[051V: Incorporates alterations of 23 May 2018 (R2018/48)]
Replaces rulebook dated 2 October 2017

Health Services Union

I CERTIFY under section 161 of the *Fair Work (Registered Organisations) Act 2009* that the pages herein numbered 1 to 101 both inclusive contain a true and correct copy of the registered rules of the Health Services Union.

DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

Rules of the HSU
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PART A - NAME, OBJECTS, MEMBERSHIP

1 - NAME

The name of the organisation shall be "Health Services Union" (hereinafter referred to as "the Union").

2 - INDUSTRY

The industries in connection with which the Union is registered are the industries of -

A. the employment of persons employed or usually employed -

(a) throughout Australia in or about or in connection with the carrying on of all hospitals, benevolent homes, dispensaries, asylums, mental hospitals, sanatoriums, rest homes, convalescent homes, medical schools, laboratories, colleges, industrial and other homes, charitable institutions, ambulance work, all classes of nursing, public or private;

(i) except in the State of Western Australia persons employed by the Crown in Right of the State of Western Australia or any state instrumentality or in private hospitals or undertakings in the said State as (i) dental therapists and (ii) professional, clerical, technical and administrative employees in radiology and pathology clinics;

(ii) provided that in relation to persons employed in or about or in connection with the carrying on of all benevolent homes and convalescent homes the following shall be excluded from membership:-

1. in the State of Queensland, ancillary staff (other than at Eventide Homes), dentists, radiographers and pharmaceutical chemists;

2. in the State of Western Australia all enrolled nurses and all other staff excepting registered nursing staff and professional, administrative, clerical and technical staff;

3. in the State of South Australia, all staff other than non-psychiatric nurses and enrolled nurses;

4. in the Northern Territory, all staff other than registered nurses;

(iii) except in the State of Victoria dentists employed by a public hospital and dental therapists employed by the school dental service.

and/or

(aa) (1) In the State of Victoria in or about or in connection with the carrying on of all community health centres being declared community health centres under Section 45 of the Health Services Act 1988 or in receipt of funds in accordance with Section 20 of the Act but not including a person so employed as a registered medical practitioner unless such a person is eligible for membership of the Union pursuant to other paragraphs of this Rule.

Provided further that any person who is employed under the Victorian Public Service Act 1974 and who is located in a Community Health Centre shall be excluded from membership unless such person is otherwise eligible for membership of the Union pursuant to other paragraphs of this Rule.

Also provided that persons engaged in social and/or welfare work other than social welfare work aides shall not be eligible for membership unless such person is otherwise eligible for membership of the Union pursuant to other paragraphs of this Rule.

Provided that dentists employed by a community health centre, society or association in the State of Victoria shall not be eligible for membership.

(2) In the State of Tasmania in or about or in connection with the carrying on of all community health centres being those conducted by the Tasmanian Department of Health Services but not including a person so employed as a registered medical practitioner unless such person is eligible for membership of the Union pursuant to other paragraphs of this Rule.

(3) In the Australian Capital Territory in or about or in connection with the carrying on of all community health centres being those conducted by the A.C.T. Department of Health and Community Services but not including a person so employed as a registered medical practitioner unless such person is eligible for membership of the Union pursuant to other paragraphs of this Rule. Also provided that persons engaged in professional social work shall not be eligible for membership of the Union unless such person is eligible for membership of the Union pursuant to the other paragraphs of this Rule.

(ab) In the States of Victoria, New South Wales and Queensland in or about or in connection with the following aboriginal health services:-

Victorian Aboriginal Health Service Co-operative Limited
Rumbalara Aboriginal Co-operative Limited
Aboriginal and Islander Community Health Service Incorporated Ipswich
Dandenong and District Aboriginal Co-operative Society Limited
Biripi Aboriginal Co-operative Medical Centre
Darak Aboriginal Community Controlled Medical Services Co-operative Limited
Brewarrina Aboriginal Health Service
Gippsland and East Gippsland Aboriginal Co-operative Limited Bairnsdale
Walgett Aboriginal Medical Service
St. Pius X Aboriginal Corporation
Bourke Aboriginal Health Service Limited
Townsville Aboriginal and Islander Health Services Limited
The Aboriginal and Islander Community Health Service Brisbane
Tharawal Aboriginal Corporation
South Coast Medical Service Aboriginal Corporation
Durri Aboriginal Corporation Medical Service Kempsey
Murray Valley Aboriginal Co-operative Limited
Aboriginal and Islander Health Services Limited Mackay
Cummeragunja Housing and Development Corporation
Ballarat and District Aboriginal Co-operative
Aboriginal Medical Services Co-operative Limited Redfern
Awabakal Newcastle Aboriginal Co-operative Limited

Central Gippsland Aboriginal Health and Housing Co-operative Limited
Illawarra Aboriginal Medical Service Corporation
National Aboriginal and Islander Health Organisation
Wu-Chopperen Medical Service Limited
Echuca Aboriginal Co-operative Society Limited
Swan Hill and District Aboriginal Co-operative Limited

provided that persons engaged in social and/or welfare work shall not be eligible for membership unless such person is otherwise eligible for membership of the Union pursuant to other paragraphs of this rule or is employed as a welfare aide in Victoria, by the Victorian Aboriginal Health Service, or as an employee delivering medical or paramedical care.

Provided further that this paragraph shall not exclude from membership of the Union persons otherwise eligible to be members of the Union pursuant to other paragraphs of this rule.

(b) in the States of Victoria, Queensland, Tasmania and in the Australian Capital Territory, in the provision of care and training to the intellectually disabled and/or physically disabled and/or psychiatrically disabled and/or developmentally disabled and work ancillary thereto in hostels, day care centres, and homes (including dwellings) but excluding trained teachers employed as such and in the States of Victoria and Queensland and the Australian Capital Territory, teacher aides employed as such;

Provided that the following persons shall be excluded from coverage:-

(i) in the State of Victoria -

1. cleaners employed pursuant to the Victorian Government School Cleaners Agreement or any successor thereto;

2. persons employed in the provision of home care services to persons in private homes and dwellings;

3. supervisors, administrators and community service officers as all defined in awards to which the Municipal Officers Association of Australia is respondent, being employees of employer respondents to such awards;

4. persons being otherwise eligible for membership of the Federated Municipal and Shire Council Employees Union of Australia who are employed directly by Local Government Authorities, but excluding any person employed by a committee of management recognised or appointed by such an Authority, including a committee to which an Authority delegates powers under Section 241A of the Local Government Act 1958 (Vic.);

(ii) in the State of Tasmania -

1. cleaners employed in Government educational institutions or educational undertakings;

2. community service officers, supervisors and administrators employed by local governing authorities or statutory authorities;

(iii) in the State of Queensland, community service officers, supervisors and administrators employed by local governing authorities or statutory authorities;

(iv) in the Australian Capital Territory, persons employed in the provision of home care services to persons in private homes or dwellings;

and/or

(c) in the State of Victoria, in the provision of child care services in day care centres and residential centres but excluding -

1. trained teachers and teacher aides employed as such;

2. cleaners employed pursuant to the Victorian Government School Cleaners Agreement or any successor thereto;

3. supervisors, administrators and community service officers as all defined in awards to which The Municipal Officers Association of Australia is respondent, being employees of employer respondents to such awards;

4. persons being otherwise eligible for membership of the Federated Municipal and Shire Council Employees Union of Australia who are employed directly by Local Government Authorities, in any centre which is established after 8th October 1986 but excluding any person employed by a committee of management recognised or appointed by such an Authority, including a committee to which an Authority delegates powers under Section 241A of the Local Government Act 1958 (Vic.);

and/or

(d) (i) in the State of Tasmania, in or in connection with doctors and/or dental surgeries, clinics and practices;

(ii) in the Australian Capital Territory, radiographers and nursing staff in or in connection with doctors and/or dental surgeries, clinics and practices;

and/or

(e) in the States of Victoria, Queensland and Tasmania and in the Australian Capital Territory in or in connection with the provision of medical, paramedical and/or nursing care for aged persons in day care centres and/or homes (including dwellings) and work ancillary thereto;

Provided that the following persons shall be excluded from coverage:

(i) in the State of Victoria -

1. supervisors, administrators and community service officers as all defined in awards to which The Municipal Officers Association of Australia is respondent, being employees of employer respondents to such awards;

2. persons being otherwise eligible for membership of the Federated Municipal and Shire Council Employees Union of Australia who are employed directly by Local Government Authorities, but excluding any person employed by a committee of management recognised or appointed by such an Authority, including a committee to which an Authority delegates powers under Section 241A of the Local Government Act 1958 (Vic.);

(ii) in the State of Queensland -

1. radiographers, dentists, pharmaceutical chemists, ancillary staff (other than at Eventide Homes) and persons employed in the provision of home care services to aged persons in private homes or dwellings;

2. community service officers, supervisors and administrators employed by local governing authorities or statutory authorities;

(iii) in the state of Tasmania, persons employed as community service officers, supervisors and administrators employed by local governing authorities or statutory authorities;

(iv) in the Australian Capital Territory in the provision of home care services to aged persons in private homes and dwellings, and,

(f) Provided that persons who are employed in the Public Service of Victoria in the classifications or grades listed in Schedules 1-4 of the Salary Schedules made by the Public Service Board under the Public Service Act 1974 (Vic) shall be excluded from coverage, other than persons who are employed in the classification or grade of dental nurse in Salary Schedule 2.

(g) without limiting and without being limited by anything in the foregoing provisions of this Rule, in the State of Western Australia, persons engaged in professional, administrative, technical, supervisory or clerical capacities employed in the health industry:

(i) by any public or private hospital other than any hospital or institution established under the Mental Health Act, 1962 except for shift engineers employed at Royal Perth Hospital;

(ii) by the Hospital Laundry and Linen Service, except for persons employed in the callings of foreperson, laundrypersons, general hand, driver, gardener, security person, storeperson, press operator, seamstress, sorter, cook, tradesperson, drycleaner, presser, cutter in the Hospital Laundry and Linen Service or other persons employed as laundry workers;

(iii) by the Western Australian School of Nursing or any service ancillary to the practice of medicine, including institutions or facilities substantially engaged in providing medical laboratory services, radiological services, physiotherapy services, occupational therapy services, speech therapy services, social work services. Provided that any person who is employed as an officer under and within the meaning of the Public Service Act 1978-90 (W.A.), or who is employed in doctors' surgeries or any wholesale or retail distributing or manufacturing organisation, or who is employed by the St. John Ambulance Association for the purpose of operating first aid and/or ambulance services shall not by this paragraph be eligible for membership;

(iv) by the Western Australian Division of the Red Cross Society (except for any person employed as a clerk) in facilities or services other than those specified in (i) and (iii) above;

(v) by the Cerebral Palsy Association of Western Australia (Inc.) (except for tradespersons who perform the usual trades duties) in facilities or services other than those specified in (i) and (iii) above;

(vi) by the Silver Chain Nursing Association (Inc.) in facilities or services other than those specified in (i) and (iii) above;

(vii) by the ACTIV Foundation (Inc.) in facilities or services other than those specified in (i) and (iii) above;

(viii) by dentists as dental therapists;

(ix) by the Paraplegic-Quadriplegic Association of Western Australia (Inc.), Good Samaritan Industries or F.C.B. industries in facilities or services other than those specified in (i) and (iii) above. For the purposes of this paragraph only, the word "supervisory" appearing in the preamble to this sub-Rule (g) shall include categories of work which oversee and/or supervise the execution or performance of tasks by or the actions and activities of persons who are not employees under Western Australian industrial law;

(x) by any non-government employer primarily engaged in health services, as audiologists, chiropodists, clinical psychologists, dietitians, occupational therapists, nucleographers, physiotherapists, psychologists, social workers, speech therapists and welfare workers, howsoever designated. Provided that such an employee who is solely or substantially engaged in providing his or her services to other employees of his or her employer and who is eligible for membership as at 30th April, 1985, of another registered state organisation within the meaning of the Industrial Relations Act 1979 (W.A.) shall not by this paragraph be eligible for membership.

Provided that nothing in this paragraph 2A(g) shall render eligible for membership persons who are not otherwise eligible for membership under this rule and who were eligible for membership of the Australian Nursing Federation as at 23 March 1993.

(h) in the State of Victoria in classes or grades of employment which were within the jurisdiction of the Health and Community Services (Management and Administrative Staff) Conciliation Board established pursuant to the Industrial Relations Act 1979 (Vic) as at 28 February 1993.

(j) in the State of Victoria, in or in connection with private medical centres or surgeries, private medical clinics or practices or by the Royal District Nursing Service excluding registered medical practitioners employed as such and excluding registered nurses eligible for membership of the Australian Nursing Federation.

(k) provided that in the State of Victoria registered nurses eligible for membership of the Australian Nursing Federation employed in, or in connection with, private medical centres or surgeries, private medical clinics or practices or by the Royal District Nursing Service shall not be eligible for membership.

B. the employment of persons employed or usually employed in the State of New South Wales in connection with Hospitals, Mental Hospitals, Hospital Dispensaries, Medical Schools, Laboratories, Colleges, Industrial and other similar Homes, Public Charitable Institutions, Ambulance Work (including First Aid Work), General Nursing, Reception Houses, Sanatoriums, Rest Homes, which are wholly or partly controlled by the Board of Health, Special Schools and of an unlimited number of persons employed or usually employed in or in connection with the Universities in the State of New South Wales and of an unlimited number of persons (other than persons not employed in industry) employed or usually employed in or in connection with Universities and/or colleges of advanced education in the Australian Capital Territory and of an unlimited number of persons employed or usually employed as animal technicians and of an unlimited number of persons (other than persons not employed in industry) employed or usually employed in or in connection with Universities and/or colleges of advanced education in the States of Tasmania, Queensland, Victoria, South Australia, and Western Australia, except -

Persons who are eligible for membership of the Federated Miscellaneous Workers Union of Australia except those persons in New South Wales only, who are employed or usually employed in hospitals, mental hospitals, hospital dispensaries, industrial homes, ambulance work, general nursing, reception houses, sanatoriums, rest homes which are wholly or partly controlled by the Board of Health, where those persons are employed in or usually employed in or in connection with any of the following callings, namely watchmen, caretakers, cleaners, lift attendants, gardeners, photographers, commissionaires, dentists, dental technicians, dental assistants, and attendants or parking attendants or domestic staff, groundsmen and yardmen in denominational or educational schools, laundry workers, messengers, chemical workers and gatekeepers, and except those employed or usually employed by the University of Sydney, the University of New England, University of Tasmania (Hobart campus), University of Canberra, Australian National University, University of New South Wales Medical School, University of Newcastle Medical School, Southern Cross University and the Macquarie University; and

Persons who are employed in the Public Service of Victoria in the classifications or grades listed in Schedules 1-4 of the Salary Schedules made by the Public Service Board under the Public Service Act 1974 (Vic) shall be excluded from coverage, other than persons who are employed in the classification or grade of dental nurse in Salary Schedule 2.

3 - CONDITIONS OF ELIGIBILITY FOR MEMBERSHIP

The Union shall consist of an unlimited number of persons -

A. employed or usually employed -

(a) throughout Australia in or about or in connection with the carrying on of all hospitals, benevolent homes, dispensaries, asylums, mental hospitals, sanatoriums, rest homes, convalescent homes, medical schools, laboratories, colleges, industrial and other homes, charitable institutions, ambulance work, all classes of nursing, public or private;

(i) except in the State of Western Australia persons employed by the Crown in Right of the State of Western Australia or any State instrumentality or in private hospitals or undertakings in the said State as (i) dental therapists and (ii) professional, clerical, technical and administrative employees in radiology and pathology clinics;

(ii) provided that in relation to persons employed in or about or in connection with the carrying on of all benevolent homes and convalescent homes the following shall be excluded from membership:-

1. in the State of Queensland ancillary staff (other than at Eventide Homes), dentists, radiographers and pharmaceutical chemists;

2. in the State of Western Australia all enrolled nurses and all other staff excepting registered nursing staff and professional, administrative, clerical and technical staff;

3. in the State of South Australia, all staff other than non-psychiatric nurses and enrolled nurses;

4. in the Northern Territory, all staff other than registered nurses;

(iii) except in the State of Victoria dentists employed by a public hospital and dental therapists employed by the school dental service.

and/or

(aa) (1) In the State of Victoria in or about or in connection with the carrying on of all community health centres being declared community health centres under Section 45 of the Health Services Act 1988 or in receipt of funds in accordance with Section 20 of the Act but not including a person so employed as a registered medical practitioner unless such a person is eligible for membership of the Union pursuant to other paragraphs of this Rule.

Provided further that any person who is employed under the Victorian Public Service Act 1974 and who is located in a Community Health Centre shall be excluded from membership unless such person is otherwise eligible for membership of the Union pursuant to other paragraphs of this Rule.

Also provided that persons engaged in social and/or welfare work other than social welfare work aides shall not be eligible for membership unless such person is otherwise eligible for membership of the Union pursuant to other paragraphs of this Rule.

Provided that dentists employed by a community health centre, society or association in the State of Victoria shall not be eligible for membership.

(2) In the State of Tasmania in or about or in connection with the carrying on of all community health centres being those conducted by the Tasmanian Department of Health Services but not including a person so employed as a registered medical practitioner unless such person is eligible for membership of the Union pursuant to other paragraphs of this Rule.

(3) In the Australian Capital Territory in or about or in connection with the carrying on of all community health centres being those conducted by the A.C.T. Department of Health and Community Services but not including a person so employed as a registered medical practitioner unless such person is eligible for membership of the Union pursuant to other paragraphs of this Rule. Also provided that persons engaged in professional social work shall not be eligible for membership of the Union unless such person is eligible for membership of the Union pursuant to the other paragraphs of this Rule.

(ab) In the States of Victoria, New South Wales and Queensland in or about or in connection with the following aboriginal health services:-

Victorian Aboriginal Health Service Co-operative Limited
Rumbalara Aboriginal Co-operative Limited
Aboriginal and Islander Community Health Service Incorporated Ipswich
Dandenong and District Aboriginal Co-operative Society Limited
Biripi Aboriginal Co-operative Medical Centre
Darak Aboriginal Community Controlled Medical Services Co-operative Limited
Brewarrina Aboriginal Health Service
Gippsland and East Gippsland Aboriginal Co-operative Limited Bairnsdale
Walgett Aboriginal Medical Service
St. Pius X Aboriginal Corporation
Bourke Aboriginal Health Service Limited
Townsville Aboriginal and Islander Health Services Limited
The Aboriginal and Islander Community Health Service Brisbane
Tharawal Aboriginal Corporation
South Coast Medical Service Aboriginal Corporation
Durri Aboriginal Corporation Medical Service Kempsey
Murray Valley Aboriginal Co-operative Limited
Aboriginal and Islander Health Services Limited Mackay
Cummeragunja Housing and Development Corporation
Ballarat and District Aboriginal Co-operative
Aboriginal Medical Services Co-operative Limited Redfern
Awabakal Newcastle Aboriginal Co-operative Limited
Central Gippsland Aboriginal Health and Housing Co-operative Limited
Illawarra Aboriginal Medical Service Corporation
National Aboriginal and Islander Health Organisation
Wu-Chopperen Medical Service Limited
Echuca Aboriginal Co-operative Society Limited
Swan Hill and District Aboriginal Co-operative Limited

provided that persons engaged in social and/or welfare work shall not be eligible for membership unless such person is otherwise eligible for membership of the Union pursuant to other paragraphs of this rule or is employed as a welfare aide in Victoria, by the Victorian Aboriginal Health Service, or as an employee delivering medical or paramedical care.

Provided further that this paragraph shall not exclude from membership of the Union persons otherwise eligible to be members of the Union pursuant to other paragraphs of this rule.

