the Union for the benefit of its members;
 - (g) any property acquired wholly or mainly by expenditure of the monies of the Fund or derived from other assets of the Fund; and
 - (h) the proceeds of any disposal of part of the Fund;

and shall be used for the administration and management of the Union and for any other purpose that the Council or the Executive may from time to time direct towards the attainment of any of the objects of the Union.

- (3) All liabilities arising out administration and management of the Union including those liabilities arising from the control and management of real property within, the Union Fund, shall be the responsibility of the Union.
- (4) All real property forming part of a Union Fund shall be held and dealt with in the name of the Union.
- (5) Any Divisional Fund shall be managed and controlled by the Divisional Committee and shall consist of:-

- (a) any real or personal property of which the Division by these Rules or by any established practice not inconsistent with these Rules, has, or in the absence of any limited term lease, bailment or arrangement would have, the right of custody, control or management;
 - (b) any monies received from the Union;
 - (c) any interest, rents or dividends derived from the investment or use of the Fund;
 - (d) any property acquired wholly or mainly by expenditure of the monies of the Fund or derived from other assets of the Fund; and
 - (e) the proceeds of any disposal of part of the Fund.
- (6) All liabilities arising out of the administration and management of the Division including those liabilities arising from the control and management of real property within the Divisional Fund, shall be the responsibility of the Division.
- (7) All real property forming part of a Divisional Fund shall be held and dealt with in the name of the Union, but shall only be dealt with by the Union at the request of and in accordance with the instructions of, the relevant Divisional Committee as ratified by the Council.
- (8) All monies payable by members of the Union by way of entrance fees, subscriptions, levies, fines or other fees shall be paid to and collected by the Secretary.
- (9) The Secretary shall receive and deal with such monies in accordance with these Rules.

20. LEVIES

- (1) The Council may from time to time strike a levy payable by all members of the Union.
- (2) (a) There shall be a separate fund for levies imposed for political objects and from which all donations or other payments for political objects shall be made;
- (b) Any contributions to such fund shall be voluntary. A member who does not contribute to such fund shall not be excluded from any benefits of the Union or placed in any disadvantages by reason of failure or refusal to so contribute;
- (c) Any contribution to each levy so raised must be voluntary and such

consent to each levy so raised shall be evidenced in writing;

- (d) Donations or other payments from such funds shall be applied only to the purpose for which they were raised, unless the members making the contributions agree to some other applications;
- (e) The Council must approve the imposing of each such levy and the making of each such donation or payment and must satisfy itself that the imposing of each such levy and the making of each such donation or other payment out of the amount levied is in accordance with the Rules of the Union.

21. DISBURSEMENT OF FUNDS

- (1) All disbursements from the Union Fund shall be by cheque and signed by the Secretary and either the President, Senior Vice-President, Junior Vice-President, or Assistant Secretary. The Executive may authorise other members of the Executive to sign in the place of the Secretary should the Secretary not be readily available.
- (2) The property of the Union Fund, other than the monies required for day to day operations, shall only be disbursed or otherwise dealt with, upon a resolution of the Council or the Executive.
- (3) All disbursements from a Divisional Fund shall be by cheque and signed by the Divisional Secretary and either the Divisional President or the Divisional Vice-President. The Divisional Committee may authorise other members of the Divisional Committee to sign in place of the Divisional Secretary or the Divisional President or the Divisional VicePresident should one or other--of-such office bearers not readily be available.
- (4) The property of a Divisional Fund, other the monies, required for day to day operations *shall* only be disbursed or otherwise dealt with upon a resolution of the Divisional Committee. Any resolution dealing with real property shall be subject to ratification by the Council pursuant to Sub-Rule 19(8) of these Rules.

22. LOANS, GRANTS OR DONATIONS

- (1) A loan, grant or donation shall not be made by the Council or the Executive unless the Council:-
 - (a) has satisfied itself:-
 - (i) that the making of the loan, grant or donation would be in accordance with these Rules; and

- (ii) in relation to a loan, that in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and
- (b) has approved the making of the loan, grant or donation.

23. AUDITORS

- (1) The Council shall appoint biennially, a duly qualified and competent auditor or firm of auditors who shall audit the Union accounts (including Divisional accounts) and provide a report, audited accounts and such further information and statements as may be required under any relevant legislation in relation to each financial year or in relation to any other period that the Council or the Executive may determine.
- (2) An auditor or firm of auditors appointed by the Council may be removed during the term appointment by resolution of the Council. The Council may only remove an auditor or firm of auditors during the term of appointment for reason that:
 - (a) the auditor or firm of auditors cease to be a registered auditor;
 - (b) the auditor or firm of auditors charges excessive fees; or
 - (c) the auditor or firm of auditors engages in unprofessional conduct.

24. FINANCIAL YEAR

The financial year for the Union shall be the period commencing on January 1 in any year and ending on December 31 in the same year.

25. BOOKS AND ACCOUNTS

- (1) The Secretary shall ensure that adequate books, documents and accounts are kept and that the provisions of the Industrial Relations Act 1996 or any other relevant legislation are complied with in relation to the maintenance, form, lodgement and distribution of financial records.
- (2) If a member makes a request in writing to inspect the books or accounts kept, then, the Secretary shall arrange a convenient time for such inspection to occur within 28 days of receiving the request.

PART V - GOVERNING BODIES AND OFFICE BEARERS

26 THE COUNCIL

- (1) The Council shall be the highest deliberative body in the Union and shall have power to do all things in relation to the Union which are within the objects of the Union or incidental thereto including, without limiting the generality of the foregoing:-
- (a) to determine the policy of the Union on matters affecting the interests of members of the Union;
 - (b) to determine the salaries and conditions of employment of paid Office Bearers;
 - (c) to hear appeals regarding disciplinary action taken against any member of the Union or any Office Bearer;
 - (d) to impose any fine or levy;
 - (e) to establish any divisional fund or special fund to achieve any of the objects of the Union;
 - (f) to settle disputes between Divisions;
 - (g) to expend such monies as may be necessary to fulfil the objects of the union
 - (h) to appoint and dismiss a Returning Officer and Assistant Returning Officer(s);
 - (i) to appoint and dismiss a Auditor or a firm of Auditors;
 - (j) subject to Rule 6(7), to determine the structure and organisation of the Union into Divisions, Sub-Divisions, Sub-Branches or other convenient groupings or sub-groupings; and
 - (k) subject to these Rules to make rules for the management and operation of the Union and its Divisions, Sub-Divisions, Sub-Branches and other structures.
- (2) The Council shall comprise the President, the Vice-Presidents, the Secretary, the Assistant Secretary, the Presidents of each Division, the Secretaries of each Division and Organisers (where such positions are established as an office under the rules), one (1) affirmative action (woman) representative from the Tram and Bus Division, one (1) affirmative action (woman) representative

from the Rail Divisions together with Delegates from Divisions determined in accordance with Sub-Rule 26(3) of these Rules.