(b) in the States of Victoria, Queensland, Tasmania and in the Australian Capital Territory, in the provision of care and training to the intellectually disabled and/or physically disabled and/or psychiatrically disabled and/or developmentally disabled and work ancillary thereto in hostels, day care centres, and homes (including dwellings) but excluding trained teachers employed as such and in the States of Victoria and Queensland and the Australian Capital Territory, teacher aides employed as such;

Provided that the following persons shall be excluded from coverage:-

(i) in the State of Victoria -

1. cleaners employed pursuant to the Victorian Government School Cleaners Agreement or any successor thereto;

2. persons employed in the provision of home care services to persons in private homes and dwellings;

3. supervisors, administrators and community service officers as all defined in awards to which the Municipal Officers Association of Australia is respondent, being employees of employer respondents to such awards;

4. persons being otherwise eligible for membership of the Federated Municipal and Shire Council Employees Union of Australia who are employed directly by Local Government Authorities, but excluding any person employed by a committee of management recognised or appointed by such an Authority, including a committee to which an Authority delegates powers under Section 241A of the Local Government Act 1958(Vic.);

(ii) in the State of Tasmania -

1. cleaners employed in Government educational institutions or educational undertakings;

2. community service officers, supervisors and administrators employed by local governing authorities or statutory authorities;

(iii) in the State of Queensland, community service officers, supervisors and administrators employed by local governing authorities or statutory authorities;

(iv) in the Australian Capital Territory, persons employed in the provision of home care services to persons in private homes or dwellings;

and/or

(c) in the State of Victoria, in the provision of child care services in day care centres and residential centres but excluding -

(i) trained teachers and teacher aides employed as such;

(ii) cleaners employed pursuant to the Victorian Government School Cleaners Agreement or any successor thereto;

(iii) supervisors, administrators and community service officers as all defined in awards to which The Municipal Officers Association of Australia is respondent, being employees of employer respondents to such awards;

(iv) persons being otherwise eligible for membership of the Federated Municipal and Shire Council Employees Union of Australia who are employed directly by Local Government Authorities, in any centre which is established after 8th October 1986 but excluding any person employed by a committee of management recognised or appointed by such an Authority, including a committee to which an Authority delegates powers under Section 241A of the Local Government Act 1958(Vic.);

and/or

(d) (i) in the State of Tasmania in or in connection with doctors and/or dental surgeries, clinics and practices;

(ii) in the Australian Capital Territory, radiographers and nursing staff in or in connection with doctors and/or dental surgeries, clinics and practices;

and/or

(e) in the States of Victoria, Queensland and Tasmania and in the Australian Capital Territory in or in connection with the provision of medical, paramedical and/or nursing care for aged persons in day care centres and/or homes (including dwellings) and work ancillary thereto;

Provided that the following persons shall be excluded from coverage:-

(i) in the State of Victoria -

1. supervisors, administrators and community service officers as all defined in awards to which The Municipal Officers Association of Australia is respondent, being employees of employer respondents to such awards;

2. persons being otherwise eligible for membership of the Federated Municipal and Shire Council Employees Union of Australia who are employed directly by Local Government Authorities, but excluding any person employed by a committee of management recognised or appointed by such an Authority, including a committee to which an Authority delegates powers under Section 241A of the Local Government Act 1958 (Vic.);

(ii) in the State of Queensland -

1. radiographers, dentists, pharmaceutical chemists, ancillary staff (other than at Eventide Homes) and persons employed in the provision of home care services to aged persons in private homes or dwellings;

2. community service officers, supervisors and administrators employed by local governing authorities or statutory authorities;

(iii) in the State of Tasmania, persons employed as community service officers, supervisors and administrators employed by local governing authorities or statutory authorities;

(iv) in the Australian Capital Territory, in the provision of home care services to aged persons in private homes and dwellings;

(f) Provided that persons who are employed in the Public Service of Victoria in the classifications or grades listed in Schedules 1-4 of the Salary Schedules made by the Public Service Board under the Public Service Act 1974 (Vic) shall be excluded from coverage, other than persons who are employed in the classification or grade of dental nurse in Salary Schedule 2.

(g) without limiting and without being limited by anything in the foregoing provisions of this Rule, in the State of Western Australia, persons engaged in professional, administrative, technical, supervisory or clerical capacities employed in the health industry:

(i) by any public or private hospital other than any hospital or institution established under the Mental Health Act, 1962 except for shift engineers employed at Royal Perth Hospital;

(ii) by the Hospital Laundry and Linen Service, except for persons employed in the callings of foreperson, laundrypersons, general hand, driver, gardener, security person, storeperson, press operator, seamstress, sorter, cook, tradesperson, drycleaner, presser, cutter in the Hospital Laundry and Linen Service or other persons employed as laundry workers;

(iii) by the Western Australian School of Nursing or any service ancillary to the practice of medicine, including institutions or facilities substantially engaged in providing medical laboratory services, radiological services, physiotherapy services, occupational therapy services, speech therapy services, social work services. Provided that any person who is employed as an officer under and within the meaning of the Public Service Act 1978-90 (W.A.), or who is employed in doctors' surgeries or any wholesale or retail distributing or manufacturing organisation, or who is employed by the St. John Ambulance Association for the purpose of operating first aid and/or ambulance services shall not by this paragraph be eligible for membership;

(iv) by the Western Australian Division of the Red Cross Society (except for any person employed as a clerk) in facilities or services other than those specified in (i) and (iii) above;

(v) by the Cerebral Palsy Association of Western Australia (Inc.) (except for tradespersons who perform the usual trades duties) in facilities or services other than those specified in (i) and (iii) above;

(vi) by the Silver Chain Nursing Association (Inc.) in facilities or services other than those specified in (i) and (iii) above;

(vii) by the ACTIV Foundation (Inc.) in facilities or services other than those specified in (i) and (iii) above;

(viii) by dentists as dental therapists;

(ix) by the Paraplegic-Quadriplegic Association of Western Australia (Inc.), Good Samaritan Industries or F.C.B. industries in facilities or services other than those specified in (i) and (iii) above. For the purposes of this paragraph only, the word "supervisory" appearing in the preamble to this sub-Rule (g) shall include categories of work which oversee and/or supervise the execution or performance of tasks by or the actions and activities of persons who are not employees under Western Australian industrial law;

(x) by any non-government employer primarily engaged in health services, as audiologists, chiropodists, clinical psychologists, dietitians, occupational therapists, nucleographers, physiotherapists, psychologists, social workers, speech therapists and welfare workers, howsoever designated. Provided that such an employee who is solely or substantially engaged in providing his or her services to other employees of his or her employer and who is eligible for membership as at 30th April, 1985, of another registered state organisation within the meaning of the Industrial Relations Act 1979 (W.A.) shall not by this paragraph be eligible for membership.

Provided that nothing in this paragraph 3A(g) shall render eligible for membership persons who are not otherwise eligible for membership under this rule and who were eligible for membership of the Australian Nursing Federation as at 23 March 1993.

(h) in the State of Victoria in classes or grades of employment which were within the jurisdiction of the Health and Community Services (Management and Administrative Staff) Conciliation Board established pursuant to the Industrial Relations Act 1979 (Vic) as at 28 February 1993.

(j) in the State of Victoria, in or in connection with private medical centres or surgeries, private medical clinics or practices or by the Royal District Nursing Service excluding registered medical practitioners employed as such and excluding registered nurses eligible for membership of the Australian Nursing Federation.

(k) provided that in the State of Victoria registered nurses eligible for membership of the Australian Nursing Federation employed in, or in connection with, private medical centres or surgeries, private medical clinics or practices or by the Royal District Nursing Service shall not be eligible for membership.

B. employed or usually employed -

1. in the State of New South Wales in connection with Hospitals, Mental Hospitals, Hospital Dispensaries, Medical Schools, Laboratories, Colleges, Industrial and other similar Homes, Public Charitable Institutions, Ambulance Work (including First Aid Work), General Nursing, Reception Houses, Sanatoriums, Rest Homes which are wholly or partly controlled by the Board of Health, Special Schools;

2. in or in connection with Universities in the State of New South Wales;

3. in or in connection with Universities and/or colleges of advanced education in the Australian Capital Territory;

4. as animal technicians;

5. in or in connection with Universities and/or colleges of advanced education in the State of Tasmania;

6. in or in connection with Universities and/or colleges of advanced education in the State of Queensland.

7. in or in connection with Universities and/or colleges of advanced education in the State of Victoria;

8. in or in connection with Universities and/or colleges of advanced education in the State of South Australia;

9. in or in connection with Universities and/or colleges of advanced education in the State of Western Australia;

(EXCEPT Staff of Universities or Colleges of Advanced Education classified as Chancellors, Vice-Chancellors, Deputy Vice-Chancellors, Pro-Vice-Chancellors, Principal, Deputy Principal, Vice-Principal, Secretary Registrar, Associate Registrar and persons the major and substantial portion of whose employment is demonstrating to and/or instructing students);

Provided that:

(a) Deleted

(b) Deleted

(c) persons employed in a University in the Australian Capital Territory as cooks, kitchen staff, dining room staff, house staff, or in the serving, mixing or dispensing of liquor;

(d) persons employed in the Australian Public Service or in Australian Government Instrumentalities or Commissions but not including persons employed in Universities and/or colleges of advanced education in the Australian Capital Territory;

(e) persons employed by the University of New South Wales or its colleges or any University which may be formed as a result of granting autonomy to such colleges or by the University of Newcastle or by the Australian National University within the scope of the Constitution Rule of the Amalgamated Metal Workers Union, or of the Australasian Society of Engineers;

(f) persons employed as fitters in hospitals;

(g) persons who are eligible for membership of the Transport Workers' Union of Australia, except drivers in the State of New South Wales of ambulances, drivers of motor cars and/or other vehicles with carrying capacity not exceeding 1 ton 5 cwt;

(h) persons who are eligible for membership of The Federated Miscellaneous Workers Union of Australia except those persons in New South Wales only, who are employed or usually employed in hospitals, mental hospitals, hospital dispensaries, industrial homes, ambulance work, general nursing, reception houses, sanitariums, rest homes which are wholly or partly controlled by the Board of Health, where those persons are employed in or usually employed in or in connection with any of the following callings, namely, watchmen, caretakers, cleaners, lift attendants, gardeners, photographers, commissionaires, dentists, dental technicians, dental assistants, and attendants or parking attendants or domestic staff, groundsmen and yardmen in denominational or educational schools, laundry workers, messengers, chemical workers and gatekeepers, and except those employed or usually employed by the University of Sydney, The University of New England, University of Tasmania (Hobart campus), University of Canberra, Australian National University, University of New South Wales Medical School, University of Newcastle Medical School, Southern Cross University and the Macquarie University;

(i) persons employed or usually employed in or in connection with Universities and/or colleges of advanced education in the States of Queensland, Victoria and South Australia, who are eligible for membership in the Federated Clerks Union of Australia as at 1st April 1975;

(j) Deleted

(k) persons who are employed in the Public Service of Victoria in the classifications or grades listed in Schedules 1-4 of the Salary Schedules made by the Public Service Board under the Public Service Act 1974 (Vic), other than persons who are employed in the classification or grade of dental nurse in Salary Schedule 2;

shall not be eligible for membership of the Union pursuant to the foregoing provisions of Clause B of this Rule;

C. such other persons, whether or not employees in the industries of the Union as have been elected or appointed full time National Officers or Branch Officers or organisers of the Union or any Branch thereof and admitted as members of the Union. For the purposes of this Clause C of this Rule, the full-time Officers of the Union and of any Branch thereof shall be the holders of any of the offices of National Officers or Branch Officers where the duties of such office are of a full-time nature; and,

D. such persons, whether or not employees in the industries of the Union, who -

(i) are full time organisers or industrial officers of the Union or a Branch of the Union; and,

(ii) were, on the day immediately preceding the date fixed by the Industrial Registrar and notified by him in the Gazette pursuant to the Conciliation and Arbitration Act 1904 as amended from time to time as the day upon which the amalgamation of The Hospital Employees' Union of Australia and the Health and Research Employees' Association of Australia is to take effect full time organisers or industrial officers of the Health and Research Employees' Association of Australia or a Branch thereof and members of The Health and Research Employees' Association of Australia.

E. such persons, whether or not employees in the industries of the Union who -

(i) were, at a time prior to 30th November, 1992, employees in or in connection with the industries of the Union and members of the Union; and,

(ii) were, on the 30th November, 1992, employees (other than clerical or administrative employees), or full-time elected officers, of the Victoria No. 1 or No. 2 Branches of the Union; and,

(iii) remain employees of the Union.

F. (i) who are independent contractors who, if they were employees performing work of the kind they usually performed as independent contractors, would be employees eligible for membership of the union.

(ii) (other than employees) who:

(a) are, or are able to become, members of an industrial union of employees within the meaning of the Industrial Arbitration Act, 1940 of New South Wales;

(b) are employees for the purposes of the Industrial Relations Act, 1961 of Queensland;

(c) are employees for the purposes of the Industrial Relations Act, 1979 of Western Australia; or

(d) are employees for the purposes of the Industrial Conciliation and Arbitration Act, 1972 of South Australia;

and who, if they were employees performing work of the kind which they usually perform, would be employees eligible for membership of the Union.

4 - OBJECTS

The objects of the Union shall be:

(a) To uphold, foster, protect and improve the rights and interests of members and persons employed in the industries referred to in rule 2, industrially and otherwise, to the best possible conditions and just remuneration and to guard them against any hardship, oppression or injustice in connection with their work;

(b) To uphold, foster, protect and improve the rights of members to freely associate and collectively bargain;

(c) To take all necessary steps for the protection, health and safety of members;

(d) To encourage and foster improvement of the status, training, advancement and qualifications of all members;

(e) To obtain equal remuneration and employment and civil rights for members, regardless of the member's race, colour, sex, sexual preference, age, physical or mental disability, marital status, family or carer's responsibilities, pregnancy, religion, political opinion, national extraction, social origin or any other unlawful basis of discrimination.

(f) To ensure that members enjoy the same civil rights as are enjoyed by other citizens;

(g) To improve the lives, including the working lives, of members and their families;

(h) To promote industrial peace by all amicable means, such as conciliation, arbitration, or the establishment of permanent boards, to assist in their settlement by just and equitable methods;

(i) To represent the Union and members in any court, body or tribunal dealing with matters of interest or concern to members;

(j) To secure the participation of and influence of members in the administration, development and planning of industries referred to in rule 2;

(k) To encourage the democratic involvement of members in the Union;

(l) To establish Branches and sub-Branches throughout Australia, and to encourage the appointment of delegates and other representatives of members;

(m) To act as an agent for and on behalf of members or non-members in a manner consistent with these objects and the rules and consistently with the interest of members;

(n) To provide legal and financial assistance and other representation and support to members and their dependants in the pursuit of these objects;

(o) To co-operate with and assist other organisations, associations, institutions and groups in the pursuit of these and similar objects;

(p) To amalgamate, affiliate or in any manner associate with other organisations, associations, institutions and groups in the pursuit of these objects;

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

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

(t) To borrow or raise money, invest the funds of the Union, acquire or deal with land and other property real or personal, in such a manner as may be determined from time to time by the Union,

(u) To elect, appoint and employ officers and employees for the furtherance of the Union's objects and to remunerate such persons;

(v) To do all such things as the Union may from time to time deem incidental or conducive to the attainment of the above objects or any of them.

5 - DEFINITIONS

In these rules, other than in rules 2 and 3, the following definitions are used:

(a) board means a group of persons who supervise, govern or otherwise have oversight of a corporation, organisation, association or other like body including a Board of Directors.

(b) Branch committee of management means:

(i) in relation to a Branch other than the NSW Branch, the Branch Committee established by rule 41;

(ii) in relation to the NSW Branch, the New South Wales Branch Council established by rule 42;

(c) Branch officer means the officers referred to in rule 40(a).

(d) child has the same meaning as that word in sections 6 and 7 of the Act.

(e) committee of management means:

(iii) in relation to a Branch other than the NSW Branch, the Branch Committee established by rule 41;

(iv) in relation to the NSW Branch, the New South Wales Branch Council established by rule 42;

(v) in relation to the Union, the National Executive established by rule 20.

(f) de facto partner has the same meaning as that phrase in section 6 of the Act.

(g) declared person or body has the same meaning as that phrase in section 148C(5) of the Act.

(h) disclosure period is the financial year ending on 30 June of each year.

(i) funds and property of the Union means the funds and property of the Union that are not, under rule 53, the funds and property of a Branch.

(j) National Officer means an officer referred to in rule 14.

(k) non-cash benefit has the same meaning as that phrase in section 6 of the Act.

(l) NORU means the National Office Reporting Unit, and is that part of the Union that is the subject of a certificate under s 245 of the Act that is not a branch referred to in rule 38(a) (other than the South Australia/Northern Territory Branch).

(m) office has the same meaning as that word in section 9 of the Act.

(n) officer has the same meaning as that word in section 6 of the Act.

(o) parent has the same meaning as that word in section 6 of the Act.

(p) peak council means a National, State, Regional or occupational council or federation that is effectively representative of a significant number of organisations (within the ordinary meaning of the term) representing employers or employees.

(q) related party has the same meaning as that phrase in sections 6 and 9B of the Act.

(r) relative in relation to a person, means:

(i) a parent, step parent, child, stepchild, grandparent, grandchild, brother or sister of the person; or

(ii) the spouse of the first mentioned person.

(s) relevant non-cash benefit has the same meaning as that phrase in section 148A of the Act.

(t) relevant remuneration has the same meaning as that phrase in section 148A of the Act.

(u) remuneration has the same meaning as that word in section 6 of the Act.

(v) spouse has the same meaning as that word in section 6 of the Act.

(w) stepchild has the same meaning as that word in section 6 of the Act.

(x) step-parent has the same meaning as that word in section 6 of the Act

(y) the Act shall mean the Fair Work (Registered Organisations) Act 2009 (Cth) or any statute enacted to replace that Act.

6 - ADMISSION TO MEMBERSHIP

(a) It is the responsibility of each Branch Secretary to encourage persons eligible for membership of the Branch to become members of the Union and to take steps, and direct other employees and officers of the Branch to take steps, necessary to facilitate easy admission to membership.

(b) An applicant for membership of the Union shall direct an application to the Branch to which, pursuant to the provisions of rule 38, he or she would on becoming a member be attached ('the relevant Branch').

(c) The application for membership may be made:

(i) In writing on a form approved by the relevant Branch Committee of Management and published and distributed by that Branch;

(ii) In writing by clearly evidencing an intention to apply for membership, such as by writing a letter seeking to join the Union;

(iii) By making an online application to the relevant Branch; or

(iv) By making a telephone application to the relevant Branch.

(d) An application in writing may be addressed to the Union, National Officer, the relevant Branch, a Branch Officer or an employee of the Union. Each such application shall be forwarded to the Branch Secretary of the relevant Branch.

(e) The relevant Branch Secretary shall provide all applicants for membership with the requisite information in writing. The requisite information consists of:

(i) The financial obligations arising from membership; and

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

(f) The manner in which the Branch Secretary may comply with the requirements of rule 6(e) include:

(i) In the case of an application in writing, by providing the requisite information on an application for membership form;

(ii) In the case of an online application, by causing the requisite information to be contained within the online application form; or

(iii) In relation to a telephone application or an application received in writing other than on an application for membership form, by ensuring that the applicant for membership does not become a member until after he or she has been provided with the requisite information in writing.

(g) On receipt of the application for membership:

(i) the Branch Secretary shall accept the application for membership, unless the Branch Secretary takes one of the steps referred to in this sub-rule within 14 days of receiving the application for membership;

(ii) where the Branch Secretary considers an applicant for membership to be eligible to be a member of the Union but ineligible for membership of the Branch, the Branch Secretary shall refer the application to the Branch where the applicant would, pursuant to the provisions of rule 38, be attached. An application so referred under this rule is treated as if it was an application made under rule 6(c);

(iii) where the Branch Secretary considers an applicant for membership to be ineligible for membership of the Union, and the applicant wishes to pursue the application, the Branch Secretary shall refer the application to the Branch Committee of Management;

(iv) where the applicant has been previously expelled by the Union, the Branch Secretary shall refer the application to the National Executive; or

(v) where the applicant has previously been a member of the Union and owes a debt to the Union, the Branch Secretary shall either accept the application unconditionally, or accept it on the condition that the applicant shall first pay the whole or part of the debt owed, or otherwise refer the matter to the Branch Committee of Management.

(h) Where an application has been referred to the Branch Committee of Management it may accept, reject or defer the application or, in the case of a referral under rule 6(g)(v), it may accept the application subject to the condition that the applicant shall first pay the whole or part of the debt owed. When a person whose name has been purged from the register applies to rejoin, the Branch Committee of Management may accept the application subject to the condition that the applicant shall first pay the whole or part of the dues that would have been payable if they had not been purged from the register.

(i) Where any application referred to the Branch Committee of Management is not accepted unconditionally within three months of its receipt by the Branch Committee of Management, the applicant may appeal to the National Executive whose decision shall be final.

(j) Where the applicant has been previously expelled by the Union, the National Executive shall determine whether the person should be readmitted as a member. The National Executive may make readmission to membership subject to the condition that the applicant repay any debt owed.

(k) Subject to rule 6(l), an applicant for membership becomes a member of the Union as from:

(i) where the application is accepted unconditionally, the date of receipt of the application;

(ii) where the application is accepted subject to the condition that the applicant shall first pay the whole or part of the debt owed, the date of fulfilment of that condition;

(iii) in any other case where the application has not been rejected, the date of receipt of the application.

(l) Notwithstanding anything in this rule, an applicant for membership does not become a member:

(i) if the Branch Committee of Management rejects the application, unless the National Executive overturns that decision;

(ii) if the member owes a debt to the Union and, pursuant to rule 6(g)(v) or 6(h) the Branch Secretary, the Branch Committee of Management or the National Executive has imposed a condition relating to the whole or partial repayment of that debt, and the applicant has not met that condition;

(iii) if the applicant has previously been expelled and National Executive has not passed a resolution accepting the application for readmission for membership.

(m) Notwithstanding anything in this rule, no application for membership shall be void or ineffective only for the reason that the form of application is not fully completed, or that some other form of application is used, or any other procedure under the rules has not been complied with, provided that the applicant for membership intended to, and did in fact, in some way or other, apply for membership and the Union treated the person as a member. The payment of Union dues in whole or in part shall be taken to be, without limiting the generality of the foregoing, a method by which a person intended to, and did in fact, in some way or other, apply for membership and evidences an intention to be or become a member.

7 – CONSEQUENCES OF MEMBERSHIP

(a) By becoming or remaining a member of the Union each member agrees that he or she will be bound by these rules, as varied from time to time.

(b) Not certified (see [2014] FWCD 3522)

8 - LIFE MEMBERS

A. National Life Member

(a) The National Council, by a two thirds majority vote, upon a recommendation of the National Executive, may grant National life membership to a member or former member as a mark of appreciation for services rendered to the Union.

(b) A National life member who is no longer in employment shall not be liable for payment of any Union dues.

(c) Unless he or she continues to pay Union dues as they fall due, a National life member shall not be entitled to vote at any meeting, election or ballot and shall not be entitled to nominate for or hold any office.