- (3) For the purpose of electing Delegates to the Council, each Division, other than the Tram and Bus Division, shall be divided into Districts as provided for in sub-Clause 26(4). The Tram and Bus Division and each Branch Divisional District as specified in 26(4) shall, subject to sub-Clause 26(5) be entitled to one Delegate for each eight hundred members or part thereof. The number of Delegates to which the Tram and Bus Division or a Divisional District is entitled, shall be determined on the basis of the number of financial members within the Division or the Divisional District, as the case may be, at the end of the quarter immediately preceding the date for the opening of nominations for the appointment of Delegates.
- (4) The Divisional District for the purposes of electing Delegates to the Council shall be as follows:

<u>Division</u>	<u>Divisional Districts</u>
Administrative, Supervisory, Technical and Professional	<ul style="list-style-type: none"> • Metropolitan District • Northern District • Western and Southern District • State Transit Authority and Sydney Ferries Corporation •
Infrastructure	<ul style="list-style-type: none"> • Metropolitan District • Northern District, • North Coast District • Western District • Southern District
Locomotive	<ul style="list-style-type: none"> • Metropolitan District • Northern District • Western District • Southern District
Rail Operations	<ul style="list-style-type: none"> • Metropolitan District • Northern District • Western District • Southern District
Fleet Manufacture, Overhaul Maintenance and Service	<ul style="list-style-type: none"> • Metropolitan District • Northern, Western and Southern District

- (5) Where the Council determines that the number of members in a Divisional District or Districts," other than the Metropolitan District is too small to warrant a Delegate to the Council, the Council may combine such District or Districts with another non Metropolitan District or Districts whether in the same or a different Division, for the purposes of forming an electorate for the election of Delegates.
- (6) Where an ordinary meeting of the Council has been scheduled or a Special Meeting of the Council has been called, the Secretary shall send a notice of meeting together with an agenda to all members of the Council at least fourteen days prior to the meeting.
- (7) Council members or the Executive or any Divisional Committee may place a matter on the agenda for a Council meeting.
- (8) A quorum for a meeting of the Council shall be a majority of the members of the Council entitled to attend.
- (9) Subject to sub-rule 26(1) of these Rules, each member of the Council shall have one vote. A resolution shall be carried if a majority of members present and voting, vote in favour.
- (10) Where a person holding the Office of Divisional Secretary also holds another Office on the Council, he/she shall nonetheless only be entitled to exercise one vote.
- (11) Notwithstanding anything elsewhere contained in these Rules, a meeting of the Council may be held via telephone or video conference when a majority of Council members so agrees.

27. EXECUTIVE

- (1) The Executive shall be the Committee of Management of the Union and be responsible for the management of its affairs. Subject to these Rules and to the policies and decisions of the Council and to the review of its decisions by the Council, it shall have the care, control, management and superintendence of the activities of the Union and between meetings of the Union Council, it may exercise all or any of the powers and functions of the Council other than the power to make, alter or rescind these Rules but it shall not act contrary to any policy or decision of the Council and shall not rescind, alter, vary or revoke any policy or decision of the Council. All decisions within the powers of a Executive shall have full force and effect unless and until disallowed by the Council.
- (2) The Executive shall comprise the President, Senior Vice-President, Junior Vice-President, Secretary, Assistant Secretary, the Presidents of each Division and the Secretaries of each Division.

- (3) The Executive shall meet in ordinary session at least six times a year at such time and place as the Executive or, in the absence of a decision by the Executive, the President and the Secretary jointly, may determine.
- (4) The Secretary shall forward a Notice of Meeting together with an Agenda to each member of the Executive entitled to attend no less than seven days prior to the date of the meeting.
- (5) Executive members on any Divisional Committee may place a matter on the agenda for an Executive meeting.
- (6) A quorum for a meeting of the Executive shall be a majority of the members of the Executive entitled to attend.
- (7) Subject to Sub-Rule 7(8) of these Rules, each member of the Executive shall have one vote. A resolution shall be carried if a majority of members present and voting, vote in favour.
- (8) Where a person holding the Office of Divisional Secretary also holds another Office on the Executive, he/she shall nonetheless only be entitled to exercise one vote.
- (9) Notwithstanding anything elsewhere contained in these Rules, a meeting of the Executive may be held via telephone or video conference when a majority of Executive members so agrees.

28. BALLOTS OF THE COUNCIL AND THE EXECUTIVE

- (1) Between meetings of the Council or the Executive, the decision of the Council or the Executive, as the case may be, may be determined by ballot.
- (2) A decision to hold a ballot may be made by the President and the Secretary jointly.
- (3) Where a decision has been made to hold a ballot, the Secretary shall despatch a ballot paper clearly setting out the matter for decision together with any supporting material, to each member of the ,Council or the Executive, as the case may be. The Secretary shall advise each member of the date by which the papers must be returned, such date to be no less than seven days nor more than twenty-one days from the date that the ballot papers are despatched. Ballot papers not received by the Secretary by the date specified, shall be disregarded provided that a question shall only be carried if the number of ballot papers returned are sufficient to meet the quorum provisions for meetings of the Council or the Executive under these Rules and a majority of the ballot papers returned record a vote in the affirmative.

29. UNION OFFICES

(1) The Union Offices are:-

President
Senior Vice President
Junior Vice President
Secretary
Assistant Secretary
Organiser
Divisional Presidents
Divisional Vice Presidents
Divisional Secretaries
Assistant Divisional Secretary, Locomotive Division
Divisional Delegates to Council
Sub-Divisional Representatives on Divisional Committee

(2) The Offices of President, Vice Presidents, Secretary, Assistant Secretary, Divisional President Locomotive Division, Senior Divisional Vice President Locomotive Division, Junior Divisional Vice President Locomotive Division, Divisional Secretary Locomotive Division, Assistant Divisional Secretary Locomotive Division, Divisional President Tram and Bus Division, Divisional Vice President Tram and Bus Division, Divisional Secretary Tram and Bus Division, Organisers (where such positions are established as an office under the rules) and the Divisional Committee Representatives Bus and Tram Division shall be elected every, four-years in accordance with the provisions of Rule 30 of these Rules and shall be taken to be elected every four years; in accordance with the provisions of Rule 30 of these Rules and shall, subject to Rule 30, hold office until their, successors are declared elected.

(3) Offices, other than those specified in Sub-Rule 29(2) of these Rules, shall be taken to be elected every two years in accordance with the provisions of Rule 30 of these Rules and shall, subject to Rule 30, hold office until their successors are appointed.

30. ELECTIONS IN NSW BRANCH TO BE TREATED AS ELECTIONS IN UNION

(1) Union officers shall be elected in accordance with the provisions of Part 8 of these Rules provided that if the Industrial Registrar consents under section 429 of the *Industrial Relations Act, 1991*, the provisions of Rules 30(2), (3), (4), (5), (6) shall apply.

(2) Subject to (3) below and notwithstanding any of the other provisions of these rules, each of the persons elected from time to time to hold the corresponding office in the NSW Branch set out in Column 1 below shall be taken to have

been validly elected to the corresponding offices in the Union set out opposite in Column 2 below.

<u>Column 1</u> <i>Corresponding Office in NSW Branch</i>	<u>Column 2</u> <i>Corresponding Office in Union</i>
Branch President	President
Senior Branch Vice President	Senior Vice President
Junior Branch Vice President	Junior Vice President
Branch Secretary	Secretary
Assistant Branch Secretary	Assistant Secretary
Branch Organisers (where such positions are established as an office under the rules)	Organisers (where such positions are established as an office under the rules)
Branch Divisional President Locomotive Division	Divisional President Locomotive Division
Branch Senior Divisional Vice President Locomotive Division	Senior Divisional Vice President Locomotive Division
Branch Junior Divisional Vice President Locomotive Division	Junior Divisional Vice President Locomotive Division
Branch Divisional Secretary, Locomotive Division	Divisional Secretary, Locomotive Division
Branch Assistant Divisional Secretary, Locomotive Division	Assistant Divisional Secretary, Locomotive Division
Branch Divisional President Tram and Bus Division	Divisional President Tram and Bus Division
Branch Divisional Vice President Tram and Bus Division	Divisional Vice President Tram and Bus Division
Branch Divisional Secretary Tram and Bus Division	Divisional Secretary Tram and Bus Division
Branch Divisional Committee Representatives Bus and Tram Division	Divisional Committee Representatives Bus and Tram Division

Branch Divisional Presidents	Divisional Presidents
Branch Divisional Vice Presidents	Divisional Vice Presidents
Branch Divisional Secretaries	Divisional Secretaries
Branch Divisional Delegates to Branch Council	Divisional Delegates to Council
Sub Divisional Representatives on Branch Divisional Committee	Sub Divisional Representatives on a Divisional Committee

- (3) The offices of Secretary, Divisional Secretary Locomotive Division, Divisional President Tram and Bus Division, Divisional Secretary Tram and Bus Division and Organisers shall be paid positions.
- (4) Not later than December 1st in each year, or such other date as the Industrial Registrar allows, the Secretary shall, if the circumstances permit him/her to do so, file with the Industrial Registrar a Statutory Declaration certifying that:
- (i) The membership of the NSW Branch and that of the Union is identical within the meaning of that term in section 429 of the Industrial Relations Act, 1991;
 - (ii) The rules of the NSW Branch relating to the election of office holders remain unaltered from the latter of the following two dates:
 - the date of the registration of this rule; or
 - if any changes have been made to the rules of the NSW Branch concerning the election of office holders, the date upon which the Industrial Registrar is satisfied that the said rules entitle the union to the benefit of s.429 of the Industrial Relations Act, 1991; and
 - (iii) On the first occasion that the Secretary files with the Industrial Registrar a Statutory Declaration he/she shall annex to the Statutory Declaration a copy of the Rules of the National Union certified as up-to-date by the Australian Industrial Registrar as at the date of the Statutory Declaration.
- (5) The provisions set out in Rule 30(2)(i), (ii) and (iii) shall constitute full compliance with these rules and the Industrial Relations Act, 1991 (and any relevant regulation made thereunder) relating to the election of office holders.
- (6) A person who for any reason ceases to hold any one of the offices in the NSW Branch referred to in this rule shall forthwith cease to hold the corresponding

office in the Union.

- (7) Within twenty eight days of becoming aware of any amendment of the Rules of the NSW Branch concerning or relating to the eligibility or membership or election to offices referred to in this rule, the Secretary shall provide written notice of any such amendment to the Industrial Registrar.

31. DUTIES OF PRESIDENT

- (1) In addition to any duties specified elsewhere in these Rules, the President shall preside at all meetings of the Council and the Executive. He/she shall preserve order and decorum at such meetings and shall confirm the minutes thereof. He/she shall ensure that these Rules and the policies of the Union are adhered to. He/she may, when called upon to do so, interpret these Rules but such interpretation shall be subject to review by the Council.
- (2) At all meetings of the Union at which he/she presides, the President shall have a deliberative but not a casting vote.

32. DUTIES OF VICE-PRESIDENTS

In addition to any duties specified elsewhere these Rules, the Vice-Presidents shall assist the President in the conduct of his/her formal duties. In the absence of the President, the Senior Vice-President shall deputise for him/her. In the absence of the President and the Senior Vice-President, the Junior Vice-President shall deputise for the President.

33. DUTIES OF SECRETARY

The Secretary shall be the principal officer of the Union. Between meetings of the Council and the Executive, he/she shall, subject to these Rules and the policies and decisions of the Council and the Executive, have primary responsibility for the conduct and management of the affairs of the Union and do all things necessary to be done by or on behalf of the Union. Without limiting the generality of the foregoing he/she shall:

- (1) discharge all duties assigned to him/her by these Rules, the Council or the Executive;
- (2) summon and attend all meetings of the Council and the Executive;
- (3) where the Secretary considers it necessary, consult with the President and the Assistant Secretary on any urgent matters which require a decision between meetings of the Executive;
- (4) attend to all correspondence;

- (5) issue press statements and provide media comment in relation to the Union;
- (6) be responsible for the custody of the Union Seal and documents, books, securities and accumulated funds;
- (7) prepare, keep and/or file or cause to be prepared, kept and/or filed, all documents and records required under the provisions of the *Industrial Relations Act 1996* and the Regulations or any other relevant legislation;
- (8) receive all monies belonging to the Fund and deposit same in a Bank on behalf of the Union as soon as practicable;
- (9) disburse all funds in accordance with these Rules and sign all cheques which shall be countersigned by either the President, Assistant Secretary, Senior Vice-President or Junior Vice-President;
- (10) ensure that financial records are maintained and that annual accounts are prepared and audited;
- (11) monitor the accounts and other affairs of the Divisions and for this purpose to have access, whenever requested, to Divisional documents and financial records;
- (12) prepare or cause to be prepared, all necessary documents for the Council and the Executive including the Minutes of Meetings;
- (13) prepare or cause to be prepared, regular financial statements for the Council and the Executive;
- (14) prepare or cause to be prepared a statement showing membership by category and financial status as at December 31 of each year and a statement of income and expenditure and a balance sheet as at December 31 of each year:
- (15) co-ordinate the activities of Divisions;
- (16) control and supervise the Office and its staff including the hiring and firing of such staff;
- (17) maintain a Register of Members of the Union and Office Bearers within the Union;
- (18) be responsible to the Council and the Executive to the proper performance of his/her duties.

34. DUTIES OF ASSISTANT SECRETARY

In addition to any duties specified elsewhere in these Rules, the Assistant Secretary shall assist the Secretary and act in accordance with his/her directions and instructions. When the Secretary is absent for a period in excess of forty-eight hours, the Assistant Secretary shall be Acting Secretary and, subject to any restrictions that may be imposed by the Executive, may exercise all the powers of that Office.

35. DUTIES OF ORGANISERS

An Organiser shall be under the direction of the Secretary and, in addition to any duties specified elsewhere in these Rules, shall discharge all duties assigned to him/her by the Secretary, the Council and the Executive.

36. DIVISIONAL COMMITTEES

- (1) Each Division shall have a Divisional Committee. Subject to these Rules and the policies and decisions of the Council and the Executive, the Divisional Committee shall have management of those aspects of the Unions operations which affect members of the Division only.
- (2) A Divisional Committee shall comprise the Divisional President, the Divisional Vice-President and the Divisional Secretary, and in the case of the Locomotive Division the Assistant Divisional Secretary, together with representatives of the Sub-Divisions within the Division. The representation to which a Sub-Division is entitled shall be determined by the Council pursuant to Rule 40 of these Rules.
- (3) Subject to any restrictions imposed by the Council or the Executive, a Divisional Committee may meet with such frequency and at such times and places as the Committee or the Divisional President and the Divisional Secretary jointly determine.
- (4) The Divisional Secretary shall provide Notice of Meeting and an Agenda to all members of the divisional Committee entitled to attend not less than seven days prior to the date of the meeting.
- (5) Any member of the Divisional Committee shall be entitled to place a matter on the agenda for a meeting of the Committee.
- (6) A quorum for a meeting of the Divisional Committee shall be a majority of the members of the Committee entitled to attend.
- (7) Each member of the Divisional Committee shall have one vote. A resolution shall be carried if a majority of members present and voting, vote in favour.
- (8) Between meetings of the Divisional Committee, decisions may be made by ballot conducted in accordance with the procedures specified in Rule 28 of

these Rules.

- (9) Notwithstanding anything elsewhere contained in these Rules, a meeting of the Divisional Committee may be held by telephone conference or video conference when a majority of the members of the Committee so agrees.

37. DUTIES OF DIVISIONAL PRESIDENT

- (1) In addition to any duties specified elsewhere in these Rules, the Divisional President shall preside at all meetings of the Divisional Committee and shall preserve order and decorum at such meetings and shall confirm the Minutes thereof. He/she shall ensure that these Rules and the policies of the Union are adhered to.
- (2) At all meetings of the Division at which he/she presides, the Divisional President shall have a deliberative but not a casting vote.

38. DUTIES OF DIVISIONAL VICE-PRESIDENT

In addition to any duties specified elsewhere in these Rules, a Divisional Vice-President shall assist the Divisional President in the conduct of his/her duties and in the absence of the Divisional President, the Divisional Vice-President shall deputise for him/her.

39. DUTIES OF DIVISIONAL SECRETARY

The Divisional Secretary shall be the principal officer of the Division and shall, subject to these Rules and the policies and decisions of the Council, the Executive and the Divisional Committee, oversee the affairs of the Division. In addition to any duties specified elsewhere in these Rules, he/she shall ensure that Minutes of Divisional Committee Meetings are kept, that financial records are maintained, that divisional funds are properly expended and that meetings are duly convened. In addition, the Divisional Secretary shall provide a monthly financial report to the Executive and a periodic financial report to each meeting of the Council and shall promptly inform the Secretary of all decisions made by the Divisional Committee.