(d) A person may be granted National life membership where he or she has been a member for a minimum of fifteen years and has been an active member in the National affairs of the Union for a minimum of eight years. Being an active member for this purpose shall include, but is not limited to, serving as a member of National Council, a member of National Executive, a National Officer or a National Office employee. If special circumstances exist, a person may be granted National life membership notwithstanding the fact that he or she does not meet the criteria specified in this subrule.

(e) A person who was granted life membership of the Union pursuant to the rules in force prior to the certification of this rule shall be deemed to be a National life member.

(f) The National Council may cancel the grant of National life membership for any reason which to it seems proper, and shall forward written notice of such cancellation to the member concerned at his or her last known place of residence.

(g) Nothing in this rule shall prevent a National life member also being bestowed a Branch life membership.

B. Branch Life Member

(a) A Branch Committee of Management, by a two thirds majority vote, may grant Branch life membership to a member or former member as a mark of appreciation for services rendered to the Union.

(b) A Branch life member who is no longer in employment shall not be liable for payment of any Union dues.

(c) A Branch life member:

(i) Shall be entitled to attend and speak at all general meetings of his or her Branch;

(ii) Unless he or she continues to pay Union dues as they fall due, a Branch life member shall not be entitled to vote at any meeting, election or ballot and shall not be entitled to nominate for or hold any office.

(d) A member may be granted Branch life membership where he or she has been a member for a minimum of fifteen years and has been an active member in the affairs of the Branch for a minimum of eight years. Being an active member for this purpose shall include, but is not limited to, serving as a Sub-Branch Committee member, Sub-Branch representative, delegate, Councillor, member of the Branch Committee of Management, an employee or officer of the Branch. If special circumstances exist, a person may be granted Branch life membership notwithstanding the fact that he or she does not meet the criteria specified in this sub-rule.

(e) The Branch Committee of Management may cancel the grant of Branch life membership for any reason which to it seems proper, and shall forward written notice of such cancellation to the member concerned at his or her last known place of residence.

(f) Nothing in this rule shall prevent a Branch life member also being bestowed a National life membership.

9 - REGISTER OF MEMBERS

(a) A register of members shall be kept and maintained by the Union in the form, and containing the information, required by statute.

(b) The register of members must be arranged to record to which Branch each member belongs.

10 - TERMINATION OF MEMBERSHIP

(a) Membership of the Union shall be terminated:

(i) by the death of the member;

(ii) by resignation in accordance with rule 10(b)-(h);

(iii) by the member ceasing to be eligible to become a member of the Union, subject to the conditions mentioned in rule 10(i)-(j);

(iv) by being purged from the register in accordance with rule 10(k)-(o);

(v) by expulsion in accordance with these rules 13 or 28.

Termination by resignation

(b) A member may resign from membership of the Union by notice in writing addressed and delivered to the Secretary of the member's Branch.

(c) Where the member ceases to be eligible to become a member of the Union, the notice of resignation will take effect on the later of the following two dates:

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

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

(d) Where the member has not ceased to be eligible to become a member of the Union, the notice of resignation will take effect on the later of the following two dates:

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

(ii) on the day specified in the notice.

(e) A notice delivered to the Secretary of the member's Branch shall be taken to have been received by the Union when it was delivered.

(f) A notice of resignation that has been received by the Union shall not be invalid because it was not addressed and delivered in accordance with rule 10(b).

(g) A resignation from membership of the Union shall be valid even if it is not effected otherwise in accordance with these rules if the member is informed in writing by or on behalf of the Union that the resignation has been accepted.

(h) Any dues payable but not paid by a former member, in relation to a period before the resignation took effect, shall be the amount owed by the member and may be recovered in accordance with rule 11.

Termination because the member ceases to be eligible

(i) Membership terminates automatically when the member ceases to be eligible to be a member of the Union unless the person is a National or Branch life member, in which case the person shall continue to be a National or Branch life member.

(j) A person who is a member of the Union because the person is eligible for membership by virtue of rule 3C, 3D or 3E shall, unless otherwise eligible to become or remain a member of the Union, automatically cease to be a member of the Union when he or she ceases to hold the office or position referred to in that rule.

Termination as the result of purging the register

(k) Not certified (see [2014] FWCD 3522)

(l) Each Branch Secretary shall, from time to time, review the register of the Branch's members and identify the names of members of the Branch who have been unfinancial for more than three months. The Branch Secretary shall write to each such member to his or her last address shown on the register and give the member one month's written notice of the intention to strike his or her name off the register.

(m) If the member does not become financial within a month of the letter being sent, the member's name shall be purged from the register of members. The member shall cease to be a member when his or her name is purged from the register.

(n) A member who is unfinancial for more than two years automatically ceases to be a member and the name of the member shall be purged from the register. The process described in rule 10(l)-(m) need not be completed for a person has been unfinancial for more than two years.

(o) When a member whose name has been purged from the register applies to join the Union, the process referred to in rule 6(g)(v) shall apply.

11 – UNION DUES

(a) Union dues describes the amounts payable by members to the Union and consist of:

(i) Annual contributions;

(ii) Levies; and

(iii) Fees.

Setting the level of Union dues

(b) The annual contributions payable by members shall be such amounts as may from time to time be determined by the Branch Committee of Management of the member's Branch.

(c) A Branch Committee of Management may impose levies on members of the Branch or on the members of any specific category of the membership of the Branch, provided that such a levy must not be oppressive, unreasonable or unjust.

(d) A Branch Committee of Management, or any officer authorised by the Branch Committee of Management, may, at the member's request, decide to waive a member's annual contribution or any levy imposed by the Committee, in whole or in part, for such time as it decides because of the member's special circumstances.

(e) A Branch Committee of Management may impose a fee on a member in such amount as the Committee determines.

(f) The National Council, by a two thirds majority vote, may impose a levy or levies upon any one or more Branches or on the members of any specific category of the membership of the Union, provided that such a levy must not be oppressive, unreasonable or unjust.

How union dues may be paid

(g) Union dues shall be paid to and collected by the relevant Branch Secretary or a person acting on his or her behalf.

(h) A member may pay Union dues by any one or more of the following methods:

(i) by payroll deductions;

(ii) by direct debit from a bank or financial institution or any other form of electronic funds transfer;

(iii) by a charge or credit card;

(iv) by cheque;

(v) by cash; or

(vi) any other method approved by Branch Committee of Management.

When dues are payable

(i) Annual contributions shall be payable in advance. Annual contributions may be paid in equal instalments either fortnightly, monthly, quarterly (once every three months), or half-yearly (once every six months), or by such other periods as the Branch Committee of Management determines.

(j) The committee of management setting the levy or fee under this rule may determine the time the levy or fee is payable and whether the levy or fee is payable by instalments. If no time is specified, the levy or fee is payable within 3 months of the date the levy or fee was established.

Non-payment of Union dues

(k) Where a member's payment of Union dues has not been received by the Branch within one month of the date on which it is due, the Branch Secretary shall notify the member:

(i) The dues have not been received;

(ii) The amount of the balance of the member's dues owing;

(iii) That if the member does not pay the dues owing within three months of the due date then member shall be unfinancial.

Recovery of Union dues

(l) Each Branch Secretary is authorised to proceed against any member or former member attached to that Branch in the name of the Union for the recovery of any Union dues that are owed and may instruct any other person to take the necessary action for the recovery of such dues. This rule does not limit any other power in these rules to seek recovery of any Union dues that are owed.

12 – FINANCIAL AND UNFINANCIAL MEMBERS

(a) Where a member's payment of Union dues has not been received by the Branch within three months of the date on which it is due, the member shall be unfinancial. A member who is not an unfinancial member shall be a financial member for the purposes of this rule.

(b) An unfinancial member shall not be entitled -

(i) to any of the rights and privileges of membership;

(ii) to nominate for or hold any office in the Union or any Branch;

(iii) to participate in any ballot or election in the Union or any Branch;

(iv) to attend, speak at or vote in any meeting of the Union or Branch.

(c) When the Branch Committee of Management has decided to waive a member's annual contribution or any levy, the member:

(i) shall retain continuity of membership and be deemed financial for the period covered by the waiver;

(ii) Not certified (see [2014] FWCD 3522)

(d) If a member of a Branch pays Union dues to an affiliated state registered organisation in an amount equivalent to or greater than the amount payable by that member as Union dues to the Branch under these rules, then:

(i) He or she shall not be required to pay contributions to the Branch in respect of the periods of time to which such payments to the affiliated state registered organisation are referable; and

(ii) Shall be a financial member of the Union in respect of the periods of time to which such payments to the affiliated state registered organisation are referable.

(e) For the purposes of sub-rule (d), the affiliated state registered organisations are Health Services Union NSW and the Health Services Union of WA (Union of Workers).

13 - MISCONDUCT OF MEMBERS AND UNION OMBUDSMAN

(a) The National Council by at least a two thirds majority shall appoint the Union Ombudsman. A person cannot be appointed to the position of Ombudsman where three or more Branches object to the appointment.

(b) Any financial member of the Union may raise a complaint with the Ombudsman about the conduct of a member (including a Branch Officer). A complaint cannot be raised with the Ombudsman about a National Officer. Any allegations of misconduct about National Officers are dealt with under rule 28.

(c) The Ombudsman shall investigate any complaint raised with him or her and report to the National Executive.

(d) Such complaints alleging impropriety or misdemeanour committed by a member can include the following:

(i) divulging any of its confidential business to anyone not entitled to know the same; or,

(ii) refusing to obey any of the rules of the Union; or

(iii) refusing to abide by a resolution carried at any meeting of the National Council or National Executive, or of his or her Branch or of its Committee; or,

(iv) defrauding or attempting to defraud the funds of the Union or a Branch; or,

(v) making a false charge against a fellow member; or,

(vi) violating or attempting to violate the terms of any industrial award or agreement; or,

(vii) entering or attempting to enter into any agreement with any employer contrary to the provisions of any award or agreement secured by the Union and applicable to him or her; or,

(viii) obstructing the National Council, National Executive or Branch Committee or other lawful committee or body of the Union or Branch in any way in the performance of any of its functions; or,

(ix) obstructing any officer of the Union or a Branch in the course of his or her duties; or,

(x) wrongfully holding himself or herself out as occupying any office or position in the Union or any Branch of the Union or as being entitled to represent the Union or any Branch thereof in any capacity (to which charge it shall be a defence that the member believed bona fide and on reasonable grounds that he/she was entitled to so act); or,

(xi) behaving in a disorderly manner at any meeting held under these rules or in the office of the Union or any Branch thereof; or,

(xii) aiding or encouraging any other member or members in any offence under this rule.

(e) Referral of matters to the Union Ombudsman shall not occur until processes to deal with the matter at a Branch level have been exhausted.

(f) Any report to the National Executive by the Ombudsman shall include his or her conclusions as to the validity of any allegations, as well as recommendations for action to be taken by the National Executive if any action is deemed necessary by the Ombudsman.

(g) Any reports from the Ombudsman will be provided to the party alleging the impropriety and the party under investigation prior to the report being considered by National Executive. Where such a report recommends action be taken against any party, such party shall be afforded the opportunity to respond and put their case to the National Executive before action is considered by National Executive.

(h) Any allegations made against the Union Ombudsman shall be the subject of investigation by not less than three members of the National Executive.

(i) Where a member is unhappy with the decision of the National Executive, the matter can be referred to the National Council for consideration.

PART B - NATIONAL ORGANISATION

14 - NATIONAL OFFICERS

(a) The National Officers of the Union are the National President, the National Senior Vice-President, National Junior Vice-President, the two National Trustees, the National Secretary, and the National Assistant Secretary ("National Officers").

(b) The National Council shall determine from time to time whether any of the offices of the Union shall be paid offices provided that the status of an office as a paid office may not be varied during the term of office of an incumbent holder of that office without the consent in writing of that holder of the office.

15 - NATIONAL COUNCIL

(a) The National Council shall consist of -

(i) the National Officers, and,

(ii) delegates elected by and from each Branch on the basis of one delegate for every 1000 members or part thereof up until 10,000 members, and thereafter one delegate for every 2,000 members or part thereof..

(b) For the purposes of this Rule, the membership of a Branch shall be the financial membership of that Branch certified as such by the Branch Secretary as at 31st December, in the year immediately preceding an ordinary election of delegates to National Council pursuant to subrule 23A of these rules; provided that:-

(i) Not certified (see [2014] FWCD 3522)

(ii) if, as at the 31st December, in any subsequent year prior to the year immediately preceding the next following ordinary election of delegates to National Council pursuant to subrule 23A of these rules, the membership of a Branch certified as such by the Branch Secretary decreases the number of delegates to which that Branch is entitled shall not thereby decrease.

(c) Where a delegate of a Branch becomes a National Officer, he or she shall cease to be and act as a delegate of that Branch and that Branch shall be entitled to elect or appoint a delegate in his or her place in accordance with rule subrule 23A(j)(i).

(d) The National Officers shall be ex-officio members of any committee or sub-committee of the National Council or National Executive.

16 - POWERS AND DUTIES OF NATIONAL COUNCIL.

The National Council shall, subject to these rules and the control by the members, be the supreme governing body of the Union and have the management and control of the affairs of the Union and, without limiting the generality of the foregoing, shall in particular have power:-

(a) to determine and direct the policy of the Union in all matters affecting the National Council or the Union as a whole;

(b) to make, add to, amend, rescind and/or otherwise alter these rules;

(c) to set the wages, conditions of employment and entitlements for any National Officers holding offices determined by the National Council to be paid offices pursuant to rule 14(b) and the entitlements of any other National Officers;

(d) to fix the remuneration to be paid to any National Returning Officer;

(e) to resolve that the Union affiliate with or amalgamate with or absorb any other organisation or body;

(f) to hear and determine appeals from Branches and members;

(g) to appoint any person to represent the Union before any Court, Commission, Board, Tribunal or other authority.

(h) to exercise any other powers and perform any other functions conferred on it by these rules;

(i) to delegate its authority on all routine or other matters to the National Executive;

(j) to establish any committees or sub-committees as it may from time to time determine provided that any such committee or sub-committee, shall not exercise any executive powers but shall have and exercise only advisory powers;

(k) to interpret these rules; and

(l) to direct National Executive in its control of the Union's funds, property and investments and the policies and procedures governing those matters;

All decisions of the National Council shall be final and shall remain in force unless and until varied, amended or rescinded by it or by a plebiscite of members of the Union.

Provided that none of the powers conferred on the National Council by these rules shall enable the National Council to alter an Entrenched rule as defined herein.

17 - MEETINGS OF NATIONAL COUNCIL

(a) The National Council shall meet annually in the month of September, October or November on a date and time as is determined by the National Council or the National Executive or the National Secretary in conjunction with the National President.

(b) Special meetings of the National Council shall be held by resolution of the National Council or National Executive or by decision of the National Secretary in conjunction with the National President.

(c) The National Secretary shall give each Branch Secretary and each member of the National Council at least 21 days clear notice of the annual meeting of National Council and 14 days' clear notice of any special meeting of National Council.

18 - AGENDA FOR NATIONAL COUNCIL

(a) Not less than 60 days prior to an annual meeting of the National Council, the National Secretary shall invite Branches to submit items for the agenda, such items to be forwarded to the National Secretary not less than 28 days prior to the commencement of National Council.

(b) The National Secretary shall, upon receipt of such items, prepare and forward to each Branch Secretary and each member of the National Council a copy of the agenda paper at least 21 days prior to the annual meeting of National Council.

(c) National Executive shall have power to submit items for consideration by National Council and such items shall be included on the agenda paper referred to in sub-rule (b).

(d) The agenda paper for a special meeting of National Council shall be forwarded with the notice of such meeting.

(e) National Council may, at any of its meetings, deal with any matter whether or not that matter has appeared or appears on the agenda paper, provided that a two-thirds majority of the members of National Council present and voting vote in favour of the particular item being considered.

19 - MATTERS REQUIRING DECISION BETWEEN NATIONAL COUNCIL MEETINGS

(a) The National Executive or the National Secretary in conjunction with the National President may determine that any matter requires a decision of the National Council between annual meetings of the National Council and that such matter be submitted to the National Council for decision in accordance with either of the procedures prescribed by clauses (b) and (c).

(b) (i) Where it is determined that the matter be submitted to the National Council for decision by ballot of the members of the National Council, such matter may be forwarded by post, email or such other communication device that provides a copy to each of the members of the National Council in such form as is determined by the National Executive.

(ii) The members of National Council shall record their vote of the matter so submitted by post, email or such other communication device that provides a written copy addressed to the National Secretary and the decision of the majority shall be binding as if such decision were obtained by vote at a regularly constituted meeting of the National Council.

(iii) All votes of their confirmation shall be signed by members of National Council recording the same. If any vote be recorded by means other than letter then such vote shall be confirmed by letter signed by the member of the National Council.

(c) (i) Where it is determined that the matter be submitted to the National Council for decision by a meeting of members of the National Council conducted by such telephonic or electronic means as may from time to time be available, the National Secretary shall as soon as is practicable arrange such a meeting.

(ii) The members of the National Council shall participate in such a meeting and the decision of the majority shall be binding as if such decision were obtained at a regularly constituted meeting of the National Council.

(d) If -

(i) in the course of a ballot conducted pursuant to sub-rule (b), a majority of members of the National Council notify the National Secretary, or,

(ii) in the course of a meeting conducted pursuant to sub-rule (c), a majority of the members of the National Council resolve, that the matter as submitted to them is of such importance as to require a special meeting of the National Council, then such special meeting of the National Council shall be convened forthwith by the National Secretary to meet at such time and place as the National Executive shall determine.

(e) If a special National Council meeting be held pursuant to sub-rule (d) such other matters as the National Executive or National Council shall determine may be submitted to the meeting.

20 - NATIONAL EXECUTIVE

The National Executive shall consist of the National Officers and the Branch Secretary of each Branch.

21 - POWERS OF NATIONAL EXECUTIVE

(a) The National Executive shall have the power to manage, control and conduct the business and affairs of the Union and shall have the power to:

(i) to employ and terminate the employment of any National Office Staff who are not National Officers and to set the wages and conditions of employment of such staff;

(ii) to appoint a National Auditor;

(iii) to dispose of or transfer any of the funds of the Union or any securities in which the funds of the Union have been invested.

(b) The power referred to in sub-rule (a):

(i) Includes each of the powers conferred by these rules on the National Council referred to in rule 16, except the power to change the rules referred to in sub-rule 16(b) and 67, for the avoidance of doubt, does not include a power to alter an Entrenched Rule;

(ii) Is in addition to any other power expressly or impliedly conferred on the National Executive by these rules;

(iii) For the avoidance of doubt, does not include the powers expressly conferred on National Council alone under the rules, such as the power of National Council to grant life membership under rule 8, impose a levy under rule 11, appoint the Union Ombudsman under rule 13, determine the paid offices under rule 14, appoint the National Returning Officer under rule 23, establish and change a Branch under rule 38, adopt Branch rules under rule 39, determine standing orders and rules of debate under rule 71, determine Branch capitation fees under rule 78, determine participation in National Council meetings under rule 80.

(iv) Is subject to any other limitation on National Executive's power in these rules;

(v) Is subject to the limitation that National Executive must comply with any direction given by National Council about any of the matters the subject of National Executive's powers, including how and when those powers are to be exercised.

(vi) Is subject to the limitation that National Executive must comply with any decision made as the result of a National Plebiscite under rule 36.

(c) Where at a meeting of the National Executive, officers representing not fewer than four Branches so request, a decision of that meeting shall be referred to the Branch Committee of Management of each Branch for consideration.

(d) If a decision is referred under sub-rule (c), during the 28 days after the making of the decision:

(i) The decision of the National Executive shall not be implemented;

(ii) Neither the National Secretary, nor any other National Officer, has the power to implement the decision.

(e) If a decision is referred under sub-rule (c) and within 28 days of the decision the Branch Committees of Management of five Branches or more write to the National Secretary objecting to the decision, then:

(i) The decision of the National Executive shall not be implemented until National Council has determined the matter;

(ii) None of the National Officers of the Union have the power to implement the decision until National Council has determined the matter;

(iii) The matter the subject of the decision shall be referred to National Council under rule 19; and

(iv) Any decision of National Council on the matter has effect in the ordinary manner.

(f) For the avoidance of doubt, if within 28 days of the decision the Branch Committees of Management of five Branches or more do not write to the National Secretary objecting to the decision, then the decision of National Executive stands from the date the decision was originally made and may be implemented in the ordinary manner.

(g) The National Secretary, and any other National Officer, shall:

(i) Be subject to the direction and control of the National Executive in the performance of his or her duties and exercise of his or her powers;

(ii) Carry out such other duties, and comply with such directions, as the National Executive may from time to time assign or give to him or her; and

(iii) Provide such reports to National Executive as required by it concerning the performance of his or her duties, exercise of his or her powers or any other matter concerning the business and affairs of the Union.

(h) The National Council may review any act or decision of the National Executive.

22 - MEETINGS OF NATIONAL EXECUTIVE

(a) A meeting of the National Executive shall be held:

(i) when decided by the National Council or National Executive;

(ii) when requested in writing by any four members of the National Executive;

(iii) upon petition from any branch or Branch Committee; or,

(iv) if considered necessary by the National Secretary in conjunction with the National President;

(v) But at least four such meetings shall be held each calendar year.

(b) If considered necessary, the National Secretary and the National President may determine that a meeting of the National Executive may be conducted by such telephonic or electronic means as may from time to time be available. Members of National Executive shall participate in such a meeting and the voting power at such a meeting shall be in accordance with sub-rule (d).

(c) Out of Session Votes

(i) The President may determine that an Out of Session Vote of the National Executive be held on any matter with sufficient importance that it needed to be resolved before the next full meeting of the National Executive.