40. SUB-DIVISIONS AND SECTIONS

- (1) Subject to Rule 6(7) the Council shall establish Sub-Divisions based on depots, sheds or other workplaces or on geographical location or any other convenient sub-grouping of members within a Division and determine the structure and operation of each Sub-Division including the composition and role of any Sub-Divisional Committee and the number of representatives on the Divisional Committee to which a Sub-Division is entitled.
- (2) Where the Council determines that the number of members within a particular Sub-Division is too small to warrant individual representation on the Divisional Committee, then the Council may combine one or more Sub-Divisions to form a single electorate for the purpose of electing a representative.
- (3) A Divisional Committee may establish a Section or Sections within a Sub-Division comprising a proportion of the membership of that Sub-Division. The Divisional Committee may determine the structure and operation of that Section including the manner by which the Section is represented within the Sub-Division.
- (4) Until otherwise determined by the Council in accordance with Rule 40(1) Sub-Divisional Representatives on Divisional Committees shall be as follows.

(a) **Tram and Bus Division,**

One Sub-Divisional Representative from each of the following depots:

Mona Vale
Brookvale
Willoughby
North Sydney
Kingsgrove
Ryde
Leichhardt
Belmont
Hamilton
Waverley
Randwick
Port Botany
Burwood
Bonnyrigg (Western Sydney Bus)
Pymont (Veolia Sydney Light Rail)

(b) **Locomotive Division'**

The Locomotive Divisional Committee shall comprise of the Locomotive Council delegates as determined by Rule 26(3) of the rules and a Sub-Divisional representative for each five hundred (500) or part thereof members employed by a company and/or geographic/s groups as determined by the Locomotive Divisional Committee and endorsed by Branch Council prior to the bi-annual election. The Locomotive Divisional Committee may establish Sub-Divisions and where formed they shall consist of a Depot Organiser for workplaces of greater than twenty (20) financial members or a Workplace Organiser for workplaces of less than twenty (20) financial members. The Locomotive Divisional Committee may determine the structure required in each Sub-Division.

The Locomotive Sub-Division shall determine the number of committee members to be part of the Sub-Division. Sub-Divisional Committee members will be elected by the financial members of the Sub-Division within two (2) calendar months following the declaration of the ballot for the positions of Depot Organiser for workplaces of greater than twenty (20) financial members. The election for Sub-Divisional Committee members (and a workplace organiser for workplaces of less than twenty (20) financial members) shall be conducted by that Sub-Division.

(c) Rail Operations Division

Each Sub-Division within the Rail Operations Division shall be entitled to a representative on the Divisional Committee as set out in the following Scheduled.

Train Guards Sub-Division	1 Representative
Station Wages Staff Sub-Division (excluding Guards)	2 Representatives
Terminal Operators Sub-Division	1 Representative
Signallers Sub-Division	1 Representative
On-Board Passenger Train Sub-Division	1 Representative
Transit Officers Wages Sub-Division	1 Representative

(d) Infrastructure Division

Each Group within the Infrastructure Division shall be entitled to a Representative or Representatives on the Divisional Committee as set out in the following schedule:

Metropolitan District Group	4 per way Representatives 1 Signal Representative 1 Electrical Representative
Northern District Group	1 representative
North Coast District Group	1 representative
Western District Group	1 representative
Southern District Group	1 representative

(e) Fleet Manufacture, Overhaul, Maintenance and Service Division

Each group within the **Fleet Manufacture, Overhaul, Maintenance and Service** Division shall be entitled to a Representative or Representatives on the Divisional Committee as set out in the following schedule:

Metropolitan District Group (Including One Bus Engineering Representative)	4 representatives
Northern District Group	1 representative
Western District Group	1 representative
Southern District Group	1 representative

(f) Administrative, Supervisory, Technical and Professional Division

Each Group within the Administrative, Supervisory, Technical and Professional Division shall be entitled to a Representative or Representatives on the Divisional Committee as set out in the following schedule:

Metropolitan District Group	7 representatives
Northern District Group	1 representative
Western District Group	1 representative
Southern District Group	1 representative

5. The District referred to in this sub-rule are those geographic locations as are set out in Rule 3 - Definitions.

41. REGIONAL DIVISIONS

Subject to Rule 6(7), a Divisional Committee may establish a Regional Division embracing the members of two or more SubDivisions within a particular geographical region. The Divisional Committee may determine the structure and operation of such Regional Division including the composition and role of any Regional Divisional Committee.

42. REGIONAL SUB-BRANCHES

Subject to Rule 6(7), the Council shall establish Sub-Branches within particular geographical regions with each Sub-Branch comprising all members of the Union within a particular region. The Council shall determine the structure and operation of such Regional Sub-Branches including the composition and role of any Regional Sub-Branch Committee.

43. CONFERENCE

A State Conference may be held at such time and place and for such duration as the Council determines. The Conference shall provide a forum for discussing State issues and the Conference shall comprise members of the Council together with such other representatives of the Divisions, Divisional Districts, Sub-Divisions and Sub-Branches as the Council may determine.

44. EXPENSES OF OFFICE BEARERS AND MEMBERS

- (1) Union Office Bearers shall be entitled to be compensated for any travel, accommodation or other out-of-pocket expenses incurred as a result of attendance at meetings of the Governing Bodies or by engagement on authorised Union business. Union members engaged on authorised Union business shall have a similar entitlement. The amount of such entitlement shall be determined from time to time by the Council.
- (2) Office Bearers shall be entitled to be compensated for loss of pay incurred as a result of attendance at meetings of the Union's Governing Bodies or by engagement on authorised Union business. Union members engaged on authorised Union business shall have a similar entitlement. The amount of such entitlement shall be determined by the Council or the Executive.

45. PROXIES

- (1) Any member of a Governing Body within the Union who is unable to attend at all or part of a meeting of such Governing Body may be represented by another person as a proxy delegate appointed in accordance with and subject to the restrictions imposed by, this Rule.
- (2) A person appointed as a proxy delegate must be a financial member of the Union and except as specifically provided in this Rule, no member of a Governing Body shall be appointed as a proxy delegate for any other member of that same Governing Body at any meeting. Further, where a member of the Governing Body represents a particular Division or Sub-Division then the proxy delegate must come from the same Division or Sub-Division, as the case may be.

- (3) The Senior Vice-President shall be the proxy for the President and the Assistant Secretary shall be the proxy for the Secretary. Where the Senior Vice-President attends a meeting of a Governing Body as a proxy for the President or the Assistant Secretary attends a meeting of a Governing Body as a proxy for the Secretary, he/she shall nonetheless only exercise one vote and the fact that the Senior Vice-President or the Assistant Secretary is in attendance at the meeting of the Governing Body as a proxy delegate shall not be deemed to create an absence warranting the appointment of a proxy for the Senior Vice-President or the Assistant Secretary, as the case may be.
- (4) A proxy for the Senior Vice-President, the Junior Vice-President, the Assistant Secretary or an Organiser shall be appointed by the Executive.
- (5) A proxy for a Divisional Delegate to the Council shall be appointed by the relevant Divisional Committee.
- (6) A proxy for a Sub-Divisional representative on a Divisional Committee shall be appointed by the Sub-Divisional Committee.