(ii) An out of session motion may be put to the vote of all members of the National Executive by either postal or electronic means.

(iii) Once the result of an Out of Session Vote is determined, having provided a reasonable period for a vote to be returned, the President must advise the National Executive of the result indicating the number who vote for, against or abstained and the number who did not vote.

(iv) If any five members of the National Executive object to the President to a matter being dealt with by way of an Out of Session Vote, the vote must not be taken and the matter must be referred to a meeting of the National Executive called in accordance with sub-rule (a).

(v) The outcome of an Out of Session Vote must be recorded as such in the minutes of the meeting immediately preceding the Out of Session Vote as if it was a vote of that meeting.

(d) The voting power of the National Officers and other members of the National Executive shall be as follows:

(i) the National Officers - one vote each; and

(ii) Each Branch Secretary - one vote for every 1000 financial members or part thereof of the Branch of that Branch Secretary.

(e) For the purposes of this rule, the financial membership of a Branch shall be the financial membership of that Branch as calculated by reference to its last payment of capitation fees in accordance with rule 78.

(f) Where a Branch has in excess of 5000 financial members, the Committee of Management of that Branch may nominate one member of the Branch for every 5000 financial members or part thereof in excess of the first 5000 members to attend meetings of National Executive as an Executive Advisor. Executive Advisors shall be entitled to attend and observe the proceedings at meetings of National Executive and National Executive may consult with and seek advice from Executive Advisors, and may invite Executive Advisors to speak at any meeting.

(g) National Executive may allow any other person to observe or speak to its meetings.

23 – ELECTIONS

A – Branch Elections

Elections shall take place in 2010 and each four years thereafter for all Branch positions in all Branches.

(a) General

The provisions of this rule shall apply to all elections for the following positions in the Union -

(i) Branch Officers;

(ii) Ordinary members of a Branch Committee;

(iii) Councillors of the New South Wales Branch Council; and

(iv) Branch delegates to the National Council.

This rule does not apply to ballots and elections in Sub-Branches or workplace committees.

(b) Tenure of Office

(i) Elections for the positions set out in A(a) shall be conducted every four years by secret postal ballot of all financial members of their respective Branch. Persons declared elected shall hold office for four years or until such time as their successors have been elected or appointed and taken office.

(ii) In the event that the taking of an office occurs beyond the time at which the term of office would ordinarily expire, for any reason including any caused by any election inquiry conducted by the Federal Court under the Fair Work (Registered Organisations) Act 2009, the person elected shall take office from the time of declaration of the ballot in which he or she is elected, and shall hold office for a period of four years less the period of the time between the time that the term of office would ordinarily expire and the taking of office, or until a successor has been elected and taken office.

(iii) The purpose of sub-rule (ii) is to ensure that so far as possible elections are synchronised, in a four yearly cycle, with persons elected to office taking office from the time of declaration of the ballot in which he or she is elected and holding office for a period of four years, and, if there are any delays in the electoral process, returning elections to that synchronised cycle.

(c) Returning Officer

(i) In accordance with Act, all elections for office must be conducted by a Returning Officer appointed by the Australian Electoral Commission, unless an exemption is in place at the time.

(ii) The Branch Committee may appoint a Returning Officer for the conduct in the Branch of any ballots or plebiscites and, subject to the Act, any elections not conducted by a Returning Officer appointed by the Australian Electoral Commission as may be necessary provided that a duly appointed Returning Officer shall hold office until a successor thereto is duly appointed.

(iii) A Returning Officer –

a. May or may not be a member of the Union;

b. Shall not be the holder of any office in or an employee of the Union or any Branch of the Union. The Union Ombudsman is not eligible to be appointed as the Returning Officer.

c. Shall take such action and give such directions as are reasonably necessary to ensure that no irregularities occur in or in connection with any election, ballot or plebiscite or to remedy any procedural defects; and

d. No person shall refuse or fail to comply with any such direction or obstruct or hinder the Returning Officer in the conduct of the election, ballot or plebiscite or the taking of any such action or compliance with any such direction.

(iv) In the event of a duly appointed Returning Officer being unable or unwilling to act as and when required, whether during the conduct of any election, ballot or plebiscite or not, the Branch Committee or the Australian Electoral Commission as the case may be, shall appoint another person to act as Returning Officer for that election, ballot or plebiscite..

(d) Conduct of Elections

The Returning Officer shall conduct elections and ballots of the Union in the following manner.

(i) Nominations for positions shall be called for in a national daily newspaper. In addition, nominations for positions in each Branch shall be called for on the Union website as well as any other separate website maintained by the relevant Branch.

(ii) The opening date of nominations shall be no earlier than the 1st of June and shall remain open for a period of 14 days. In determining the dates, the Returning Officer should ensure that nominations will close no later than 30th of June.

(iii) Nominations must be in writing signed by the member who is nominated, and endorsed by at least six financial members of the Union. In respect of nominations for positions of Councillors of the New South Wales Branch, the nomination must disclose the nominee's employer, location of employment, sub-branch (if any) and the local health district the nominee is employed in. Local health districts are defined in rule 43(b).

(iv) Nominations must be forwarded to the Returning Officer by hand, by mail or by electronic means.

(v) In respect of nominations for positions of Branch Officers, ordinary members of the Branch Committee and Branch Delegates to National Council, nominees may provide with their nomination a candidate statement in Word format containing a brief statement of experience, suitability for office and the objectives and policies intended to be pursued if elected. The candidate statement may also contain a photo of the nominee and brief information as to any group of candidates the nominee is aligned with. The candidate statement and photo shall be in the format notified in the Returning Officer's notice calling for nominations and shall be limited to a maximum of 300 words. Statements and photos shall be distributed by the Returning Officer with the ballot papers should the nominee's nomination be compliant and a ballot for the position required.

(vi) At the closing hour of the nominations, the Returning Officer, in the presence of the Scrutineers (if present), shall proceed to open all nominations.

(vii) The Returning Officer shall check all nominations received for compliance with the requirements of these rules and shall reject any that do not so comply; provided that in the event that he or she finds a defect in any nomination, the Returning Officer shall before rejecting the nomination notify the person concerned of the defect, and, where it is practicable to do so, give the person the opportunity of remedying the defect where practicable within seven days of being notified.

(vii) If the Returning Officer finds that a candidate statement or photo does not comply with the above requirements for publication, they shall notify the nominee concerned of the non-compliance; and provide the nominee the opportunity to remedy the matter within seven days of being notified, where practicable. If the nominee does not take the necessary steps to fix the non-compliance within the time provided, only the complying component/s will be distributed with the ballot material. Provided that no candidate statement or photo will be distributed if in the opinion of the Returning Officer, it is offensive, defamatory or misleading.

(ix) If there be no more nominations than the number to be elected for any position, the Returning Officer shall declare the nominated person/s to be elected to the position/s. If a ballot is required for any position then the names of the persons so declared elected by the Returning Officer will appear on the ballot paper with the words "declared elected" printed in a box next to his or her name. The person or persons shall take office in accordance with sub-rule 23A(b).

(x) A candidate who has been nominated in an election may, by notice in writing addressed to the Returning Officer, withdraw the nomination at any time before the close of nominations.

(xi) If there are two or more nominations for any position, the Returning Officer shall advise each of the candidates immediately after the close of nominations of the names of the other candidate or candidates.

(xii) The day on which the roll of voters for the ballot is to be closed shall be on the seventh day prior to the opening of nominations.

(xiii) Candidates shall have the right on request, to scrutinise the membership records of the Branch.

(xiv) If more than the required number of nominations are received for any position, the Returning Officer shall have ballot papers printed and delivered to their office containing the name of the candidates for each position in an order chosen in accordance with these rules, indicating the number to be elected to each position, the manner in which votes shall be recorded and the date and the time of closing of the ballot.

(xv) The ballot shall open as soon as practicable after the 1st of July and close no later than a date four weeks from the opening date.

(xvi) The Returning Officer shall, forward by prepaid post to every member entitled to vote a ballot paper which has been initialled by the Returning Officer together with a set of envelopes prescribed by the relevant legislation.

(xvii) Envelopes enclosing ballot papers shall be marked: "if not delivered within seven (7) days please return to P.O. Box No. " (obtained for ballot).

(xviii) The Returning Officer shall secure a postal box and bag, in his or her name, at the mail exchange to which all ballot papers shall be returned.

(ixx) The Returning Officer shall clear the box and bag at the mail exchange on a regular basis and shall sign a receipt for the ballot papers on taking them from the mail exchange. The Returning Officer shall notify all scrutineers of their intention to clear the box and bag and their right to attend when that occurs. The Returing Officer shall provide a progessive total of ballots returned to any candidate on their request.

(xx) Immediately after the closing date of the ballot, the box and bag at the Mail Exchange shall be cleared by the Returning Officer for the last time. The Returning Officer shall then proceed to the place determined by them to begin the count. The Returning Officer shall notify all scrutineers of the time and place of the count and of their right to attend when that occurs.

(xxi) The Returning Officer shall be responsible for the safe custody of the ballot papers.

(xxii) On request of a member prior to the closing date of the ballot, his or her returned, undelivered ballot paper shall be readdressed. At the close of the ballot, the Returning Officer shall separate returned, undelivered ballot papers from returned votes, and the undelivered ballot papers shall be retained.

(xxiii) At the close of the issue of ballot papers, the number issued by the Returning Officer shall be checked with the ballot papers and business reply envelopes obtained from the printers, and the surplus shall be retained.

(xxiv) Upon completion of the count of the ballot, the Returning Officer shall;

a. Declare the election result and issue to the Branch and each candidate written advice of the election result.

b. The candidates declared elected will take office from the close of business on the day of the written declaration and shall hold office in accordance with subrule 23A(b).

(xxv) In the event of a tie occurring in any ballot, the result shall be determined by the Returning Officer drawing lots provided that if one of the tied candidates is a retiring office holder from the position subject of the ballot he or she shall be declared elected.

(xxvi) The Returning Officer will then notify all successful candidates by letter of their election.

(xxvii) This rule does not apply to ballots and elections in Sub-Branches or workplace committees.

(e) Qualification for Office

(i) Nominations for any position of paid Branch Officer shall have been a continuously financial member of the Union for not less than twelve months immediate preceding his or her nomination and shall be a financial member of the Union at the date of his or her nomination.

(ii) Nominations for any position other than that of paid Branch Officer shall have been a continuously financial member of the Union for not less than three months immediately preceding his or her nomination and shall be a financial member of the Union at the date of his or her nomination.

(iii) No member may nominate for more than one position at each election of Branch Officers and ordinary members of the Branch Committee of Management. In addition, in the case of the New South Wales Branch, no member may nominate for the positions of Branch Officer and Councillor of the Branch Council at any election. For the avoidance of doubt, any member of the New South Wales Branch may nominate for the position of Councillor of the Branch Council and ordinary member of the Branch Committee at any election.

(iv) If a member nominates for more than one position which is prohibited under theis rule, such member must, within seven days after the close of nominations, advise the Returning Officer in writing which one of the positions the member wishes to stand for, and withdraw any nomination or nominations for the other positions for which said member was nominated. If the member fails to so notify the Returnuing Officer, the Returning Officer shall reject all the prohibited nominations for that member.

(v) In addition to the foregoing, no member may nominate for any position at any Branch election unless the member is attached to the relevant Branch.

(f) Team Nominations

This subrule is to be construed as overriding any inconsistent provision of subrule 23A(d).

Candidates in an election of:

(i) Officers of a Branch;

(ii) Ordinary members of a Branch Committee;

(iii) In the case of the NSW Branch, Branch Council;

(iv) Branch delegates to the National Council;

may, subject to the following conditions, nominate as members of a "team nomination":-

a. Each candidate being nominated as a member of a team nomination must signify his or her acceptance of such nomination by signing the nomination to the Returning Officer.

b. No member of a team nomination may nominate or be nominated as a member of another "team nomination" or as an individual candidate. The Returning Officer shall reject any subsequent nomination from a member once they have submitted a nomination as part of a Team. Further, if a member of a Team has previously submitted a nomination as an individual nominee, the Returning Officer shall reject the earlier nomination as an individual candidate.

c. A "Team" nomination must be received by the Returning Officer within the nomination period and nominate a candidate (or the required number of candidates) for each position for which nominations have been called whereupon each candidate will be considered to have nominated for each position concerned.

d. Each Team nomination must identify a Team Leader and their contact details. A Team Leader may nominate a substitute or replacement Team Leader. The Returning Officer will liaise with the Team Leader in all matters regarding the nominations contained within the Team.

e. Each Team must identify a Team name which will be used on the ballot paper. The Team Leader may change the Team name up until the time that the Returning Officer conducts the draw for candidate positions on the ballot papers. The Team name shall not be offensive, defamatory or misleading. If the Returning Officer forms the view that a Team name does not comply with these requirements, the Team Leader must be provided an opportunity to submit a revised Team name. If the Team Leader does not provide an acceptable replacement Team name within the required time, the Returning Officer shall use the surname of the Team's candidate for Secretary, or another distinguishing name, as the Team name.

f. Once a candidate has nominated for a team nomination he or she cannot withdraw unless with the consent of all the members of that team. Where there is consent for a candidate to withdraw, the team nomination form may be amended to provide for a replacement nominee.

g. Notwithstanding anything else in these rules, where a member of a Team has withdrawn their nomination or has had their nomination rejected by the Returning Officer, the Returning Officer shall notify the Team Leader and provide the Team Leader with an opportunity to submit a nomination for a replacement nominee within seven days of being notified. A Team Leader may submit a nomination for a replacement nominee after the nomination period has closed.

h. The replacement nominee must satisfy the eligibility requirements for the relevant position. If the Team Leader does not provide eligible replacement nomination/s within the required time, or the Returning Officer finds one or more of the replacement nominees is ineligible for the position; the Team nomination will be rejected.

i. The Returning Officer shall notify the remaining team nominees that they are deemed to be eligible individual nominees despite not having met all the nomination requirements of subrule 23A(d). The nominees may within seven days of notification submit an individual candidate statement pursuant to subrule 23A(d)(v) and (vii) or if they so wish, they may withdraw their individual nomination.

(g) Team Statements

(i) Notwithstanding anything else in these Rules, this sub-rule applies to members of a Team nomination. A Team may submit with the Team nomination, a Team statement and a photo which may contain one or more of the Team members, which shall be distributed with the ballot papers in any ballot.

(ii) The Team statement shall contain a brief statement of experience, suitability for office and the objectives and policies of the Team. The statement and photo shall be in the format notified in the Returning Officer's notice calling for nominations and shall be limited to a maximum of 300 words. In addition, the Team Leader may also submit an individual statement of no more than 100 words and a photo on behalf of one or more of the Team members. Individual statements may contain information about the group or Team the nominee is aligned with. Statements and photos shall be distributed by the Returning Officer with the ballot papers should the nominee's nomination be compliant and a ballot for the position required.

(iii) If one or more Teams submit a Team statement and photo, these will be published by the Returning Officer in the Team order as drawn for Team positions on the ballot paper. Team statements and photos will appear first in any publication. Individual statements and photos on behalf of Team members shall be published in draw order with other individual statements and photos.

(iv) If the Returning Officer finds that a statement or photo does not comply with the above requirements for publication, they shall notify the Team Leader and the nominee concerned of the non-compliance; and provide the Team Leader/nominee the opportunity to remedy the matter within seven days of being notified, where practicable. The changes shall be restricted to the extent necessary to correct non-compliance. If the Team Leader/nominee does not take the necessary steps to fix the non-compliance within the time provided, only the complying component/s will be distributed with the ballot material. Provided that no candidate statement or photo will be distributed if it is in the opinion of the Returning Officer offensive, defamatory or misleading.

(v) Where a member of a Team has withdrawn their nomination, or had the nomination rejected, and the Team Leader submits a replacement nomination; the Team Leader may make the necessary changes to the Team statement and photo. These changes shall be restricted to including the biographical changes of the replacement nominee and a new team photo. An individual statement and photo in accordance with (ii) of this subrule may also be submitted by the Team Leader on behalf of each replacement nominee.

(h) Ballot Papers

(i) Each ballot paper shall bear the initials of the Returning Officer, or a facsimile of those initials, but shall not bear any mark that would disclose the identity of the member voting. The ballot papers must contain the date and time of closing of the ballot, instructions on how to cast a vote and when to return the ballot paper to the Returning Officer.

(ii) If there is at least one Team nomination the ballot paper must have two parts divided by a horizontal line. An above-the-line area for Team boxes and a below-the-line area for individual candidates to be listed.

(iii) The order of candidates' names will be determined by lot, the drawing of which shall be conducted at a time that will be determined by the Returning Officer. The candidates will be notified of such date and time.

(iv) The Returning Officer will ensure that the names of members of a Team nomination are printed on the ballot paper below-the-line in a manner which clearly identifies that the candidate is standing for election in the nominated position as part of a team, by printing the Team name next to, or below, the candidate name.

(v) Where a person who has nominated as part of a Team nomination is declared elected unopposed to a position by the Returning Officer, that person's name and Team name, together with the words "declared elected", shall appear on the ballot paper.

(vi) If there is at least one Team nomination, the Returning Officer shall ensure that the ballot paper makes provision for the recording of a vote for each member of a team nomination by way of marking one box above-the-line (a "team box").

(vii) If there are two or more Team nominations, the order that the team boxes shall appear across the ballot paper above-the-line shall be determined by lot at the same time as the draw for individual candidates below-the-line.

(viii) Where there is above-the-line and below-the-line voting, the Returning Officer shall ensure that the ballot paper contains clear instructions to the effect that a member voting may vote for individual candidates below-the-line, or, alternatively, vote for each member of a team by marking one team box above-the-line.

(ix) If voting below-the-line, voters are required to mark the box next to the name of the candidate/s for whom they wish to vote with a cross ("X") or other mark provided the intention of the voter is clear. In any ballot, voters must not vote for more candidates than there are positions to be filled, but may vote for less candidates than the number of positions to be filled.

(x) If voting above-the-line, voters mark only the one box associated with the Team for whom they wish to vote with a cross ("X") or other mark provided the intention of the voter is clear.

(xi) If there are not two parts to the ballot paper, ie no above-the-line voting, voters are to mark their vote as if they were voting below-the-line.

(xii) A vote in a team box counts as a vote for each member of the Team nomination remaining in the ballot/s.

(xiii) Where a valid above-the-line vote is recorded it is considered a vote for that Team notwithstanding any below-the-line votes indicated on the ballot paper. However, where an above-the-line vote is determined invalid then any below-the-line votes on that ballot paper will be counted.

(i) Scrutineers

(i) Each candidate shall have the right to appoint a Scrutineer, who shall be entitled to be present at all stages of the ballot, without cost to the Union. The candidate appointing the scrutineer shall, before the closing of nominations, notify the Returning Officer in writing of the name of such scrutineer.

(ii) Scrutineers may be present during the whole conduct of the ballot and at every operation from receipt of nominations to final count of the ballot.

(iii) Scrutineers shall be entitled to be present throughout the ballot and may query the inclusion or exclusion of any vote in the count, but the Returning Officer shall have final determination of any vote so queried.

(iv) Scrutineers shall not be entitled to remove, mark, alter or deface any ballot paper or other document used in connection with the election.

(v) Scrutineers shall not interfere with or attempt to influence any member at the time such member is casting his or her vote.

(j) Extraordinary Vacancies of the Branch

(i) Where an extraordinary or casual vacancy (howsoever occurring) in the office of any Officer of a Branch, ordinary member of a Branch Committee of Management, Branch delegate to the National Council or Councillor of the New South Wales Branch Council, the Branch Committee shall take immediate action to have such vacancy filled by an election conducted in accordance with the relevant terms of subrule 23A provided that:

a. where the unexpired portion of the term of office in which the vacancy occurs does not exceed three years, the Branch Committee may fill such vacancy by appointment of an eligible member of the Union and that member shall hold office until the expiration of the term of office of the person he or she replaces; and,

b. where the unexpired portion of the term of office in which the vacancy occurs exceeds three years the Branch Committee of Management may fill such vacancy by appointment of an eligible member of the Union until an election is held, provided that no person so appointed shall hold office for a period exceeding six months.

(ii) The Returning Officer appointed by the Australian Electoral Commission pursuant to subrule 23A(c)(i) shall conduct the election in accordance with the relevant terms of this subrule 23A as necessarily modified and shall determine the dates for the closing of nominations and the closing of the ballot to ensure that the vacancy is filled as soon as is practicable.

(iii) Any person so elected shall take office from the date of the declaration by the Returning Officer of his or her election and shall hold office until the expiration of the term of office of the person he or she replaces.

(k) System of Voting

(i) The system of voting in any election conducted pursuant to this rule shall be the first-past-the-post system.

(ii) A voter shall record his or her vote or votes (as the case may be) by placing a single `X' or other mark provided the intention of the voter is clear opposite the name or names of all candidates for whom he or she desires to record a vote provided that he or she shall not record a vote for more candidates than are required to fill any particular position or office.

(iii) A ballot paper shall be rejected if it is not marked in a manner prescribed or allowed by this rule but in determining validity primacy shall be given to identifying the voter's clear intention.

B – National Officer Elections

(a) Tenure of Office

(i) Subject to sub-rules (ii) and (iii), the National Officers shall be elected at the annual meeting of the National Council (the said meeting) by secret ballot of the members of National Council being the National Officers and the delegates to National Council and shall take office from the completion of the annual meeting of National Council in the year of their election and shall hold office for a period of four years or until successors thereto have been elected and taken office.