46. ELIGIBILITY FOR OFFICE

- (1) Notwithstanding any provisions elsewhere in these Rules, a person is ineligible to be appointed to any Office or to continue to hold any Office within the Union if:-
 - a) he/she is not a member or resigns from membership ;
 - b) he/she is not, or ceases to be entitled to remain a member of the union;
 - c) he/she is or becomes an Honorary Life Member or an Associate Member;
 - d) he/she ceases to be a member of the Union;
 - e) in the case of an Office which represents a Division, he/she is not, or ceases to be, a member of the division;
 - f) in the case of an Office which represents a Sub-Division, he/she is not, or ceases to be, employed in the workplace or location that the Office represents; or
 - (g) subject to Sub-Rule 46(2) of these Rules, he/she is or becomes unfinancial.
- (2) Where an Office Bearer within the Union becomes unfinancial, then he/she shall be deemed to be suspended from his/her Office and from all the rights and privileges attached to that Office on and from the date on which he/she

becomes unfinancial and until he/she becomes financial again. The Secretary shall write to the Office Bearer advising him/her that he/she will be removed from office unless he/she becomes financial within fourteen days of the date of the letter. Where a Office Bearer fails to become financial within the fourteen day period, then the Council shall remove the person from Office with effect from the date of the Council's decision.

47. GENERAL OBLIGATIONS OF OFFICE BEARERS AND ACTION IN RELATION TO MISCONDUCT

- (1) An Office Bearer shall carry out his/her role in an honest, competent and diligent manner. He/she shall abide by these Rules and the policies and decisions of its Governing Bodies. He/she shall not act in a manner contrary to the best interests of the Union or seek to injure the Union in any way.
- (2) An Office Bearer who has been found guilty in accordance with the procedures set out in this Rule of a breach of his/her obligations as an Office Bearer may be reprimanded, warned, temporarily suspended from office, fined an amount not exceeding \$100.00 or, subject to SubRule 47(4) of these Rules, removed from office.
- (3) A Office Bearer may be removed from office, only if he/she has been found guilty in accordance with these Rules, of a misappropriation of the funds of the Union, a substantial breach of these Rules or gross misbehaviour, or gross neglect of duty or has otherwise ceased to be eligible to continue to hold Office under these Rules.
- (4) Any member, including an Office Bearer, wishing to invoke the preceding Sub-Rules against a person holding a Office, shall detail in writing the conduct or circumstances alleged to justify disciplinary action and forward that written charge to the Secretary who shall forward a copy to the person against whom the charge is made. When the Secretary forwards the written charge to the Office Bearer, that Office Bearer shall be requested to advise the Secretary whether he/she admits to or denies the charge and/or whether he/she, wishes to make any comment thereon.
- (5) Where the Secretary is the person against whom the charge is made, then the charge shall be forwarded to the President who shall take the actions that would otherwise be taken by the Secretary under this Rule.
- (6) At the next ordinary or special meeting of the Executive, the charge and any reply made by the person against whom the charge is made, shall be considered and the Executive may resolve:
 - (a) that the person charged shall be called upon to show cause to the Executive why he/she should not be disciplined; or

- (b) that no further action be taken.
- (7) If the charge is to be proceeded with, the person charged shall be called upon to attend before the Executive at a stated time and place to show cause why he/she should not be disciplined. The person charged shall be given at least twenty-one days notice of the time and place of the hearing. At least fourteen days before the hearing, the person laying the charge shall provide the Office Bearer with particulars of the charge reasonably sufficient to enable him/her to know the nature of the allegations made against him/her and the circumstances alleged to justify disciplinary action.
- (8) An Office Bearer who has been charged may, by resolution of the Executive, be directed not to carry out some or all of the duties of his/her Office pending the hearing and determination of the charge.
- (9) At the hearing, the person laying the charge and the person charged:
- (a) shall be heard in person if he/she or they so desire; and/or
 - (b) may submit a written statement; and/or
 - (c) may call witnesses; and/or
 - (d) may examine and cross-examine witnesses; and/or
 - (e) may present evidence relevant to the charge.
- (10) No person shall be present at the hearing of the charge other than the person charged, the person laying the charge, the members of the Executive and any witnesses called, provided that any witnesses called may only be present while such witness's evidence is being taken. No person other than members of the Executive shall be present after the hearing of the charge while the Executive is deliberating upon its decision in relation to that charge.
- (11) Where the member laying the charge or the person charged is a member of the Executive then that person shall take no part in the deliberations of the Executive and shall absent himself/herself during the Executive's deliberations.
- (12) The Executive shall determine whether or not the charge has been proven and subject to Sub-Rule 50(3) of these Rules, determine the appropriate penalty.
- (13) An Office Bearer who is found guilty pursuant to this Rule, shall have a right of appeal to the Council. The appeal may be against the finding of guilt 'and/or the penalty imposed.

- (14) An appeal right shall be exercised within fourteen days of the decision of the Executive by notice in writing to the Secretary or, where the Secretary is the person charged, to the President. In hearing such appeal, the Council shall follow the same proceedings and accord the Office Bearer the same rights as are provided for in this Rule in relation to the hearing of the matter by the Executive. The decision of the Council shall be final subject to the *Industrial Relations Act, 1996*.

PART VI - ELECTIONS – GENERAL

48. RETURNING OFFICERS

- (1) A Returning Officer who shall, subject to any statutory provisions regarding the conduct of elections, conduct the election of Office Bearers and conduct all Union ballots.
- (2) An Assistant Returning Officer or Officers shall assist the Returning Officer.
- (3) The Returning Officer and Assistant Returning Officers shall not be Office Bearers or employees within the Union.
- (4) The Returning Officer and Assistant Returning Officers may be the same persons appointed as Returning Officer or Assistant Returning Officers for the NSW Branch.

49. CASUAL VACANCIES

- (1) A casual vacancy occurs when an Office Bearer dies, resigns or is removed from office or ceases to hold office in accordance with these Rules.
- (2) Where a casual vacancy occurs in relation to any Office and where the unexpired portion of the term of that Office exceeds twelve months or three quarters of the term of the Office whichever is the greater, then a ballot shall be held to fill the Office in accordance with the provisions of Part 8 of these Rules and the person or persons duly elected shall take office on and from the date of the declaration of the ballot.
- (3) Where an election is to be held pursuant to the provisions of Sub-rule 49(2) of these Rules, the Executive may appoint a person to fill the vacant office pending the declaration of the ballot.
- (4) Where the unexpired portion of a term of Office is twelve months or less or three quarters or less of the term of the Office, whichever is the greater, then the Branch Council may appoint a person to fill the casual vacancy.
- (5) Where a person is elected under, Sub-Rule 49(2) of these Rules or appointed under Sub-Rule 49 (4) of these Rules to fill a casual vacancy, then he/she shall hold office for the unexpired portion of the term.
- (6) Notwithstanding Rules 49(2), (3) and (4), if the Industrial Registrar consents under section 429 of the *Industrial Relations Act, 1991*, when a casual vacancy occurs in relation to any Office, the person elected to hold the corresponding Office in the NSW Branch set out in Rule 30(2) shall be taken to have been validly elected to the corresponding Office in the Union. The Secretary shall

take all actions necessary to obtain the consent of the Industrial Registrar including, if the Industrial Registrar so directs, the filing with the Industrial Registrar of a Statutory Declaration in the same terms as provided for in Rule 30(3).

50. TEMPORARY APPOINTMENTS

- (1) Where by reason of illness, absence on leave or any other reason, an Office Bearer, other than the President or the Secretary, is unable to fulfil the duties of his/her Office for a period exceeding six weeks, then and the Council or the Executive may appoint a member of the Council to act in the office for the duration of the absence with such appointee having all the rights and duties of the particular Office.
- (2) In the case the President and the Secretary, the Vice-President and the Assistant Secretary. respectively, shall act in the event of temporary absence pursuant to the provisions of Rules 32 and 34 of these Rules.
- (3) The operation of this Rule shall be subject to Rule 49.

PART VII - GENERAL

51. IRREGULARITIES

- (1) Any Governing Body within the Union may continue to function notwithstanding any vacancy thereon provided that the requisite quorum is present.
- (2) No failure to give notice or other defect in the calling of any meeting of any Governing Body within the Union shall invalidate the proceedings thereof unless such failure or defect results in the non-attendance of some member or members otherwise able and willing to attend. Provided that any such failure or defect may be waived by such member or members.
- (3) All communication sent to members or Office Bearers pursuant to the provisions of any of these Rules, may be sent to such member or office Bearer at the last address notified by him/her to the Union.
- (4) Except where these Rules provide for a specific form of communication, all communications to members or Office Bearers may be sent by post, telegraph, telex, facsimile transmission or other like means and shall be deemed to have been received by such member or Office Bearer in the ordinary course of post, telegraph, telex, facsimile transmission or like means, as the case may be.
- (5) Except in the case of disciplinary proceedings under Rule 47 of these Rules, no decision or proceeding of any Governing Body provided for under these Rules shall be invalidated by the presence at or participation of any person not entitled to be present or to participate therein if, apart from such person, the requisite quorum was present and the vote of such a person did not determine the decision or the result of the proceedings.

52. SEAL AND EXECUTION OF DOCUMENTS

- (1) The Union shall have a common seal and, such seal shall be kept in the custody of the Secretary. The Union seal shall be affixed to any document required to be under seal by the President and the Secretary or by such other member or members of the Council as may be determined by the Council. The officers affixing the seal shall attest to the fact of the affixing of the seal with the attestation by their signature.
- (2) Documents not required to be under seal shall be executed on behalf of the Union by the Secretary or in his/her absence by the President, whose signature shall be attested to by one other member of the Executive.

53. ARBITRATION PROCEEDINGS

The Executive shall have authority to submit an industrial dispute or matter to

conciliation and/or arbitration within the State system. In between meetings of the Executive, the Secretary shall have power to submit disputes or matters to arbitration. The Union may be represented in relation to such disputes or matters by such Office Bearers or employees or agents as the Executive or, in the case of disputes or matters submitted by the Secretary as the Secretary, may determine.

54. GENERAL MEETINGS OF MEMBERS

- (1) The Union and each Union Division may hold an Annual General Meeting in July of each year. The Council or the Divisional Committee, as the case may be, shall present a report on the business of the preceding year at such Annual General Meetings.
- (2) A Special General Meeting of members of the Union may be called by the Council and shall be called by the Council upon receipt of a requisition signed by at least ten per cent of the financial members of the Union.
- (3) A Special General Meeting of members of a Division may be called by a Divisional Committee and shall be called by the Committee upon receipt of a requisition signed by at least ten per cent of the financial members of the Division concerned.
- (4) No business shall be transacted at a Special General Meeting of members other than that stated in the notice convening the meeting.
- (5) The Secretary or Divisional Secretary, as the case may be, shall, at least two weeks before the date of any General Meeting, give notice of the time, date and place of the General Meeting and the business to be transacted at it by publishing a notice in a union journal or by sending circulars addressed to members or by the inserting an advertisement in a newspaper or newspapers circulating throughout New South Wales and the Australian Capital Territory.
- (6) A quorum at an Annual General Meeting or Special General Meeting shall be one hundred (100) members.

55. AMENDMENT TO RULES

- (1) The Council shall have power to rescind, alter or amend these Rules in accordance with the procedure set out in Sub-Rule 55(2).
- (2) Any decision, alteration or amendment to these Rules shall comply with the following provisions:
 - (a) the Secretary shall forward all members of the Council written notice of the proposed decision, alteration or amendment which sets out the proposal in full;

- (b) such notice shall specify the time and place of the Council meeting which is to consider the proposal or the details of the ballot which is to determine the matter, which meeting or ballot shall be not be less than one month after the date of the notice;
 - (c) the Secretary shall, at least two weeks before the date of any Council meeting which is to consider the proposal, give notice of the time, date and place of the Council meeting and the business to be transacted at it by publishing a notice in a union journal or by sending circulars addressed to members or by inserting an advertisement in a newspaper or newspapers circulating throughout New South Wales and the Australian Capital Territory.
 - (d) the voting meets the requirements of these Rules for carriage of a resolution at a meeting or ballot of the Council.
- (3) Any decision, alteration or amendment to any provision of these rules which relates to Divisions, including this sub-rule, shall be of no effect unless, in addition to complying with sub-rule 55(1) and (2), it is ratified by the governing body of the Divisions affected.

56. INTERPRETATION OF RULES,

- (1) The Council shall have power to interpret any of these Rules and to determine any matter relating to the Union on which these Rules are silent
- (2) Any interpretation of these rules by the Council shall, be regarded as definitive and shall bind the Union, the Divisions and the members of the Union.
- (3) Every interpretation of these Rules or declaration on matters on which these Rules are silent shall be recorded in the Minutes of the Council and no such interpretation or declaration shall have any affect unless it is so recorded.

57. DISSOLUTION OF THE UNION

- (1) The Union may only be dissolved or wound up if three quarters of its members vote in favour of such dissolution or winding up a referendum of members called by the Council.
- (2) If the Council determines to have a referendum in accordance with Sub-Rule 57(1) of these Rules then, the Council shall determine the rules for the conduct of the referendum.
- (3) Any referendum called by the Council shall be administered by the Returning Officer.

- (4) On dissolution or winding up of the Union, members shall not be liable to contribute to the payment of the Union's debts or liabilities or to the costs, charges or expenses of the dissolution or winding up.
- (5) If a referendum to dissolve or wind up the Union is carried by the requisite majority the Council shall take all action necessary to dissolve or wind up the Union in accordance with the *Industrial Relations Act, 1996*.

58. STANDING ORDERS AND RULES OF DEBATE

- (1) The following order of procedure shall be adhered to as far as practicable at all meetings within the Union:-
 - (a) The Chairperson shall take the chair for the meeting and upon ascertaining that a quorum is present shall then declare the meeting open for the transaction of business.
 - (b) Attendance and apologies.
 - (c) Receipt of minutes of previous meeting.
 - (d) Adoption of minutes of previous meeting
 - (e) Business arising from the Minutes.
 - (f) Correspondence.
 - (g) Financial statements and accounts.
 - (h) Reports.
 - (i) General business.
- (2) Except as provided in Sub-Rule 58(3) of these Rules, the following Rules of Debate shall be observed at all meetings within the Union:-
 - (a) No motion of amendment shall be entertained or discussed until it has been seconded and one amendment only shall be entertained at the one time but all amendments shall be considered and be put before the original motion.
 - (b) On the adoption of any amendment it shall be held to have quashed the original motion and, for all purposes of subsequent discussion, the amendments so carried shall be acted upon as the original motion.

- (c) No amendment shall be received by the Chairperson which is a direct negative to a motion which has been moved and seconded or does not preserve the substance of such motion.
- d) In the event of the voting of any motion or amendment being equal, it shall be deemed to have been decided in the negative and shall be declared lost.
- (e) At any meeting, five of the members present shall have the power to demand a division on any question.
- (f) Notices of Motion for debate shall be signed and handed to the Chairperson during the meeting. The member making such shall read it aloud and the Chairperson shall consider whether it is in order. A Notice of Motion shall not be proceeded with in the absence of the mover unless some other member present and duly authorised in writing which has been submitted to the Chairperson, takes up the motion in his/her absence.
- (g) To rescind any resolution previously passed and confirmed, a month's notice must be given.
- (h) Any resolution may be recommitted during the period of the meeting at which it was passed on the affirmative votes of two-thirds of those present at such meeting.
- (i) No member shall be allowed to speak more than once on any motion except strictly in explanation of or in contradiction of a mis-statement excepting the mover of the original motion, who shall have the right to reply and be allowed ten (10) minutes to open and five (5) minutes to reply. No other speaker shall occupy a longer period than five (5) minutes. The meeting may however by resolution put by the Chairperson on the proposition of two members and without debate, grant an extension of the time prescribed under this paragraph for a member to speak.
- (j) No further discussion shall take place nor shall questions be allowed after the mover has replied. When a motion is moved, the mover and the seconder shall have the right to speak. If no-one rises to speak in opposition, the motion shall be put but should debate ensue, the order shall thereafter be alternately one for and one against.
- (k) On any member rising to a point of order during a discussion, the speaker shall sit down and a person on rising shall state the point of order upon which the Chairperson shall rule which ruling shall be final provide c-it is not disagreed with by the majority of members present.
- (l) Every member who proposes or seconds any motion or amendment or

takes part in any discussion or puts replies to any question or makes any statement or any address or observation at any meeting shall while doing so, stand up, (unless prevented by bodily infirmity) and shall address himself/herself to the Chairperson of the meeting. Every member attending any such meeting shall conduct himself/herself in an orderly manner.