(ii) In the event that there is any delay in an election for an office or the taking of office occurs beyond the time of the relevant annual meeting of National Council for any reason including any delay caused by any election inquiry, the person elected shall take office from the time of declaration of the ballot in which he or she is elected, and shall hold office for a period of four years less the period of the time of that delay, or until a successor has been elected and taken office.

(iii) Where the annual meeting of National Council held in accordance with Rule 17(a) occurs prior to the conclusion of all Branch Elections for National Council Delegates in the year of election, the Returning Officer shall conduct the election by post, applying these rules mutatis mutandis.

(b) Qualifications for Office

Any nominee for the position of a National Officer shall:

(i) Be a member of the National Council at the time of his or her nomination;

(ii) Be a financial member of the Union at the time of the nomination;

(iii) Have been a financial member of the Union for the period of 12 months immediately preceding his or her nomination;

(iv) Be nominated by a member of the National Council (who shall be a financial member of the Union); and

(v) Not be nominated for more than one position.

(c) Returning Officer

(i) In accordance with the Act, all elections for office will be conducted by a Returning Officer appointed by the Australian Electoral Commission, unless an exemption is in place at the time.

(ii) The National Council may appoint a Returning Officer for the conduct of any elections, ballots or plebiscites not conducted by a Returning Officer appointed by the Australian Electoral Commission, as may be necessary throughout the ensuing year provided that a duly appointed Returning Officer shall hold office until a successor thereto is duly appointed.

(iii) A Returning Officers –

a. May or may not be a member of the Union;

b. Shall not be the holder of any office in or an employee of the Union or any Branch of the Union;

c. The Union Ombudsman is not eligible to be appointed as the Returning Officer;

d. Shall take such action and give such directions as are reasonably necessary to ensure that no irregularities occur in or in connection with any election, ballot or plebiscite or to remedy any procedural defects; and

e. No person shall refuse or fail to comply with any such direction or obstruct or hinder the Returning Officer in the conduct of the election, ballot or plebiscite or the taking of any such action or compliance with any such direction.

(iv) In the event of a duly appointed Returning Officer being unable or unwilling to act as and when required, whether during the conduct of any election, ballot or plebiscite or not, the National Executive or the Australian Electoral Commission as the case may be, shall appoint another person to act as Returning Officer for that election, ballot or plebiscite.

(d) The Returning Officer shall conduct National Officer elections in the following manner:

(i) The opening date of nominations shall not be any earlier than 14 days after the declaration of all Branch Elections held in accordance with subrule 23A and the closing date of nominations shall be at least 14 days after the opening.

(ii) At the closing hour of the nominations, the Returning Officer, in the presence of the Scrutineers (if present), shall proceed to open all nominations.

(iii) The Returning Officer shall check all nominations received for compliance with the requirements of these rules and shall reject any that do not so comply; provided that in the event that the Returning Officer finds a defect in any nomination, they shall before rejecting the nomination notify the person concerned of the defect, and, where it is practicable to do so, give the nominee the opportunity of remedying the defect where practicable within seven days of being notified.

(iv) A candidate who has been nominated in an election may, by notice in writing addressed to the Returning Officer, withdraw the nomination at any time before the close of nominations.

(v) Prior to the opening date of nominations the Returning Officer shall call for nominations by notice in writing to each member of the National Council delivered by post at the address shown on the Union's membership register and/or by such other means as may be determined by the Returning Officer. The notice shall include advice on the rules relating to nominations and the address of the Returning Officer.

(vi) Nominations shall be in writing and signed by the nominee and nominator and shall be delivered to the Returning Officer prior to the close of nominations.

(vii) If there be no more nominations than there are vacancies for a position, the Returning Officer shall declare the nominated person or persons elected to the position.

(viii) If more nominations are received than there are vacancies for a position the Returning Officer shall:

a. have ballot papers printed and delivered to the Returning Officer containing the names of the candidates for each position in an order chosen by lot indicating the number to be elected to each position, and the manner in which votes shall be recorded;

b. be responsible for the safe custody of the ballot papers;

c. obtain from the printer a certificate of the number of ballot papers printed;

d. initial every ballot paper prior to its distribution;

e. attend the said meeting on the first day of the said meeting to conduct the ballot;

f. distribute a ballot paper to each Officer and delegate to National Council entitled to receive a ballot paper;

g. arrange for the use of a ballot box or other receptacle to which ballot papers may be returned;

h. after the closing of the ballot collect the ballot papers from such box or receptacle, and

i. in the presence of the scrutineers (if so requested), collect all the ballots, count all the votes cast and declare the result of the ballot.

(ix) In the event of a tie occurring the result shall be determined by the Returning Officer drawing lots provided that if one of the tied candidates is a retiring office holder from the position subject of the ballot he or she shall be declared elected.

(x) The Returning Officer shall report the result of the election to the said meeting and shall submit to the said meeting a full report of the ballot indicating the number of ballot papers printed, the number distributed, the number on hand and any other relevant matters.

(e) Absentee Voting

Where a member of the National Council is unable to attend the said meeting or that part of it at which the ballot is conducted that member may so advise the Returning Officer in writing requesting that the member be provided with a ballot paper prior to the ballot at the said meeting. Upon receipt of that request the Returning Officer shall provide the member concerned with a ballot paper and a prepaid envelope or business replied paid envelope addressed to the Returning Officer together with a further blank envelope with instructions to the member that the ballot paper when completed should be inserted in the blank envelope which should then be sealed and further inserted in the prepaid or replied paid envelope and either given to the Returning Officer or posted to the Returning Officer in sufficient time for it to be able to be opened at that part of the said meeting where the ballot is conducted. The Returning Officer upon receiving any such vote is required to ensure its safe custody and that it not be opened before the collection and subsequent counting of votes cast at the said meeting as required by sub-rule (d). The Returning Officer shall be responsible to ensure the secrecy of the vote cast by the absent member and for the purpose of doing so shall open each of the envelopes in the presence of any scrutineers and without examining or revealing the contents of the ballot paper contained in those envelopes, include that ballot paper together with other ballot papers contained in the ballot box referred to in sub-rule (d) in such a way as to prevent anyone being able to identify in which way the absent member has voted.

A member of National Council may not authorise any person to exercise a member's vote at or before such meeting.

(f) Scrutineers

Any candidate may if he or she so desires appoint a scrutineer who is a financial member of the Union to represent him or her at the ballot. The candidate appointing the scrutineer shall, before the closing of nominations, notify the Returning Officer in writing of the name of such scrutineer, who -

(i) Shall be entitled to be present throughout the ballot and may query the inclusion or exclusion of any vote in the count, but the Returning Officer, shall have final determination of any votes so queried.

(ii) Shall not be entitled to remove, mark, alter or deface any ballot paper or other document used in connection with the election.

(iii) Shall not interfere with or attempt to influence any member at the time such member is casting his or her vote.

(g) Extraordinary Vacancies

(i) Where an extraordinary or casual vacancy (howsoever occurring) occurs in the office of any National Officer, the National Executive shall take immediate action to have such vacancy filled by an election conducted in accordance with the relevant terms of subrule 23B provided that -

(a) Where the unexpired portion of the term of office in which the vacancy occurs does not exceed three years, the National Council may fill such vacancy by appointment of a member of the Union who is eligible for that office and that member shall hold office until the expiration of the term of office of the person they are replacing; and,

(b) Where the unexpired portion of the term of office in which the vacancy occurs exceeds three years the National Council may fill such vacancy by appointment of a member of the Union who is eligible for that office until an election is held provided that no persons so appointed shall hold office for a period exceeding six months.

(ii) The Returning Officer appointed by the Australian Electoral Commission pursuant to subrule 23B(c)(i) shall conduct the election in accordance with the relevant terms of this subrule 23B as necessarily modified and shall determine the dates for the closing of nominations and the closing of the ballot to ensure that the vacancy is filled as soon as is practicable. Should a ballot be necessary it will be conducted by postal ballot.

(iii) The Returning Officer shall forward by pre-paid post a ballot paper and a prepaid or business reply paid envelope addressed to the Returning Officer for the return of the ballot paper to each Officer and delegate to National Council entitled to receive a ballot paper.

(iv) The Returning Officer shall arrange for the use of a postal office box or other receptacle to which ballot papers may be returned and after the closing of the ballot collect the ballot papers from such box or receptacle.

(v) The Returning Officer shall notify the National Secretary and each candidate of the election result immediately following the conclusion of the count. As soon as practicable thereafter, the Returning Officer shall provide a written declaration of the election result to the National Secretary and each candidate. Any person so elected shall take office from the date of the declaration of the election and shall hold office until the expiration of the term of the person they are replacing.

(vi) In all other respects the ballot shall be conducted in accordance with the foregoing provisions of this rule.

(h) System of Voting

(i) The system of voting in any election conducted pursuant to this rule shall be the first-past-the-post system.

(ii) A voter shall record his or her vote or votes (as the case may be) by placing a single `X' or other mark provided the intention of the voter is clear opposite the name or names of all candidates for whom he or she desires to record a vote provided that he or she shall not record a vote for more candidates than are required to fill any particular position or office.

(iii) A ballot paper shall be rejected if it is not marked in a manner prescribed or allowed by this rule; but in determining validity primacy shall be given to identifying the voter's clear intention.

24 - NATIONAL PRESIDENT

(a) The National President shall attend all meetings of the National Council and National Executive and any meeting in the Union held by decision of the National Council and National Executive and preside at these meetings, and may, if he or she desires, preside over any other meeting of the Union at which he or she is present. He or she shall preserve order so that the business may be conducted in due form and with propriety.

(b) The National President shall, within 14 days of any minutes being confirmed, sign the minutes and the original will be kept in the minute folder.

(c) He or she shall be impartial in all transactions and shall see that these rules are rigidly adhered to.

25 - NATIONAL VICE-PRESIDENTS

(a) The National Vice-Presidents shall at all times assist the National President in the execution of his or her duties and when requested by the National President shall carry out such functions of the National President in his or her absence as the National President authorises in writing.

(b) In the absence of the National President, the most senior National Vice-President present shall preside over a meeting of the National Council or the National Executive or any meeting held by decision of the National Council or National Executive and when so doing shall exercise all the powers and functions of the National President.

(c) In the event of the National President and both Vice-Presidents being absent from a meeting of the National Council or the National Executive or any meeting held by decision of the National Council or National Executive, the members present shall appoint a Chair to preside over such meeting.

26 - NATIONAL SECRETARY

The National Secretary shall -

(a) Be the registered officer of the Union to sue and be sued on its behalf;

(b) Summon by notice in writing to each member thereof and attend, unless excused, all meetings of the National Council and National Executive and keep or cause to be kept correct minutes of the same;

(c) Blank

(d) Answer and file all correspondence;

(e) Keep and maintain, or cause to be kept and maintained, the records required by any statute to be kept and maintained by the Union in any form stipulated by any statute ;

(f) Lodge, file with and furnish all documents as are required to be lodged, filed or furnished by the Union under any statute at the prescribed times and in the prescribed manner;

(g) Receive all monies on behalf of the Union and pay the same within seven days of receipt into the Union Bank account to the credit of the Union and enter into a book kept for that purpose particulars of all amounts received and paid to such bank;

(h) Draw up a report and balance sheet to be submitted to the National Council at its annual Meeting and forward a copy of the same to each Branch;

(i) Submit his or her books, accounts and receipts annually or as often as may be required by the National Council or National Executive to the auditors and to give them such assistance as they may require in the audit;

(j) Be responsible for the books, records, property and moneys of the Union and, within 48 hours of receiving a request from the National Council to do so, deliver to the National Council such books, records, property and moneys;

(k) Take all reasonable steps to increase the membership of the Union and foster a Branch of the Union in each State or Territory where members are employed;

(l) Supply Branches with information as to the proceedings of the National Council, National Executive and Branches;

(m) Confer with Branch Secretaries as often as is necessary in the interests of the Union and assist as best he or she is able all Branch Secretaries and Committees;

(n) Between meetings of the National Executive, control and conduct the business of the Union, but shall not have the powers specified in rule 16(e);

(o) Between meetings of the National Council and National Executive, have power to call any meeting in the Union which the National Council has power to call;

(p) Be ex-officio a member of all Committees of the National Council;

(q) Be indemnified from the funds of the Union;

(r) Provide the Returning Officer with such assistance as is necessary to enable him or her to conduct any election;

(s) Have the power to submit any industrial dispute in which members of the Union are involved to Conciliation and Arbitration;

(t) Be subject to the direction and control of the National Executive and National Council in the performance of his or her duties and exercise of his or her powers;

(u) Carry out such other duties, and comply with such directions, as the National Executive or National Council may from time to time assign or give to him or her;

(v) Provide such reports to National Executive or National Council as required by those bodies concerning the performance of his or her duties, exercise of his or her powers or any other matter concerning the business and affairs of the Union;

(w) Shall perform such other duties and functions as are conferred by these rules on the National Secretary;

(x) For the avoidance of doubt, where National Executive has adopted a policy or procedure then:

(i) the National Secretary has the obligation to comply with that policy or procedure, notwithstanding the powers conferred, and the duties imposed, by this rule; and

(ii) to the extent of any inconsistency between the terms of this rule and the obligations created by that policy or procedure, the terms of the policy or procedure prevail and are to be treated as a direction of the National Executive.

27 - NATIONAL ASSISTANT SECRETARY

(a) The National Assistant Secretary shall

(i) assist the National Secretary at all times in the execution of his or her duties; and,

(ii) be subject to the direction of the National Secretary and act in his or her stead whenever appointed to do so by the National Executive.

28 - MISCONDUCT OF NATIONAL OFFICERS

(a) A National Officer may be charged by any member with:

(i) misappropriation of the funds of the Union;

(ii) substantial breach of the Union's Rules;

(iii) gross misbehaviour in relation to his or her office; or

(iv) gross neglect of duty in the conduct of his or her office.

(b) A National Officer is charged when he or she is given notice of the charge and a copy of that charge has been given to the National President.

(c) National Executive may, in its discretion, suspend the person charged from office pending determination of the charge by the National Executive.

(d) The National Executive shall meet to hear the charge. The charge will be heard at the National Executive meeting immediately following the date that a copy of the charge has been given to the National President, provided that:

(i) The National Officer charged must be given at least 21 days' notice in writing of the place and date of the National Executive meeting at which the charge is to be heard;

(ii) The National Officer charged must be given particulars in writing of the charge at least 21 days before the date of the National Executive meeting at which the charge is to be heard;

(iii) Where the National Officer has not been given the notice and particulars required by these rules, the National Executive shall determine when the charge will be heard consistent with the obligations to provide those particulars and that 21 days' notice.

(e) At the meeting to hear the charge, the National Executive:

(i) Shall give the member bringing the charge the opportunity to be heard and may, in its discretion, give that member the opportunity to be heard through another person or in writing or both. It need not give the member bringing the charge an opportunity to be heard in person so long as the opportunity to be heard is given by permitting the member bringing the charge the opportunity to provide written submissions;

(ii) Shall give the National Officer charged the opportunity to be heard personally at that meeting, but may determine the charge in the absence of the officer notified of the meeting;

(iii) May, in its discretion, give the National Officer charged the opportunity to be heard through another person or in writing or both. It need not give the National Officer charged an opportunity to be heard in person so long as the opportunity to be heard is given by permitting the National Officer charged the opportunity to provide written submissions;

(iv) Shall, if it is satisfied on the balance of probabilities, that the charge is established, find the National Officer guilty of the charge, but shall otherwise dismiss the charge;

(v) Shall direct the National President to immediately notify the National Officer of the decision of the National Executive in writing giving reasons for the decision.

(f) If the National Executive has found the National Officer guilty of a charge, the National Executive at that meeting (or such other meeting as the National Executive determines):

(i) Shall give the National Officer the opportunity to be heard as to the penalty that shall be imposed on the National Officer, but may determine the charge in the absence of a National Officer notified of the meeting;

(ii) May, in its discretion, give the National Officer the opportunity to be heard through another person or in writing or both. It need not give the National Officer an opportunity to be heard in person so long as the opportunity to be heard is given by permitting the National Officer the opportunity to provide written submissions;

(iii) After giving the National Officer an opportunity to be heard, may, in its discretion, warn, reprimand, remove from office or expel the National Officer from membership, provided that a National Officer cannot be removed from office or expelled from membership, except by a resolution of a majority of two thirds of the votes able to be cast by those present at the meeting.

(iv) May, in its discretion, suspend the National Officer from office (for a period not exceeding 2 months) until the National Executive has heard the National Officer as to the penalty to be imposed, provided that a National Officer cannot be suspended from office except by a resolution of a majority of two thirds of the votes able to be cast by those present at the meeting;

(v) Shall direct the National President to immediately notify the National Officer of the decision of the National Executive in writing giving reasons for the decision.

(g) The person who has made the charge and the National Officer charged shall not be entitled to cast a vote at the National Executive meeting concerning whether the charge is established, the penalty to be imposed or any procedural motions associated with the National Executive dealing with the charge.

(h) The National Executive may make any directions concerning the procedure governing the dealing with the charges that it sees fit.

(i) Where a National Officer is removed from office, or expelled from membership, under this rule then the office is vacant and there is an extraordinary vacancy in that office that may be filled under subrule 23 B.(g).

(j) A National Officer found guilty of a charge may appeal to the National Council concerning that finding of guilt, or the penalty imposed on the National Officer, or both, by giving to the National President notice of his or her intention to appeal within seven days of his or her being notified in writing of the decision of National Executive.

(k) Giving of a notice to appeal shall not operate to stay the decision of the National Executive.

(l) When dealing with any appeal the National Council:

(i) Shall give the National Officer the opportunity to be heard personally at that meeting, but may determine the charge in the absence of a National Officer notified of the meeting;

(ii) May, in its discretion, give the National Officer the opportunity to be heard through another person or in writing or both. It need not give the National Officer charged an opportunity to be heard in person so long as the opportunity to be heard is given by permitting the National Officer charged the opportunity to provide written submissions;

(iii) Shall, if it is satisfied on the balance of probabilities that the charge is established, dismiss the appeal, but shall otherwise dismiss the charge;

(iv) Shall vary the penalty if it is satisfied that the penalty imposed on the National Officer by National Executive was inappropriate, but shall otherwise dismiss any appeal concerning the penalty imposed;

(v) Shall direct the National President to immediately notify the National Officer of the decision of the National Council;

(vi) Shall, if it has determined that the National Officer should not be expelled from membership or removed from office, reinstate the National Officer to the National Officer's former office and thereby remove from office any person appointed or elected to fill the vacancy in that office;

(vii) May, in its discretion, set aside or vary any decision to suspend the National Officer.

(m) The person who has made the charge and the National Officer charged shall not be entitled to cast a vote at the National Council meeting concerning the appeal or any procedural motions associated with the National Council dealing with the appeal.

(n) The National Council may make any directions concerning the procedure governing the dealing with the appeal that it sees fit.

(o) Decisions of the National Executive and National Council made under this rule are final, and are not subject to the review processes stipulated in rules 21 and 36.

(p) Any National Officer expelled from membership by the National Executive pursuant to this rule shall not be re-admitted to membership except by a vote of the National Executive, except where the National Council has varied the penalty imposed by National Executive.

(q) Where the charge is made against the National President, then the functions and powers conferred by this rule on the National President shall be conferred on the National Secretary.

(r) Nothing in this rule concerning the right of a National Officer to be heard limits the ability of National Executive or National Council to conduct meetings electronically or to determine matters by post, email or other electronic means, provided that an opportunity to be heard, orally or in writing, is provided to the National Officer charged.

(s) For the purposes of this rule where a notice is required to be given to a person it shall be delivered personally or posted by registered mail to his or her last known address.

29 - NATIONAL INDUSTRIAL PROCEEDINGS

(a) The National Executive shall have power and authority:

(i) to make any claims or demands upon anybody and to lodge or file any claims, demands, disputes or any other matters including applications, notifications, declaration or returns with such Tribunal, Court or other body as may be necessary or desirable and to file or lodge same for determination, and

(ii) to initiate, participate in and conclude any process related to the terms and conditions of employment of persons who are members of, or eligible for membership of the Union including initiating periods for bargaining with any employer, giving notice of any intention to take industrial action, making agreements with any employers or acting under any statutory provision related to registered organisations. This sub-rule is intended to avoid doubt as to the meaning and application of sub-rule (i) above.

(b) In the event that such matters impact upon a state Branch, the National Executive or its authorised officers shall be authorised to consult with and seek agreement with the affected Branch or Branches before such matters are lodged or filed;

(c) (i) Notwithstanding the foregoing and having regard to sub-rule (b), the National Secretary or in his or her absence, the National Assistant Secretary, shall have a discretionary power to do the things referred to in clause (a) above. The use of this power shall be reported to a meeting of the National Executive.

(ii) The National Secretary, or in his or her absence, the National Assistant Secretary, may in a particular matter delegate his or her power under this clause to a Branch Secretary when the matter concerns only the members of that Branch. The use of this power shall be reported to a meeting of the National Executive.

(d) For the purpose of this rule the National Secretary, or any other officer as the National Executive may decide, shall be the officer(s) authorised to sign any claims, demands, disputes or any other matters and to sign any document or instrument related to any aspect of the matters referred to in clause (a) and/or (c) on behalf of the National Executive.

(e) The Union may be represented at any hearing of any such claim, demand, dispute or any other dealing with any matter referred to in clause (a) by the National Secretary or by such other officers or persons as the National Executive or the National Secretary may decide.

30 - SEAL

(a) The Union shall have a common seal which shall be kept in the exclusive custody of the National Secretary.

(b) Any document not required by law to be under seal may be executed by the National Secretary.

(c) Any document required by law to be under seal shall be executed on behalf of the Union by affixing the seal of the Union thereto and by being signed by the National Secretary and the National President, or in the absence of the National Secretary or National President, the National Assistant Secretary and/or a National Vice-President.

(d) Where a document has been executed under the seal of the Union, this shall be reported at the next National Executive meeting.

(e) This rule does not confer authority on the National Officers named is sub-rule (c), but only regulates the means by which authority conferred by other rules on those officers may be exercised.

31 - INDUSTRIAL AGREEMENTS

(a) The National Executive shall have full power and authority to negotiate and enter into industrial agreements. Such agreements may be signed for or on behalf of the Union by the National Secretary.

(b) A Branch Committee shall have power to negotiate and enter into industrial agreements affecting only the members of that Branch and such agreements may be signed for or on behalf of the Branch by the Branch Secretary. Claims shall be signed for and on behalf of the Branch by the Branch Secretary.

32 - NATIONAL VOTING

This Rule does not apply to elections, ballots or plebiscites conducted pursuant to subrule 23B.

(a) Voting at meeting of National Council and National Executive shall be by show of hands or by such other method as the meeting may decide. The Chair shall have a deliberative vote only and in the event of a tie, the question shall lapse.

(b) In the event that a member of National Council shall for any reason or at any time be unable to be present at any meeting of National Council -

(i) in the case of a National Officer, he or she may appoint in writing another member of the National Council as his or her proxy to exercise his or her vote at such meeting; and,

(ii) in any other case, the Committee of the Branch concerned may appoint any other member of that Branch Committee as his or her proxy to exercise his or her vote at such meeting.

(c) In the event that a National Officer shall for any reason or at any time be unable to be present at any meeting of National Executive he or she may appoint in writing another National Officer as his or her proxy to exercise his or her vote at such meeting.

(d) In the event that a Branch Secretary shall for any reason or at any time be unable to be present at any meeting of National Executive he or she may appoint in writing another member of the relevant Branch Committee of Management as his or her proxy to exercise his or her vote at such meeting.

33 - NATIONAL QUORUMS

(a) The quorum at any meeting of National Council shall be eight excluding the National Officers but including delegates from at least three Branches.

(b) The quorum at any meeting of National Executive shall be seven.

(c) If no quorum be present at the expiration of thirty minutes after the time stated for the commencement of any meeting of National Council or National Executive, such meeting shall lapse, but without prejudice to another meeting being called for the same purpose as such meeting was called, at such other time and place as may be thought fit. In the event that any such other meeting has been called the business for which the same has been called may be transacted by those present, notwithstanding the fact that there is not a quorum present. Any resolutions passed at any such meeting shall be as binding and effectual as if a quorum were present. Seven days' notice of any such other meeting shall be given by the National Secretary to all members of the National Council or of the National Executive as the case may be.

34 - DISPUTES BETWEEN BRANCHES

A Branch Secretary may report to the National Secretary any dispute, existing between his or her own and any other Branch.

35 - RIGHTS OF BRANCHES

(a) All Branches shall be completely and absolutely autonomous within the ambit of these rules, and shall be responsible for their own Government and administration. The Branch shall be the basic unit of the Union, and shall possess full and adequate powers to conduct its own affairs and to seek its objectives under the rules. The control of the Branch resides exclusively in the members of the Branch, who shall be bound by these Rules. This rule can never be altered except by a ballot of all financial members of the Union. Such alteration to be carried must receive a majority vote of two-thirds of the financial members of the Union.

(b) Subject to the rules, or National Policy, nothing shall alienate the right of members assembled in the General Meeting to determine the policy of the Branch. The decision of properly constituted General Meetings shall be binding on all members of the Branch.

(c) Where the National Council is satisfied that a Branch has failed to carry out these rules or the rules of the Branch or to comply with the requirements of any Industrial Law or of the General Manger of the Fair Work Commission, it shall have power to call a general meeting of financial members of that Branch and to take such steps as may be necessary to enforce due compliance with the rules and/or the law.

36 - NATIONAL PLEBISCITE

(a) Notwithstanding anything contained in these rules, a plebiscite of all members of the Union -

(i) may be held for any purpose at the discretion of the National Council or the National Executive provided that the National Council and the National Executive shall not cause a plebiscite to be held about or in respect of an Entrenched Rule as defined herein; and,

(ii) shall be held if requested by resolution of special general meetings of three Branches or if requested by a requisition in writing and signed by not less than 5 per cent of the financial members of the Union. Such requisition to contain in block letters the name of each member signing same and the name of the establishment at which such member is employed.

Provided that no decision of the National Council or the National Executive shall be reviewed or referred to a plebiscite of members pursuant to sub-rule (ii) unless the appropriate request has been delivered to the National President or National Secretary within two months of the said decision.

Provided further that where a plebiscite has been held under sub-rule (i) or (ii), the subject matter which has been put to plebiscite may not be put to a further plebiscite under sub-rule (ii) for at least 18 months after the declaration of the outcome of the plebiscite that has been held.

(b) Any such plebiscite shall be conducted by secret postal ballot and shall be under the absolute control and direction of a Returning Officer who shall -

(i) prepare ballot papers which shall contain the question to be voted on;

(ii) issue a ballot paper to each member entitled to vote;

(iii) determine the time and date for the closure of the ballot, having consideration for the convenience of the voters;

(iv) take such steps as are necessary to ensure that a result is correctly ascertained; and,

(v) report the result of the plebiscite to the first meeting of the National Executive held after the conclusion of the counting of the votes cast.

(c) The Returning Officer shall be appointed by the Australian Electoral Commission unless otherwise determined by the National Council and in such a case the Returning Officer shall be the person appointed pursuant to subrule 23B(c)(ii).

(d) A simple majority decision of the members voting shall be final and shall prevail over any contrary decision of the National Council or National Executive.

37 – STUDENT MEMBERS

(a) Any person attending a course of study that upon graduation will enable them to seek employment in avocations covered by rule 2 and 3, Industry and Eligibility of these rules, shall be eligible to join the Union as a Student member.

(b) The relevant Branch shall determine the conditions and benefits of student membership and any administration fee to be applied provided that student members shall not be deemed financial members for all purposes of these rules

PART C - BRANCH ORGANISATION

38 - BRANCHES

(a) The Union may establish such Branches as the National Council may from time to time decide and the existence of the following Branches is hereby confirmed:-

Victoria No. 1
Victoria No. 2
Victoria No. 3
Victoria No. 4
Tasmania
New South Wales
South Australia/Northern Territory
Western Australia

(b) The Victoria No. 1 Branch shall consist of all members of the Union employed in Victoria other than members:-

(i) employed under the provisions of the Public Administration Act 2004 (Vic) as amended from time to time; and/or

(ii) employed in or in connection with the provision of mental and/or mental retardation services; and/or

(iii) eligible to be members of the Victoria No.3 or Victoria No.4 Branches.

Note: The Public Administration Act 2004 (Vic) is a successor to the Public Service Act 1974 (Vic) due to the operation of Section 7(c) of Schedule 2 (Saving and Transitional Provisions) of the Public Administration Act 2004 (Vic).

(c) The Victoria No. 2 Branch shall consist of all members of the Union employed in Victoria who are -

(i) employed under the provisions of the Public Administration Act 2004 (Vic) as amended from time to time; and/or,

(ii) employed in or in connection with the provisions of mental health and/or mental retardation services.

Note: The Public Administration Act 2004 (Vic) is a successor to the Public Service Act 1974 (Vic) due to the operation of Section 7(c) of Schedule 2 (Saving and Transitional Provisions) of the Public Administration Act 2004 (Vic).

(d) The Victoria No. 3 Branch shall consist of all members of the Union employed in Victoria who are employed in the following classifications, other than those eligible to be members of the Victoria No. 2 or Victoria No. 4 Branches:-

Research Technologist (employed at the Peter McCallum Institute)
Medical Laboratory Technician
Physiotherapist
Radiographer/Medical Imaging Technologist
Radiotherapy Technician/Radiation Therapy Technologist
Hospital Librarian
Occupational Therapist
Orthoptist
Speech Therapist/Speech Pathologist
Medical Photographer
Medical Illustrator
Chiropodist/Podiatrist
Nulceographer/Nuclear Medicine Technologist
Orthotist (excluding those persons employed by the Commonwealth Government and its Statutory Authorities)
Orthotist/Prosthetist (excluding those persons employed by the Commonwealth Government and its Statutory Authorities)
Prosthetist (excluding those persons employed by the Commonwealth Government and its Statutory Authorities)
Recreation Therapist
Music Therapist
Dentist
Psycho-Therapist who would have been covered by the (Victorian) Health Professional Services Award as that award stood immediately before 1st March 1993
Recreation Worker
Welfare Worker
Youth Worker
Community Development Worker
Social Planner
Rehabilitation Counsellor
Behavioural Scientist who would have been covered by the (Victorian) Health Professional Services Award as that Award stood immediately before 1st March 1993
Orientation and Mobility Practitioners
Medical Records Administrator
Cardiac Technician
Safety Officer
Radiation Engineer

(e) (i) The Victoria No. 4 Branch shall comprise all person (other than those eligible to be a member of any other Branch of the Union) who would have been subject to or classified according to the (Victorian) Medical Scientists Award, the (Victorian) Psychologists Award or the (Victorian) Hospital Pharmacists Award immediately before 1st March 1993, including, but not limited to:

AUDIOLOGISTS: Without limiting the generality of the aforesaid classification, it shall include -
Otoneurologist
DIETITIAN
PHARMACIST
PSYCHOLOGIST: Without limiting the generality of the aforesaid classification, it shall include –
Behavioural Scientist
Psychotherapist other than a psychotherapist who would have been covered by the (Victorian) Health Professional Services Award as it stood immediately before 1st March 1993.
SCIENTIST: Without limiting the generality of the aforesaid classification, it shall include -
ANATOMICAL PATHOLOGY SCIENTIST
Histologist
Cytologist
BIOCHEMIST
Clinical Biochemist
Chemical Pathology Scientist
Enzymologist
CLINICAL PHARMACOLOGIST
Pharmacokineticist
ENDOCRINOLOGIST
GASTROENTEROLOGIST
GENETICIST
Cytogeneticist
Molecular Biologist
HAEMATOLOGIST
Immunohaematologist
Serologist
Blood Banking Scientist
Haemodialysis Technologist/Scientist
IMMUNOLOGIST
INTENSIVE CARE SCIENTIST/TECHNOLOGIST
LABORATORY MANAGER
MEDICAL SCIENTIST/TECHNOLOGIST
MICROBIOLOGIST
Virologist
Bacteriologist
NEUROPHYSIOLOGIST
EEG Scientist/Technologist
EMG Scientist/Technologist
PERFUSIONIST
Clinical Perfusionist
Cardiovascular Perfusionist
PHYSICAL SCIENTIST
Biophysicist

Medical Physicist
REPRODUCTIVE BIOLOGIST/TECHNOLOGIST
Andrologist
IVF Scientist
RESPIRATORY SCIENTIST/TECHNOLOGIST
STATISTICIAN
TISSUE TYPING SCIENTIST
TOXICOLOGIST
VASCULAR SCIENTIST/TECHNOLOGIST.

Provided that Medical Officer shall not be eligible for membership of the Branch. All persons who were members of a relevant component association (i.e. the Medical Scientist Association of Victoria and the Victorian Psychologists Association) on the relevant day and who are eligible to be members of the Union, shall be eligible to be members of the Victoria No. 4 Branch.

(ii) Entrenching Provision

This rule 38(e) shall be an "Entrenched Rule", that is, notwithstanding any other provision of these rules, it shall not be altered except with the approval of the members of the Victoria No. 4 Branch assembled in general meeting. The requisite approval of the Victoria No. 4 Branch will only be obtained if, at a special general meeting (called in accordance with rule 55, a vote is held and a majority of the members present vote in favour of the alteration.

(f) The Tasmanian Branch shall consist of all members of the Union in Tasmania.

(g) The Western Australia Branch shall consist of all of the members of the Union in Western Australia.

(h) The New South Wales Branch shall consist of all members of the Union employed in New South Wales and/or the Australian Capital Territory and/or Queensland.

(i) The South Australia/Northern Territory Branch shall consist of all members of the Union in South Australia and the Northern Territory.

(j) The National Council shall have the power to -

(i) alter the area embraced by any Branch with the consent of that Branch and any other Branch concerned, and;

(ii) amalgamate any Branch with another with the consent of the Branches concerned; and

(iii) constitute a new Branch or Branches in or within any State or Territory with the consent of any existing Branch concerned.

Provided that, where National Council is exercising or is seeking to exercise any of the powers conferred upon it by this clause for the purpose of or in the course of amalgamating the Union with any other organisation or Union of employees, the consent of any Branch or Branches shall not be required.

Provided that the powers conferred in sub-rule (j) shall not empower the National Council to alter an Entrenched Rule as defined herein.

(k) The registered office of each Branch shall be at such place as the Branch Committee may from time to time determine.

(l) Any member who is elected or appointed as a paid National Officer shall remain a member of the Branch of which he or she was a member immediately preceding his or her election or appointment to such office.

38A - VICTORIAN NUMBER 4 BRANCH TRANSITIONAL RULE

PART 1 - INTRODUCTION

(a) The provisions of this Rule shall operate notwithstanding anything elsewhere contained in these Rules.

(b) The membership of the Branch reflects the membership of three existing component Associations in Victoria, namely, the Association of Hospital Pharmacists (AHP), the Medical Scientists Association of Victoria (MSAV) and the Victorian Psychologists Association (VPA Inc).

(c) The Branch will be governed by the Rules of the Union, except to the extent where the words of this Rule clearly intend part of this Rule to have effect and/or govern the operations of the Branch.

(d) For the purposes of this Rule:-

(i) blank

(ii) blank

(iii) "the Branch" shall mean the Victoria No. 4 Branch of the Union;

(iv) "component Association" means the AHP, MSAV or the VPA Inc.;

(v) "relevant component Association" means the component Association of which a person is entitled to be a member.

PART 2 - MEMBERSHIP

(a) To the extent of any inconsistency, this Part of this Rule will prevail over Rule 6.

(b) Any member of a component Association who is eligible for membership of the Union under the eligibility Rule of the Union shall, upon receipt by the President of the Branch of an application made on their behalf by the President of the relevant component Association, become and be deemed to be a member of the Union.

(c) Any member of the relevant component Association who becomes a member of the Union shall be deemed to be a financial member of the Union to the extent that she or he is a financial member of the relevant component Association. To the extent of any inconsistency, this sub Rule prevails over Rule 8.

(d) Any period of financial membership of a relevant component Association which co-incides with a period of membership of the Union shall be deemed to be a period of financial membership of the Union for all purposes of these Rules.

PART 3 - OFFICERS OF BRANCH

(a) The Officers of the Branch shall consist of the Branch President, Branch Senior Vice-President, the Branch Junior Vice-President, the Branch Secretary, the Branch Assistant Secretary and the two Branch Trustees ("the Branch Officers").

(b) The Branch Committee of Management shall comprise the Officers of the Branch plus 6 ordinary committeee members.

(c) From the first election after the certification of this Rule the position of Branch Junior Vice President, one Trustee position and one ordinary committee position shall be elected from the members of the Branch who are eligible to be members of the Victorian Psychologists Association Inc; the position of Branch Senior Vice President and two ordinary committee positions shall be elected from members of the Branch who are eligible to be members of the Association of Hospital Pharmacists; the position of Branch President, one Trustee position and three ordinary committee postions shall be elected from members of the Branch who are eligible to be members of the Medical Scientists Association of Victoria. These positions shall be called respectively "Junior Vice President", "Trustee (Psychologist)", "Committee Member (Psychologist)", "Senior Vice President", "Committee Member (Pharmacist)", "President", "Trustee (MSAV)", and "Committee member (MSAV)".

(d) In the event of an appointment to fill a casual vacancy occurring on the Branch Committee, the Branch Committee may appoint any member of the Branch who would have been eligible to be a member of the relevant component association to which the departing Committee member was eligible to be a member of, to fill that vacancy.

39 - BRANCH MANAGEMENT

(a) The Government, management and the control of the affairs of each Branch shall, subject to these rules and any proper direction of the National Council or the National Executive be vested in a Branch Committee.

(b) It shall be competent for any one Branch or more than one Branch in any State or Territory to form a State Council or Conference, the rules of such Council or Conference to be drawn up by the participating Branches and submitted to National Council for adoption. Such State Council or Conference shall have no power other than that of recommendation.

(c) Subject to clause (d) hereof each Branch shall be bound by these rules.

(d) Each Branch may make rules from time to time for its own internal management and may therefore add to, amend, rescind or alter any of these rules insofar as they relate to the internal management of a Branch through its Branch Committee of management or by a special general meeting of its members.

(e) Any rule or rules made by a Branch pursuant to clause (d) of this rule shall be forwarded to the National Secretary who, upon receipt of any information and documentation necessary for the purpose, shall forthwith apply to the General Manager of the Fair Work Commission for certification of the same and upon certification such rule or rules shall form part of the rules of the Union for all purposes other than Rule 67 but shall apply only to the Branch initiating the same.

(f) If at any time not less than 20 per cent of the members of the Branch petition the Committee of Management of the Branch requesting the withdrawal of the Branch from the Union the Committee shall hold a ballot of financial members to decide the question. Within 14 days from the receipt of the petition the Secretary of the Branch shall call a special meeting of members to appoint a returning officer and two assistants to conduct the ballot. The question shall be decided by a simple majority, and if the result of the ballot is in the affirmative, the Committee of Management of the Branch shall immediately take steps to effect the Branch's withdrawal from the Union. The funds and effects of the Branch shall be the absolute property of the Branch, except so far as the Branch is liable to National Council in respect, capitation fees and levies. No Officer or Servant of the National Council shall in any way seek to obstruct or disadvantage a Branch taking advantage of this rule. The returning Officer shall serve notice on the National Secretary in respect of the result of the ballot, and if the Branch has decided to withdraw, then this shall be communicated to all National Councillors by the National Secretary. The withdrawal of the Branch shall be final as from the 21st day after the returning Officer's announcement of the ballot results.

40 - BRANCH OFFICERS

(a) The Officers of a Branch shall consist of the Branch President, the Branch Senior Vice-President, the Branch Junior Vice-President, the Branch Secretary, the Branch Assistant Secretary and the two Branch Trustees ("the Branch Officers"). Provided that in the New South Wales Branch and the South Australia/Northern Territory Branch there shall be no Branch Trustees. Provided further that in the South Australia/Northern Territory Branch there shall be no Branch Junior Vice-President.

(b) In the New South Wales Branch, the offices of Branch Secretary and Branch Assistant Secretary (who shall be called the Branch Assistant Secretary-Treasurer) shall be paid offices. The offices of Branch Secretary in the Victoria No. 3 Branch and Branch Assistant Secretary shall be paid offices.

(c) The Branch Officers shall be ex officio members of any sub-committee of the Branch. Provided that in the case of the New South Wales Branch and the Victoria No. 3 Branch the Branch Officers shall not be ex officio members of the Finance Committee established pursuant to rule 75.

41 - BRANCH COMMITTEE

(a) A Branch Committee shall consist of the Officers of the Branch and not less than five and not more than fifteen ordinary members as the Branch may from time to time determine, provided that such decision must be endorsed by a Special General Meeting of the Branch convened for that purpose at which at least twenty-five financial members are present. Provided that for the purposes of the elections to be held in 2012 pursuant to the Scheme approved by the Federal Court of Australia on 21 June 2012, the number of ordinary members of the Victoria No. 1 Branch shall be eight and the number of ordinary members of the Victoria No. 3 Branch shall be five.

42 - NEW SOUTH WALES BRANCH COMMITTEE

(a) Notwithstanding rule 41, the New South Wales Branch Committee shall consist of the Branch President, the Branch Senior Vice-President, the Branch Junior Vice-President, the Branch Secretary, the Branch Assistant Secretary-Treasurer and five (5) ordinary members.

(b) The Branch Committee shall exercise all the powers as contained in rule 44 other than sub-rules 44(e) and 44(f) and shall be responsible for the management of the Branch's affairs, property and funds. The Branch Committee shall be the committee of management of the Branch.

(c) Notwithstanding rule 45, the Branch Committee shall meet at least monthly,

(d) A special meeting of the Branch Committee may be called by the Branch Secretary if requested to do so by no less than four members of the Branch Committee.

(e) Meetings of the Branch Committee may be conducted by telephone or by such other electronic means as may be available from time to time.

(f) Notwithstanding rule 58(a)(ii), six members of the Branch Committee shall constitute a quorum.

43 - NEW SOUTH WALES BRANCH COUNCIL

(a) The supreme governing body of the New South Wales Branch, subject to these rules and to the control of the Branch members as hereinafter mentioned, shall be the Branch Council which shall meet annually at a place and on a date to be fixed by the Branch Committee. Provided that the Branch Committee may call meetings of the Branch Council at other times to deal specifically with matters arising under sub-rule (f)(C) hereof.

(b) The Branch Council shall consist of:

(i) The Branch Officers;

(ii) Twenty five (25) Councillors constituted as follows:

(A) Twenty-one (21) Councillors with at least one (1) but not more than two (2) being drawn from hospitals or health services in each of the fifteen (15) local health districts (refer Note 1) provided that one (1) Councillor shall come from the Health Managers Sub-Branches;

(B) One (1) Councillor from a Private Hospital;

(C) One (1) Councillor from a non public sector aged care facility;

(D) One (1) Councillor from the NSW Ambulance Services; and

(E) One (1) Councillor from the Australian Capital Territory.