- (m) Any member acting contrary to any of the rules of debate or using improper language shall be called to order and should he/she persist he/she shall be asked to withdraw from the meeting.
- (n) Voting at all meetings shall be by a show of hands, unless a majority of those present decide that any particular question should be decided by ballot. In the latter event, a ballot amongst those present shall forthwith be taken provided that in order to expedite business the Chairperson may, with the acquiescence of the meeting, decide any question on the voices.
- (o) When a motion of dissent from the Chairperson's ruling is moved and formally seconded, only the mover of such motion shall be heard in support of it after which the Chairperson shall be heard in reply and the motion shall then be put to the vote.
- (p) No subject or matter shall occupy the meeting for a longer period than sixty (60) 'minutes, unless an extension is agreed to by a majority of members present at such meeting.
- (q) The adjournment of the debate upon any matter under discussion may be moved for a given time after the question has been debated for any period up to twenty minutes but upon any motion being so determined, the subsequent time taken in debate shall not exceed the period set down in paragraph (xvi).
- (r) Members in their addresses shall not refer to individual members by name (this is to prevent points of order or personal explanations).
- (s) A motion may be superseded at any time by another motion "that it be discharged from the Agenda paper" or that "the next business be proceeded with" being resolved in the affirmative.
- (t) Any member who has not previously spoken in the debate shall have the right to move "that the question be now put" at any time during the course of debate. Such motion if seconded shall be put to the meeting without discussion and if carried, the motion before the meeting shall be put without further discussion, after the mover of the original motion has been given an opportunity of closing the debate.
- (u) Any member desiring to correct an alleged misstatement during any

debate shall not be permitted to do so until the speaker has resumed his/her seat.

- (v) A motion to suspend standing orders or rules of debate in order to deal with any matter may be moved at any time during the currency of the meeting.
- (3) Where a meeting of a Governing Body is held via telephone conference or video conference in accordance with these Rules, then the provisions of Sub-Rule 66(2) of these Rules shall only apply to the extent practicable.

PART VIII - ELECTION IN UNION WHEN RULE 30 DOES NOT APPLY

59 ELECTION OF OFFICE BEARERS

Subject to Rule 30, the election of all office bearers within the Union shall take place in accordance with the provisions of this Part.

60 PRESIDENT, SECRETARY AND ASSISTANT SECRETARY

- (1) The President, the Secretary and the Assistant Secretary shall be elected by a secret ballot of all financial members of the Union.
- (2) To be eligible to nominate for office, a candidate must have been continuously financial for a period of twelve months immediately preceding the date on which nominations open. To be "continuously financial" a candidate must not at any time within the twelve month period have been an unfinancial member.

61 ORGANISERS

- (1) The Council shall, from time to time, determine the number of Organisers and the region or regions or the division or divisions within the Union which each organiser is to service.
- (2) An organiser shall be elected by secret ballot of all financial members within the region or regions or the division or divisions serviced by the organiser.
- (3) To be eligible to nominate for the Office of Organiser, a person must have been continuously financial for a period of twelve months immediately preceding the date on which nominations opened. To be "continuously financial" a candidate must not at any stage within the twelve month period have been an unfinancial member.

62 OTHER OFFICE BEARERS

- (1) The Senior and Junior Vice-Presidents shall be elected by ballot by and from the members of the Council.
- (2) Delegates to Council representing the members of a Division within the Metropolitan Area shall be elected by a ballot of the financial members within the Division in the Metropolitan Area.
- (3) Delegates to Council representing members of a Division within the Country area shall be elected by a ballot of all the financial members within that Division in the country area.

- (4) Divisional Presidents, Divisional Vice-Presidents and Divisional Secretaries shall be elected by a ballot of all financial members within the relevant Division.
- (5) Sub-Divisional representatives on Divisional Committee shall be elected by a ballot of all financial members within the Sub-Division that the Office is to represent.
- (6) To be eligible to nominate for an office, other than those dealt with in Rules 60 and 61 of these Rules, a person must be a financial member on the date on which nominations open. In addition, a candidate for any Office which represents a particular Division in relation to the Metropolitan or the Country area must be a member of the relevant Division and be based in that area on the date on which nominations open. Further, a candidate for the Office of Sub-Divisional Representative Divisional Committee must be employed in the workplace that the office represents on the date on which nominations open.

63 DUAL OFFICERS ON COUNCIL OR EXECUTIVE

- (1) Except as provided for in Sub-Rule 62(2) of these Rules, no person shall be eligible to simultaneously hold more than one Office on the Council or the Executive. Where a person already holding an office on the Council or the Executive is elected to another Office on the Council or the Executive, then he/she is deemed to have resigned from the Office already held.
- (2) A Divisional Secretary may simultaneously hold another Office on the Council or the Executive as may a person appointed to temporarily fill a casual vacancy under the provisions of Rule 49 of these Rules or a person appointed to an acting position under the provisions of Rule 50 of these Rules. Further, a member of the Council elected to hold the office of Offices of Senior Vice-President or Junior Vice-President may simultaneously hold his/her qualifying office.
- (3) Notwithstanding anything else expressed in these rules, a person may simultaneously hold a position of organiser and another Divisional Office.

64 ELECTION TIMETABLE

- (1) The timetable for elections within the Union, other than elections to fill a casual vacancy or collegiate elections, shall be as follows:
 - (a) Nominations shall open on the first Monday in September in an election year and close on the third Friday of September in that year.
 - (b) Where a ballot is necessary, the ballot shall commence on the first Monday in November of an election year and conclude in the third Friday in November of that year

- (c) The ballot shall be declared as soon as practicable after the counting of the votes
 - (d) Successful candidates shall take office on and from the declaration of the ballot. Provided that the Council may vary this timetable in exceptional circumstances.
- (2) The collegiate election for the Offices of Senior Vice-President and Junior Vice-President shall take place at the first meeting of the Council following the election of Council members.

65 ELECTION PROCEDURES

Except where otherwise provided in these Rules, elections within the Union shall be conducted in accordance with the following procedures:

- (1) The Returning Officer shall call for nominations at least two weeks before the date on which nominations open by a notice published in a Union Journal or by circulars addressed to members or by the insertion of an advertisement in a newspaper or newspapers circulating throughout the electorate. Such notices shall specify the date on which nominations will open and will close, the date upon which the ballot will open and will close, the manner in which nominations can be made and the eligibility requirements for nomination. Where the office or offices for which elections are held are paid positions, the notice shall specify the salary attached to the position or positions.
- (2) Nominations shall be in writing and shall be signed by the nominee.
- (3) If the Returning Officer finds that a nomination is defective, he/she shall, before rejecting the nomination, notify the person concerned of the defect and where it is practicable to do so, give him or her the opportunity of remedying the defect within not less than seven days but not more than ten days after he or she has been notified.
- (4) A member nominating for any Office may withdraw his/her nominations by advising the Returning Officer, in writing, at any time after the opening date for receipt of nominations but not later than ten days after the closing date for the receipt of nominations.
- (5) A candidate in any election shall be entitled to appoint, by notice in writing to the Returning Officer, another person to act at his/her own expense as a scrutineer on his/her behalf. Such scrutineers shall be entitled to be present at all stages of the ballot and may draw the attention of the Returning Officer to any complaint which he/she has regarding the ballot, but he/she shall not interfere in the counting of the ballot or handle any ballot paper or ballot

envelope without the permission of the Returning Officer. The Returning Officer shall, if requested by any scrutineer, inform the scrutineers of the time and place at which the various stages of the ballot will be conducted.