Note 1 - The fifteen (15) local health districts ("LHD") as constituted by section 17, and specified in Schedule 1 of the Health Services Act 1997 (NSW), as at the date of the certification of this rule, with these being Sydney LHD, South Western Sydney LHD, South Eastern Sydney LHD, Illawarra Shoalhaven LHD, Western Sydney LHD, Nepean Blue Mountain LHD, Northern Sydney LHD, Central Coast LHD, Hunter New England LHD, Murrumbidgee LHD, Southern NSW LHD, Western NSW LHD, Far West LHD, Mid North Coast LHD, and Northern NSW LHD.

(c) Meetings of the Branch Council may be conducted by telephone or by such other electronic means as may be available from time to time.

(d) In the event that a member of Branch Council shall for any reason or at any time be unable to be present at any meeting of Branch Council he or she may appoint in writing another member of the Branch Council as his or her proxy to exercise his or her vote at such meeting. A member of Branch Council may be appointed proxy for any number of members.

(e) A special meeting of Branch Council shall be called by the Branch Committee if requested to do so by no less than fifteen members of the Branch Council.

(f) The Branch Council shall, subject to these rules and to the control of the Branch members as hereinafter mentioned, have power:

(A) to generally watch the interests of the Union in the area where the Branch is established;

(B) to fix the remuneration and terms and conditions of employment of any officer or employee of the Branch;

(C) to suspend or remove from office in accordance with these rules any officer of the Branch;

(D) in addition to the powers of the Branch Committee to do so, to alter, amend, rescind or add to any rules insofar as they relate to the internal management of the Branch pursuant to rule 39(d);

(E) to develop and implement rule 90 Branch policies and procedures;

(F) to review decisions of the Branch Committee; and

(G) to take any action which in its opinion is in the interests of the Branch, provided that such action does not conflict with the policies and procedures of the Union.

(g) The quorum for a meeting of the Branch Council shall be eighteen members of the Council.

44 - POWERS AND DUTIES OF BRANCH COMMITTEE

A Branch Committee shall, subject to these rules and to the control of the Branch members as hereinafter mentioned, have power -

(a) to transact all the business of the Branch;

(b) to supervise and pay all, lawful debts of the Branch;

(c) to periodically review and attend to the collection of all fees, levies and dues payable by Branch members;

(d) to generally watch the interests of the Union in the area in which the Branch is established;

(e) to fix the remuneration and terms and conditions of employment of any officer or employee of the Branch;

(f) to suspend or remove from office in accordance with these rules any officer of the Branch;

(g) to direct the Branch Secretary and Branch Assistant Secretary in the performance of their duties;

(h) to investigate grievances and disputes submitted by its members;

(i) to appoint collectors and agents to collect moneys on behalf of the Union and/or Branch;

(j) to instruct its delegates to the National Council how to vote on any matter;

(k) to appoint a Branch Auditor;

(l) to take any action which in its opinion is in the interests of the Branch, provided that such action does not conflict with the policies of the Union; and,

(m) to exercise any other powers conferred upon it by these rules.

(n) Workplace committees (however named) may be established by branch committees at workplaces where fifteen or more are enrolled as members of the Branch, provided that workplaces where there is less than fifteen employees, these employees may be grouped conveniently by the Branch committee of management so as to form workplace committees and so that each workplace committee so formed shall comprise not less than fifteen members of the Branch. Provided further the Branch committee may from time to time authorise the establishment of more than one Sub-Branch in a workplace.

45 - MEETINGS OF BRANCH COMMITTEE

(a) A Branch Committee shall meet at least quarterly and at such other times as it may determine provided that the Branch President or the Branch Secretary may, by notice in writing either by post, email or other communication method call a meeting of the Branch Committee and shall call such a meeting if requested to do so by not less than one-third of the members of such Committee.

(b) The Branch President or the Branch Secretary may decide that a meeting of the Branch Committee of Management be conducted by such telephonic or electronic means as may from time to time be available. The members of the Committee shall participate in such a meeting and the decision of the majority shall be binding as if such decision were obtained at a regularly constituted meeting of the Committee.

(c) Out of Session Votes

(i) The Branch President may determine that an Out of Session Vote of the Branch Committee be held on any matter with sufficient importance that it needed to be resolved before the next full meeting of the Branch Committee.

(ii) An out of session motion may be put to the vote of all members of the Branch Committee by either postal or electronic means. The results of the vote must be recorded.

(iii) Once the result of an Out of Session Vote is determined, having provided a reasonable period for a vote to be returned, the Branch President must advise the Branch Committee of the result indicating the number who vote for, against or abstained and the number who did not vote.

(iv) If any five members of the Branch Committee object to the Branch President to a matter being dealt with by way of an Out of Session Vote, the vote must not be taken and the matter must be referred to a meeting of the Branch Committee called in accordance with rule 45(a).

(v) The outcome of an Out of Session Vote must be recorded as such in the minutes of the meeting immediately preceding the Out of Session Vote as if it was a vote of that meeting.

46 - BRANCH PRESIDENT

The Branch President shall be the official head of the Branch and -

(i) shall preside at all meetings of the Branch and Branch Committee (and the Branch Council in the case of the New South Wales Branch) and preserve order thereat so that business may be conducted in due form with propriety and in conformity with standing orders;

(ii) shall sign all documents requiring his or her signature as official head of the branch and shall sign all minutes of the branch duly confirmed in the presence of the meeting confirming the same;

(iii) shall instruct the Branch Secretary to call meetings of the Branch Committee and General or Special Meetings of members when necessary;

(ii) shall generally ensure the well-being of the Union and its members and the carrying out of the objects of the Union within the area administered by his or her Branch.

47 - BRANCH VICE-PRESIDENTS

(a) The Branch Vice-Presidents shall at all times assist the Branch President in the execution of his or her duties and when requested by the Branch President shall carry out such functions of the Branch President in his or her absence as the Branch President authorises in writing.

(b) In the absence of the Branch President, the Senior Vice-President (and in his or her absence also the Junior Vice-President) shall preside over a meeting of the Branch or the Branch Committee (or the Branch Council in the case of the New South Wales Branch) and when so doing shall exercise all the powers and functions of the Branch President.

(c) In the event of the Branch President and all Vice-Presidents being absent from a meeting of a Branch or a Branch Committee (or the Branch Council in the case of the New South Wales Branch), the members present shall appoint a chair to preside over the meeting.

48 - BRANCH SECRETARY

The Secretary shall be the chief executive officer of the Branch and subject to these rules, have charge of the general conduct, administration and business, of the Branch. He or she shall be the investigating and organising officer of the Branch and shall be the officer to sue and to be sued on behalf of the Branch. The Secretary shall be ex-officio, a member of all committees and Sub-Committees of the Branch.

The Branch Secretary shall -

(a) call and attend all meetings of the Branch and Branch Committee unless excused and keep or cause to be kept minutes of the business transacted at such meetings;

(b) receive or cause to be received all moneys on behalf of the Branch and issue receipts and pay all moneys received by him or her on behalf of the Branch into such bank, Building society, credit union or any other financial institution as the Branch Committee may from time to time decide;

(c) have charge of the financial books and statements of his or her Branch;

(d) prepare and present to each meeting of the Branch Committee an up-to-date financial statement and when called upon to do so by the Branch Committee, produce all relevant books;

(e) keep an up-to-date register of Branch members showing their names and their postal addresses so far as known and shall periodically notify the National Secretary of any changes in such list;

(f) conduct the business and correspondence on behalf of the Branch;

(g) forward to the National Secretary within fourteen days of the Annual General Meeting of his or her Branch a list of the full names and addresses of all office-holders in the Branch;

(h) provide the National Returning Officer and the Branch Returning Officer with such assistance as is necessary to enable them to conduct any elections.

(i) inform the Branch President whenever he or she will be absent from duty or from a meeting;

(j) hand to his or her successor, on the latter's election, all moneys, Branch records and property held by him or her on behalf of the Branch;

(k) subject to any direction of the Branch Committee appoint, engage, control and dismiss such clerical and other staff as may be necessary for the conduct of the affairs of the Branch;

(l) prepare returns required by the Fair Work Act 2009 and the Fair Work (Registered Organisations) Act 2009;

(m) have the right to attend or appoint a member of the Branch to attend any meeting of members of the Branch and to speak and vote on any matter before such meeting provided that a person appointed to attend any such meeting by the Branch Secretary shall also have the right to speak and vote thereafter subject always to any directions given to him or her by the Secretary; and,

(n) carry out such other duties as the Branch Committee may from time to time assign to him or her or as may be conferred upon him or her by these rules or as may be required by the Fair Work Act 2009 and the Fair Work (Registered Organisations) Act 2009;

Provided that in the case of the New South Wales Branch, the Branch Secretary shall not exercise the powers referred to in sub-rules (b), (c), (d) and (j) above. Provided further that the Branch Secretary of this Branch shall not exercise the power outlined in sub-rule (l) above in respect of financial and accounting returns required by the Fair Work (Registered Organisations) Act 2009.

49 - BRANCH ASSISTANT SECRETARY

The Branch Assistant Secretary shall -

(a) assist the Branch Secretary at all times in the execution of his or her duties; and,

(b) be subject to the direction of the Branch Secretary and act in his or her stead whenever appointed to do so by the Branch Committee of Management.

50 - BRANCH ASSISTANT SECRETARY-TREASURER OF THE NEW SOUTH WALES BRANCH

Notwithstanding rule 49, the Branch Assistant Secretary-Treasurer of the New South Wales Branch shall:

(a) assist the Branch Secretary at all times in the execution of his or her duties;

(b) receive or cause to be received all moneys on behalf of the Branch and issue receipts and pay all moneys received by him or her on behalf of the Branch into such bank, Building society, credit union or any other financial institution as the Branch Committee may from time to time decide;

(c) have charge of the financial books and statements of his or her Branch;

(d) prepare and present to each meeting of the Branch Committee an up to date financial statement and when called upon to do so by the Branch Committee;

(e) hand to his or her successor, on the latter's election, all moneys and property held by him or her on behalf of the Branch;

(f) prepare financial and accounting returns required by the Fair Work (Registered Organisations) Act 2009;

(g) ensure that Branch Policies and Procedures are implemented in accordance with rule 90;

(h) carry out such other duties of the Branch Committee as it may from time to time assign to him or her or as may be conferred upon him or her by these rules or as may be required by the Fair Work Act 2009 and the Fair Work (Registered Organisations) Act 2009;

(i) subject to the sub-rules (b)-(h) above, be subject to the direction of the Branch Secretary and act in his or her stead whenever appointed to do so by the Branch Committee.

51 - BRANCH TRUSTEES

The Branch Trustees shall invest the funds of the Branch and otherwise deal with the property and funds of the Branch as they may from time to time be directed by the Branch Committee. Provided that the duties and functions of Branch Trustee in the New South Wales Branch shall be undertaken by the Branch Assistant Secretary-Treasurer as directed by the Branch Committee or as required by any Branch policy and procedure determined pursuant to rule 90. Provided further that in the South Australia/Northern Territory Branch the functions of Branch Trustees shall be undertaken by the National Trustees.

52 - BRANCH AUDITOR

A Branch Auditor shall -

(a) be appointed annually by the Branch Committee;

(b) be a competent person within the meaning of the Fair Work (Registered Organisations) Act 2009 (the "Act") and the Fair Work (Registered Organisations) Regulations 2009 (the "Regulations");

(c) perform such functions and duties as are prescribed by the Act and the Regulations and such other functions and duties not inconsistent with the Act and the Regulations as are required by the Branch Committee;

(d) have access to and examine if desired all books, papers, deeds, documents and accounts of the Branch Committee and be empowered to question any office-bearer or officer or employee of the Branch with regard to the same and to obtain from any bank or other institution at which the funds of the Branch are deposited or invested such information as he or she may require; and,

(e) have power to place before Branch Committee any suggestion he or she may desire to make concerning the financial affairs of that Branch

53 - BRANCH FUNDS AND PROPERTY

(a) The funds and property of a Branch shall consist of -

(i) any real or personal property of which the Branch by these rules or by an established practice not inconsistent with these rules, has, or, in the absence of any limited term lease, bailment or arrangement would have, the right to custody, control or management;

(ii) the amounts of entrance fees, contributions, fees, and levies collected by the Branch less so much of those amounts as is payable to the National Council in accordance with these rules;

(iii) any interest, rents or dividends derived from the investment of the funds;

(iv) any long service leave fund operated or controlled by the Branch for the benefit of its officers or employees;

(v) any sick pay fund, accident pay fund, funeral fund or like fund operated or controlled by the Branch for the benefit of its members;

(vi) any property acquired wholly or mainly by expenditure of the moneys of such funds and property or derived from other assets of such funds and property; and,

(b) The funds and property of a Branch shall be vested in the Trustees of the Branch who shall deal with the same as directed by the Branch Committee. Provided that, in the case of the New South Wales Branch there shall be no Branch Trustees.

(c) All cheques and written authorisations for the transfer and/or disbursement of funds of a Branch shall be signed by the Branch Secretary (or in his or her absence the Branch Assistant Secretary) together with any two members of the Branch Committee. In the case of the New South Wales Branch all cheques and written authorisations for the transfer and/or disbursement of funds of the Branch shall be signed by the Branch Assistant Secretary-Treasurer (or in his or her absence the Branch Secretary) together with any two (2) members of the Branch Committee.

(d) For the expenditure of the funds of a Branch on the general administration of the Branch and for purposes reasonably incidental to the general administration of the Branch, the prior approval of the Branch Committee shall not be necessary before such cheques or written authorisations for the transfer and/or disbursements of funds are signed or accounts paid.

(e) Subject always to clause (f) of this rule but notwithstanding anything elsewhere contained in these rules, a shall not make any loan, grant or donation of an amount exceeding $1,000 unless the Committee of the Branch -

(i) has satisfied itself -

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

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

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

(f) The provisions of clause (e) of this rule shall not apply to or in relation to payments made by a Branch by way of provision for, or reimbursement of, out of pocket expenses incurred by persons for the benefit of the Union or the Branch.

54 - REMOVAL OF BRANCH OFFICERS ETC.

(a) A Branch Officer, Branch Committee Member or Branch Delegate to National Council or a New South Wales Branch Councillor may be removed from his or her office if the Branch Committee (or in the case of the New South Wales Branch, by Branch Council) by majority resolution of members voting finds him or her guilty, in accordance with these rules, of misappropriation of the funds of the Union or any Branch thereof, a substantial breach of the rules of the Union, gross misbehaviour or gross neglect of duty or finds that he or she has ceased, according to these rules, to be eligible to hold his or her office.

(b) Such person may be charged by any member under this rule and such a matter should in the first instance be dealt with by the Union's Ombudsman under rule 13. Any charge shall be in writing and shall be forwarded to the Branch President or the Branch Secretary, who shall notify the person charged of the details of the charge.

(c) The person charged shall be given not less than fourteen days' notice in writing of the time and place of the meeting at which the charge is to be heard and determined and shall be entitled to attend such meeting and to be heard but not to vote thereat.

(d) A member so removed by the Branch Committee (or in the case of the New South Wales Branch, by the Branch Council) shall have the right to appeal to the National Executive provided that he or she gives to the National Secretary notice of his or her intention to appeal within seven days of his or her being notified in writing of his or her removal, but the giving of such notice shall not operate to stay the decision of the Branch Committee (or in the case of the New South Wales Branch, the Branch Council).

(e) Notwithstanding the foregoing, either the Branch President or the Branch Secretary may, in their discretion, suspend from office a person charged under this rule pending determination of the charge but in no event shall a person remain suspended for a period exceeding twenty-eight days. Provided that this sub-rule shall not apply to the New South Wales Branch, the Victoria No. 1 Branch and the Victoria No. 3 Branch.

(f) A person shall be ineligible to hold office as a Branch Officer, Branch Committee member, Branch Delegate to National Council or a New South Wales Branch Councillor if

(i) he or she becomes of unsound mind; or,

(ii) he or she ceases to be a financial member of the Union.

55 - BRANCH GENERAL MEETINGS

(a) An Ordinary General Meeting of the Branch may be called at any time on a resolution of the Branch Committee being carried that such a meeting be held.

(b) A Special General Meeting of the Branch shall be called by the Branch President or the Branch Secretary upon receipt by him or her of a request signed by not less than 200 financial members or five per cent of the members of the Branch, whichever is the lesser amount. Such request shall state the business to be discussed at the meeting and shall contain the signature and name written in block letters of each petitioner and shall also contain a statement that the petitioner has read and understood the request prior to attaching his or her signature.

(c) Not less than one month's written notice of the time, place and agenda of all General Meetings shall be given to each shop steward of the Branch. Providing that when a matter requires immediate attention such lesser notice of a Special General Meeting as may be determined by the Branch Committee may be given.

(d) A Special General Meeting shall not be competent to deal with any matter other than the reason set out by the petition of members or the notification of such meeting as has been given by the Branch Committee.

(e) Any Ordinary General Meeting or Special General Meeting shall be held at such time and place as shall be determined by the Branch Committee of the Branch, but should such Special General Meeting be called under the provisions of sub-rule (b) it shall be held not later than 35 days following the receipt of the petition by the President or Secretary of the Branch.

(f) No General Meeting of members of a Branch shall have power to direct a Branch Committee or in the case of the New South Wales Branch, the Branch Council or reject or review a decision of a Branch Committee or in the case of the New South Wales Branch, the Branch Council unless at least 200 members or five per cent of the financial members of the Branch (whichever amount is the lesser) are present at the meeting.

(g) This sub-rule shall apply to the New South Wales Branch, the Victoria No. 1 Branch and the Victoria No. 3 Branch.

(i) Each Branch may call a general meeting of members by way of a series of general meetings of members at different locations.

(ii) For the convenience of facilitating member attendance, video conferencing or any other electronic means as may be available from time to time may be used for the series of general meetings.

(iii) At the series of general meetings, the Branch President or a Branch Vice-President shall preside. All members of the Branch shall be entitled to attend and vote.

(iv) The general meeting is taken to have occurred at the time of the last of the meetings in the series.

(v) Quorum shall be calculated by reference to the total number of members attending the series of general meetings. Voting shall be decided by the majority of those members present at the series of general meetings.

56 – WORKPLACE COMMITTEES (SUB BRANCHES) AND REPRESENTATIVES

(a) Workplace Committees (however named) may be established by Branch Committees at workplaces where fifteen or more are enrolled as members of this Union provided that workplaces where less than fifteen employees are enrolled shall be grouped conveniently by the Branch committee so as to form workplace committees and so that each workplace committee so formed shall not comprise less than fifteen members of the Union. Provided that the Branch committee may establish more than one workplace committee in a workplace.

(b) It shall be a duty of the Branch Secretary to ensure that Union delegates (however named) are elected at workplaces whether they are part of a workplace committee or not.

(c) The rules relating to the election of such delegates and workplace committees and the location of such delegates and workplace committees shall be determined by the relevant Branch committee of management. However as a guide the following processes may apply:

(i) A person shall not be elected as a Union delegate unless he or she is a financial member of the Branch.

(ii) A Union delegate shall be elected for a fixed and regular term in accordance with procedures adopted by the Branch committee of management and consistent with these rules.

(iii) A Union delegate may -

1. Represent the members of the Branch employed in his or her area in dealings between those members and management;

2. Generally represent the Branch in his or her area;

3. Take all reasonable and necessary steps to enrol as members all eligible employees in his or her area;

4. Ensure that all members in his or her area are and remain financial;

5. Where authorized in writing by the Branch Secretary, collect all fines, fees, levies and dues owing by members employed in his or her area, pay over all moneys so collected to the Branch Secretary at least monthly and obtain a receipt for the same;

6. Immediately report to the Branch Secretary any complaint from a member in his or her area or any breach or suspected breach of any agreement or award which is occurring or is suspected of having occurred in his or her area; and

7. Report to the Branch Secretary on any matter concerning his or her area as directed by the Secretary or the Branch Committee.

8. Take any action which is authorised or directed by the Branch Secretary or the Branch Committee.

(d) The election of a person as a Union delegate shall automatically terminate -

(i) if he or she resigns his or her membership of the Branch or is expelled there from in accordance with these rules;

(ii) if he or she dies;

(iii) if he or she ceases to be employed in the area in respect of which he/she was appointed.

(e) Should the Branch Secretary become aware that any Union Delegate is not performing such duties or responsibilities as set out in (e), or is reported by a financial member or members at his or her place of employment for dereliction of these duties, the Secretary shall report same to the Committee of Management who shall have the power to refer the matter to the Union Ombudsman and if necessary following the Ombudsman report, summon the Union Delegate before the Committee and should the charges be proved, the Committee shall have the power to dismiss such Union Delegate and cause another election to take place within 28 days of the dismissal.

The Committee shall ensure that a Union Delegate charged with dereliction of duty is informed in writing at least two weeks before the meeting, at which such charges are to be heard of the nature of the charges and the Committee of Management shall ensure a full and fair hearing of such charges, such person shall be eligible for re-election as a Union Delegate.

57 - SUB-BRANCHES - NEW SOUTH WALES BRANCH

(a) Notwithstanding rule 56, Sub-Branches of the New South Wales Branch may be established by the Branch Committee at workplaces where fifteen or more are enrolled as members attached to the Branch, provided that workplaces where less than fifteen employees are enrolled shall be grouped conveniently by the Branch Committee so as to form Sub-Branches and so that each Sub-Branch so formed shall comprise not less than fifteen members attached to the Branch. Provided further the Branch Committee may authorise the establishment of more than one Sub-Branch in a workplace.