- (6) A candidate in an election shall be entitled to support his/her candidature in Branch journal may submit articles for this purpose.
- (7) If the number of nominations does not exceed the number of vacancies, the Returning Officer shall declare the nominees duly elected.
- (8) If the number of nominations exceeds the number of vacancies, a secret postal ballot of all financial members within the relevant electorate, shall be held.
- (9) Where a ballot is necessary, the Returning Officer shall cause to be printed ballot papers which are oblong in shape and show the name, classification and work location of each candidate. All ballot papers shall be printed bearing the signature of the Returning Officer. No vote shall be valid unless the ballot paper bears the signature of the Returning Officer. The names of candidates shall appear on the ballot paper as decided by lot. One ballot paper may contain provisions for voting in respect of more than one election.
- (10) The Returning Officer shall also cause to be printed envelopes marked "ballot paper" and other envelopes bearing the address of the Returning Officer.
- (11) The Returning Officer shall prepare or cause to be prepared a voters roll and supplementary rolls if necessary, containing the name and last known postal address including post code of each and every member within the electorate, who is a financial member at the end of the quarter period immediately preceding the opening date for the conduct of the ballot. Such roll or rolls are to contain all additions, alterations and deletions of financial members that come to notice up to but not exceeding beyond a date fourteen days prior to the closing date for the conduct of the ballot.
- (12) The Returning Officer shall keep a record of the number of ballot papers printed, the number issued by him/her and the number used and unused and, in his/her written declaration of the poll, shall account for every ballot paper printed.
- (13) The Returning Officer shall issue by pre-paid post to each financial member within the electorate, a ballot paper as specified, together with an envelope marked "ballot paper" suitable for containing the ballot paper and supply therewith to each voter a pre-paid envelope addressed to the Returning Officer and not disclosing any identification other than a number corresponding to a number appearing opposite the financial members name on the list of voters.
- (14) The Returning Officer shall arrange for a post office box to which ballot papers

may be forwarded and shall arrange, so far as it is possible, that such post office box is not able to be accessed by persons other than himself/herself (postal staff excepted).

- (15) The Returning Officer shall instruct each voter in the manner in which a vote is to be recorded on the ballot paper
- (16) The voter shall, on receipt of the ballot paper, record his/her vote, enclose the ballot paper in the envelope marked "ballot paper", seal the envelope and insert it in the envelope bearing the address of the Returning Officer and thereafter forward it by post to the Returning Officer.
- (17) The Returning Officer shall, after the closing date for the ballot, collect the envelopes contained in the ballot papers from the post office box. He/she shall check the number on the outside envelopes with the voters roll to ensure that no votes are cast except by those entitled to do so and that no voter has cast more votes than he/she is entitled to. He/she shall then remove the outside envelopes from the envelope marked "ballot paper".
- (18) The Returning Officer shall remove the ballot papers from the envelope marked "ballot paper". He/she shall admit the ballot papers properly marked and count those ballot papers.
- (19) Where more than one candidate receive the same number of votes, the Returning Officer shall determine the successful candidate by lot provided that the candidates agree. In the event that the candidates do not agree then a further election shall be held in accordance with these Rules.
- (20) When the counting of the ballot is completed, the Returning Officer shall cause all envelopes, ballot papers, lists and other documents relating to the election to be filed and preserved at the registered office of the Union for a period of one year after completion of the election.
- (21) The Returning *Officer* shall declare the result of the ballot as soon as practicable following the completion of the count.
- (22) The Returning Officer shall have the power to call fresh elections in the event of irregularities being discovered in relation to the ballot or for any other reason which affects the legality of the election result.

66 METHOD OF VOTING

- (1) The method of voting for offices other than those which represent members within the Tram and Bus Division only, shall be optional preferential. Accordingly, voters shall express their preference by placing numbers against the names of the candidates on the ballot paper with the number 1 indicating

the highest preference, the number 2 indicating the second highest preference and so on. A voter has the option of whether to place a number against the name of each candidate or whether to place a number against the name or names only of some of them. A mark other than a number shall be regarded as a valid vote provided that the Returning Officer is of the view that the ballot paper clearly indicates the voters preference.

- (2) The method of voting for Offices which represent members within the Tram and Bus Division only shall be by first past the post. Accordingly, voters shall place a cross in each square of the ballot paper opposite the names of the candidates of his/her choice up to but not exceeding the number of candidates required to be elected. A mark other than a cross shall be regarded as a valid vote provided that the Returning Officer is of the view that the ballot paper clearly indicates the voters intention. Where the number of candidates to be elected exceeds one, a vote shall be valid notwithstanding that the voter does not exercise his/her right to cast his/her vote for the total number of candidates to be elected.

67 ELECTION PROCEDURES - TRAM AND BUS DIVISION

- (1) All voting for Offices which represent members within the Tram and Bus Division only shall be by attendance ballot.
- (2) Election for offices which represent members within the Tram and Bus Division only shall be conducted in accordance with the timetable specified in Rule 64 of these Rules and be conducted by the Returning Officer. In addition, the provisions of Rule 65 of these Rules, with the exception of paragraphs 8, 10, 13, 14, 16, 17 and 18, shall apply to such elections.
- (3) If the number of nominations exceeds the number of vacancies the Returning Officer shall arrange for a secret ballot to be held of all financial members within the relevant electorate. Such ballot shall be conducted by the Returning Officer over two days within the ballot period specified in Rule 64 of these Rules and the Returning Officer shall ensure that all members are advised of the time and place at which they may cast their votes.
- (4) Any member who satisfies the Returning Officer that he/she will be unable to vote personally on the day fixed for the ballot, shall be provided with a postal ballot and the provisions and processing of such postal ballot shall be in accordance with paragraph 10, 13, 14, 16, 17 and 18 of Rule 65 of these Rules.
- (5) Except in the case of a secret postal ballot pursuant to the provisions of Sub-Rule 67(4) of these Rules,, ballots covered by this Rule shall be in accordance with the following provisions:
 - (a) ballots shall be conducted in a room or marquee or other suitable space

that will ensure voters privacy;

- (b) an Assistant Returning Officer appointed pursuant to these Rules shall be in attendance at each polling place;
- (c) a voters roll and supplementary rolls shall be provided at each polling place and the Assistant Returning Officer shall ensure that a record of each member voting is duly made on the roll;
- (d) sealed and locked ballot boxes must be used and all boxes must be transported personally by the Assistant Returning Officer in charge of the particular polling booth to the custody of the Returning Officer;
- (e) once a voter has marked his/her ballot paper, he/she shall deposit such ballot paper in the ballot box in the presence of the Assistant Returning Officer;
- (f) upon returning the ballot boxes to the Returning Officer, the Returning Officer shall supervise and monitor the removal of the ballot papers from the ballot box, the admission of those ballot papers which are properly marked and the counting of those ballot papers by the Assistant Returning Officers;
- (g) the Returning Officer shall declare the result of the ballot as soon as practicable following the completion of the count.

68 NOMINATION FOR MORE THAN ONE OFFICE

- (1) Except as provided in Sub-rule 68(2) of these Rules, a person may nominate for more than one office in an election provided that he/she is eligible to so nominate under the provisions of these Rules.
- (2) A person may not nominate for more than one office in an election in the case of offices which represent members of the Tram and Bus Division only.
- (3) Where a person nominates for two or more Offices in any election and those Offices cannot be held simultaneously under these Rules, the Returning Officer shall ask the member to rank those Offices in order of preference. Should such person receive sufficient votes to be elected to more than one office, the person shall be declared elected to the position having the highest preference and the Returning Officer shall recount the votes for the remaining Office or Offices for which the candidate receives sufficient votes to be elected after eliminating the name of such person from the ballot paper. The candidate or candidates receiving sufficient votes in the recount to be elected shall be declared to be elected.

- (4) Where a person declines or otherwise fails to indicate his/her preference then the order of preference shall be as shown in sub-rule 29(1) of these Rules.