(b) (i) In addition to the Sub-Branches created pursuant to sub-rule 57(a) of these rules, separate Sub-Branches known as Health Managers Sub-Branches, may be established by Branch Committee on a local health district basis where fifteen or more are enrolled as members attached to the Branch, provided that where less than fifteen employees are enrolled they may be grouped by Branch Committee so that each Health Managers Sub-Branch shall comprise not less than fifteen members attached to the Branch.

(ii) Members eligible to be members of a Health Managers Sub-Branch may not attend nor vote at Sub-Branch meetings of the institution at which they are employed. They may not accept office in any institutional or other Sub-Branch.

(c) The members of the Sub-Branch shall elect a committee consisting of a President, Vice-President, Secretary and a number of members of the Sub-Branch, all of whom shall be representatives of the Sub-Branch. The number of ordinary Sub-Branch members to be elected to the committee shall be determined by the Sub-Branch, but, in any case, such number shall be not less than five. If more than sufficient candidates are nominated elections shall be held in the order, President, Vice President, Secretary, Committee Member. The quorum of a Sub-Branch committee shall be not less than four. The quorum of a Sub-Branch meeting shall be not less than seven, provided that only members who at the time of nomination have had at least 12 months' continuous financial membership shall be eligible to nominate for the position of President, Vice-President, Secretary, except where this provision is waived by the Branch Secretary on the grounds of not previously having sufficient members at a workplace. All other provisions of this rule apply to those members.

The Sub-Branch committee shall have no power to alter or rescind rules or to enforce, or perform functions in relation to the enforcement of rules, or to exercise any of the functions of management.

(d) (i) The members of the Sub-Branch committee shall be elected annually by secret ballot at the Annual General Meeting and shall hold their positions until the next succeeding Annual General Meeting or until their successors have been appointed, whichever is the sooner.

(ii) At least twenty-one days notice in writing on notice boards accessible to all members of the Sub-Branch shall be given by the Sub-Branch Secretary to members of the date set for Annual General Meetings.

(iii) At the Annual General Meeting, a Returning Officer and two Scrutineers shall be appointed for the purposes of conducting elections under this rule and shall exercise their respective functions until their successors have been appointed. The Returning Officer and Scrutineers so appointed,

(1) may or may not be a member of the Union,

(2) shall not be the holder of any office in or an employee of the Branch or Sub-Branch of the Union. In the event of the Returning Officer or Scrutineers being unable to carry out their duties the Sub-Branch committee may appoint a Returning Officer and/or Scrutineers to conduct the election.

The Returning Officer and Scrutineers so appointed by the Sub-Branch committee shall only act until the Returning Officer and Scrutineer can resume their duties.

(iv) Nominations must be in writing, signed by the member who is nominated and endorsed by at least two (2) financial members and must be forwarded by registered mail or by any other means that ensures delivery so as to reach the Returning Officer at least seven days prior to the Annual General Meeting. The Returning Officer shall provide each member with a receipt upon delivery of his nomination.

(v) The Returning Officer shall check all nominations received for compliance with the requirements of these rules and shall reject any that do not so comply; provided that in the event of his finding a defect in a nomination he or 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 seven days of his having been so notified.

(vi) If more than sufficient candidates are nominated an election shall be held.

(vii) The Returning Officer shall obtain sufficient ballot papers for the election and shall make arrangements so as to enable members to vote at the Annual General Meeting.

(viii) The Returning Officer shall initial all ballot papers which shall not bear any other distinguishing mark.

(ix) Any member of the Sub Branch who will not be present at the Annual General Meeting may lodge with the Returning Officer, at any time after the closing date for nominations and before the Annual General Meeting commences, a written request for an absentee vote. On the receipt of such a written request, the Returning Officer will promptly provide the appropriate absentee voting form to the member. This absentee voting form shall be completed by the member and submitted to the Returning Officer prior to the commencement of the Annual General Meeting. All absentee votes so received shall be counted by the Returning Officer at the Annual General Meeting.

(x) In the cases of an equality of votes for two or more candidates the Returning Officer shall determine by drawing lots which of the members is elected.

(xi) Any candidate at any such election may appoint a scrutineer who shall be entitled at the expense of the candidate to be present at all stages of the ballot.

(xii) The Returning Officer shall declare the result of the ballot following the count which includes any absentee votes received at the Annual General Meeting and all persons elected shall occupy their positions forthwith.

(e) There shall be a General Meeting of each Sub-Branch at least once in each quarter for the payment of contributions and other general business, except in cases where the Branch Committee sanctions the holding of meetings less frequently. Members of each Sub-Branch shall attend all general meetings of the Sub-Branch, at which non members shall not be admitted. An Annual General Meeting of the Sub-Branch shall be held each year in the month of February, March or April, at which nominations shall be received and an election take place for the committee of the Sub-Branch.

The committee of a Sub-Branch may at any time direct the Secretary to call a Special General Meeting of the Sub-Branch.

At least seven days' notice in writing on notice boards accessible to all members of the Sub-Branch shall be given by the Sub-Branch Secretary to members of the date set for general meetings or special meetings with the exception of Annual General Meetings where twenty-one (21) days notice shall be given.

(f) The committee of a Sub-Branch may meet once in every calendar month. Such meetings will be called by the Secretary by notice in writing to members of the Sub-Branch committee. The President of the Sub-Branch may, however, at any time instruct the Secretary to summon a special meeting of the committee.

(g) All moneys collected by Sub-Branches shall be forwarded to the Branch Assistant Secretary-Treasurer within two weeks after each general meeting of the Sub-Branch, together with a statement showing the names of the members making such payments and the amount so paid.

(h) Each Sub-Branch may adopt by laws for its own conduct and guidance provided that such by laws are not inconsistent with any of the rules of the Branch and are first approved by the Branch Committee. Such by-laws may be altered, added to, amended or rescinded by a simple majority vote of members at an Annual or Special General Meeting of the Sub-Branch, provided that such alterations, additions, amendments or rescissions must be approved by the Branch Committee.

(i) (i) The President shall preside at all meetings conducted by the Sub-Branch and will preserve good order so that business may be conducted properly.

(ii) He or she shall see that minutes of the meeting are read and confirmed and upon such reading and confirmation sign the same.

(iii) The President shall have a deliberate vote only.

(iv) The Vice-President shall assist the President, and shall in his or her absence exercise the power of the President.

(j) The Secretary shall attend all meetings and prepare documents for the Sub-Branch and committee meetings. He or she shall conduct and file all correspondence, summon members to meetings of the Sub-Branch committee and members of the Sub-Branch to the quarterly meeting. He/she shall submit to the President, any urgent information he or she may officially receive and the President, together with the Secretary, shall decide upon the best course to be proceeded with until the next meeting of the Sub-Branch committee. He or she shall keep a register of the names and addresses of the representatives and members of the Sub-Branch.

(k) Subject to the resolutions and the decisions of the Branch Council and of the Branch Committee, the meetings of the Sub-Branch shall have the general control and conduct of the business of the Sub-Branch and decisions of the meetings shall bind all members of the Sub-Branch.

(l) Casual vacancies occurring in the positions of President, Vice-President, Secretary or member of the committee of the Sub-Branch shall be filled by the Sub-Branch committee from members of the Sub-Branch who would be eligible to nominate for the vacant position at an annual election. Such person shall only hold such position until the following election.

(m) No member of the Sub-Branch committee shall be dismissed unless a resolution is passed by a majority of members at an ordinary or Special General Meeting of the Sub-Branch convened for the purpose, finding him or her guilty, in accordance with these rules, of misappropriation of the funds of the Union, a substantial breach of the rules of the Union, gross misbehaviour or gross neglect of duty, or finding that he or she has ceased, according to these rules, to be eligible to hold his position.

No such motion will be moved unless the member concerned has been given fourteen days' notice in writing of the intention to move a resolution charging him or her with an offence, the alleged grounds for such resolution and the time, date and place of the meeting at which he shall be given the opportunity to be heard.

(n) This rule shall be reviewed by the Branch Council prior to the elections due in 2014.

58 - BRANCH QUORUM

(a) Quorums for the meetings of a Branch held in accordance with these rules, shall be as follows -

(i) at any General Meeting of a Branch 25 financial members;

(ii) at any meeting of the Branch Committee, a majority of members of the Branch Committee or ten members thereof, whichever is the lesser.

(b) If no quorum be present at the expiration of 15 minutes after the time stated for the commencement of the meeting, such meeting shall lapse, but without prejudice to another meeting being called for the same purpose as such meeting was called, at such other time and place as may be thought fit. In the event that any such other meeting has been called, the business for which the same has been called may be transacted by those present, notwithstanding the fact that there is not a quorum present. Any resolutions passed at any such meeting shall be as binding and effectual as if a quorum were present. Seven days' notice of any such other meeting shall be given by the Branch Secretary to all members of the Branch or Branch Committee as the case may be.

(c) Notwithstanding anything else contained in these rules, where a Branch has less than 100 members the following quorum shall apply:

(i) At any General Meeting of a Branch 10 financial members;

(ii) at any meeting of the Branch Committee, a majority of members of the Branch Committee or five members thereof, whichever is the lesser.

59 - BRANCH VOTING

(a) Voting at all meetings of a Branch or Branch Committee or the New South Wales Branch Council shall be by show of hands or by such other method as the meeting may decide. The Chair shall have a deliberative vote only and in the event of a tie the questions shall lapse.

60 - BRANCH PLEBISCITE

(a) Notwithstanding anything contained in these rules, a plebiscite of all members of a Branch -

(i) may be held for any purpose at the discretion of the Branch Committee; and,

(ii) shall be held if requested by a requisition in writing and signed by not less than 5 per cent of the financial members of the Branch.

Such requisition to contain in block letters the name of each member signing same and the name of the establishment at which such member is employed. Provided that no decision of a Branch Committee or the New South Wales Branch Council shall be reviewed or referred to a plebiscite of members pursuant to sub-rule (ii) of this clause unless the appropriate request has been delivered to the Branch President or Branch Secretary within two months of the said decision.

(b) Any such plebiscite shall be conducted by secret postal ballot and shall be under the absolute control and direction of the Branch Returning Officer who shall -

(i) prepare ballot papers which shall contain the question to be voted on;

(ii) issue a ballot paper to each member entitled to vote;

(iii) determine the time and date for the closure of the ballot, having consideration for the convenience of the voters;

(iv) take such steps as are necessary to ensure that a result is correctly ascertained; and,

(v) report the result of the plebiscite to the first meeting of the Branch Committee held after the conclusion of the counting of the votes cast.

(c) A simple majority decision of the members voting shall be final and shall prevail over any contrary decision of the Branch Committee or the New South Wales Branch Council.

PART D - GENERAL

61- REGISTERED OFFICE

The registered office of the Union shall be at such place as the National Council or National Executive from time to time may decide.

62 - RULE BOOK

Each member shall be supplied with a copy of the registered rules of the Union upon application to the relevant Branch Secretary.

63 - INSPECTION OF BOOKS

The Branch must provide access to the Branch's financial records in accordance with its statutory obligations.

64 - MEMBERS ENGAGED ON UNION BUSINESS

(a) Should any member of the Union lose any part of his or her salary or wages or be required to work overtime in consequence of being engaged on the business of the Union or his or her Branch under instructions from the National Executive or his or her Branch Committee, the National Executive or his or her Branch Committee, as the case may be, shall make good all such loss or shall remunerate the member at his or her rate of salary for the time occupied by him or her whilst so engaged. Reasonable out-of-pocket expenses shall be allowed members engaged on Union or Branch business.

(b) Any Officer or member transacting business on behalf of the Union or any Branch thereof shall report on such business to the body which appointed him or her to carry out such business. Any such Officer or member neglecting to make such report may forfeit all claims for any time lost and expenses incurred whilst so engaged on such business.

65 - DISSOLUTION

The Union shall not be dissolved so long as there are two Branches and there are not less than 100 members. The question of dissolution shall be determined by a national plebiscite in accordance with these rules. The provisions of this clause shall not apply to any amalgamation with any other trade Union or organisation.

66 - AFFILIATION

(a) The Union may, by resolution of the National Council, affiliate with anybody having objects in common with the objects of the Union.

(b) A Branch Committee may by resolution affiliate the Branch with anybody having objects in common with the objects of the Union.

67 - ALTERATIONS OF RULES

(a) The National Council shall have power to make new rules or to add to, amend, rescind or otherwise alter these rules at a meeting of the National Council or by postal ballot of the members of the National Council conducted pursuant to rule 25 of these rules.

(b) Notice of any proposal for the making of a new rule or for the adding to, amendment, rescission or other alteration of any of these rules shall be given in writing to each member of the National Council and to the Secretary of each Branch at least one month prior to the relevant meeting of the National Council or to the commencement of the postal ballot (as the case may be) provided that any such proposal may itself be amended when being considered by the relevant meeting.

(c) Nothing contained in this rule shall derogate from the power conferred by rule 49 on a Branch to make rules for its own internal management but details of any proposal to make such a rule shall be contained in the notice calling the special general meeting of members at which the proposal is to be considered.

68 - NAME AND RESIDENCE

A register of the names and addresses of the Branch Officers and members of the Branch shall be kept in the registered office of the Branch. A member shall notify the Branch Secretary in writing within fourteen days of any change of that member's address. Any notice which is required to be given to a member under these rules shall be forwarded to the address of that member last appearing on that register of members.

69 - DUAL OFFICES

(a) No person shall hold more than one paid office within the Union or any Branch of the Union.

(b) A paid National Officer shall not also hold an elected position within a Branch of the Union.

(c) No person shall simultaneously hold more than one of the offices of National President, National Senior Vice-President, National Junior Vice-President, National Trustee, National Secretary or National Assistant Secretary.

(d) (i) Where a Branch Secretary is elected or appointed to one of the National offices of National President, National Senior Vice-President, National Junior Vice-President, National Trustee, National Secretary or National Assistant Secretary, he or she shall not while holding that National office also act as a member of National Executive by virtue of being a Branch Secretary. During the time that the Branch Secretary holds that National office, the Assistant Branch Secretary of the relevant Branch shall act as a member of the National Executive instead of that Branch Secretary, and shall, on the National Executive, exercise all the powers and duties otherwise exercised by that Branch Secretary. If the Branch Secretary ceases to hold that National office, he or she shall resume the position on National Executive he or she holds by virtue of his or her office of Branch Secretary.

(ii) Where a Branch Assistant Secretary is elected or appointed to one of the National offices of National President, National Senior Vice-President, National Junior Vice President, National Trustee, National Secretary or National Assistant Secretary, and where the Branch Secretary of that same Branch is elected or appointed to one of those National offices, that Branch Assistant Secretary shall not while holding that National office also act as a member of National Executive by virtue of sub-rule 73(d)(i). During the time that the Branch Assistant Secretary holds that National office, and the Branch Secretary of that same Branch holds one of those National offices, the Branch Committee of Management of the relevant Branch shall appoint one of its members to act as a member of the National Executive instead of that Branch Secretary, and that person shall, on the National Executive, exercise all the powers and duties otherwise exercised by that Branch Secretary. If the Branch Assistant Secretary ceases to hold that National office, he or she shall act in the position on National Executive he or she would otherwise act in instead of the Branch Secretary.

(e) No person shall simultaneously hold more than one of the following offices -

Branch President, Branch Vice-President, Branch Secretary, Branch Assistant Secretary, Branch Trustee, and ordinary member of Branch Committee.

(f) No person shall simultaneously hold a paid National office position and an office of ordinary member of Branch Committee.

70 - FULL TIME PAID OFFICERS - NEW SOUTH WALES BRANCH AND NEW SOUTH WALES STATE REGISTERED HEALTH SERVICES UNION NSW

(a) Notwithstanding anything elsewhere in the rules of the Union, in the New South Wales Branch where the Branch Secretary or Branch Assistant Secretary-Treasurer is also elected or appointed to an equivalent full time paid office in the Health Services Union NSW, an organisation registered pursuant to the provisions of the Industrial Relations Act 1996 (NSW), and is in receipt of remuneration and terms and conditions of employment from the Health Services Union NSW equal to that determined by the Branch Council, he or she shall be deemed to be paid by the New South Wales Branch for such time as he or she continues to receive such payment from Health Services Union NSW and shall not be entitled to be paid by the New South Wales Branch. For all other purposes under the rules of the Union the officer shall be deemed to be the holder of a full time paid office in the New South Wales Branch.

(b) For the avoidance of doubt, if an officer referred to in sub-rule (a) herein ceases to be paid by the Health Services Union NSW in respect of the full time paid office, he or she will be entitled to remuneration and terms and conditions of employment provided by the New South Wales Branch identical to that previously provided by the Health Services Union NSW.

71 - STANDING ORDERS AND RULES OF DEBATE

The National Council shall determine from time to time the standing orders and rules of debate to apply to meetings of the National Council, National Executive, Branch Committees and General meetings of members of the Union or any Branch thereof. A copy of such standing orders and rules of debate as determined from time to time shall be supplied free of charge by a Branch Secretary to any financial member of the Branch requesting the same.

72 – ASSOCIATE MEMBER

Associate membership is only open to persons who are not otherwise eligible to apply for ordinary membership.

A resigning or retiring member may apply to remain an Associate Member. Further any person, who supports the objects of the Union as outlined in rules, may apply to become an Associate Member.

The relevant Branch shall determine the conditions and benefits of Associate Membership and any adminstration fee to be applied provided that Associate Members shall not be deemed financial members for all purposes of these rules.

PART E – FINANCES AND FINANCIAL ACCOUNTABILITY

73 - INTRODUCTION

(a) The purposes of this Part of the rules are to:

(i) Establish principles of financial governance and accountability that ensure the conduct of the Union's financial affairs is transparent and to hold officers accountable;

(ii) Comply with the requirements of the Act.

(b) The financial year of the NORU and the Branches shall end on the 30th June in each year.

74 - THE FINANCIAL RESPONSIBILITIES OF OFFICERS

Financial Responsibilities of National Officers

(a) Each National Officer of the Union has the following responsibilities in relation to the financial management of the Union:

(i) Not to make improper use of confidential information in order to gain a personal advantage, or an advantage for any person other than the Union.

(ii) Not to make improper use of his or her position in order to gain a personal advantage, or an advantage for any person other than the Union.

(iii) Not to improperly exercise his or her powers for a purpose other than to serve the interests of the Union in order to gain a personal advantage, or an advantage for any person other than the Union.

(iv) To fully disclose to National Executive, and take reasonable steps to avoid, any conflict between his or her duty to the Union and his or her personal interests.

(v) To ensure that the financial reports of the Union are prepared in an accurate and timely manner, all National officers shall answer fully and frankly such questions that are reasonably asked, and provide such information as is reasonably requested, by the National Executive or the National Auditor.

(vi) To inform the National Executive, or the National Auditor, of any matter that the National Officer is aware of which, unless disclosed, might result in the financial reports not providing a true and fair view of the financial position and performance of the Union.

(b) The responsibilities of National Officers stated in this rule are in addition to, and do not derogate from, duties imposed by any rule of law or statute.

(c) Conduct of an officer is not improper, and is not a breach of the responsibilities imposed by this rule, if before or after the conduct occurs the National Officer makes a full and frank disclosure to the National Executive of all material facts relating to the conduct and the National Executive ratifies that conduct.

(d) The National Trustees shall deal with the property and funds of the Union as they may from time to time be directed by the National Council or National Executive.

Financial Responsibilities of Branch Officers

(e) Each Branch Officer of the Union has the following responsibilities in relation to the financial management of the Branch:

(i) Not to make improper use of confidential information in order to gain a personal advantage, or an advantage for any person other than the Branch.

(ii) Not to make improper use of his or her position in order to gain a personal advantage, or an advantage for any person other than the Branch.

(iii) Not to improperly exercise his or her powers for a purpose other than to serve the interests of the Branch in order to gain a personal advantage, or an advantage for any person other than the Branch.

(iv) To fully disclose to Branch Executive, and take reasonable steps to avoid, any conflict between his or her duty to the Branch and his or her personal interests.

(v) To ensure that the financial reports of the Branch are prepared in an accurate and timely manner, all Branch Officers shall answer fully and frankly such questions that are reasonably asked, and provide such information as is reasonably requested, by the Branch committee of management or the Branch Auditor.

(vi) To inform the Branch committee of management, or the Branch Auditor, of any matter that the Branch officer is aware of which, unless disclosed, might result in the financial reports not providing a true and fair view of the financial position and performance of the Branch.

(f) The responsibilities of Branch Officers stated in this rule are in addition to, and do not derogate from, duties imposed by any rule of law or statute.

(g) Conduct of a Branch Officer is not improper, and is not a breach of the responsibilities imposed by this rule, if before or after the conduct occurs Branch Officer makes a full and frank disclosure to the officer's Branch committee of management of all material facts relating to the conduct and the Branch committee of management ratifies that conduct.

75 - FINANCE COMMITTEES OF THE UNION AND THE BRANCHES

(a) There shall be a Finance Committee of the NORU (called the National Finance Committee) consisting of the National Officers.

(b) Each Branch shall have a Finance Committee (however named) comprising:

(i) In the case of the New South Wales Branch, the Branch President, Branch Secretary, the Branch Assistant Secretary-Treasurer, and 4 ordinary members appointed by and from the Branch Council.

The quorum shall be four (4) Members of the Branch Finance Committee.

(ii) In the case of the Victoria No.3 Branch, the Branch Secretary, the 2 Branch Trustees and 2 ordinary members appointed by and from the committee of management.

(iii) In the case of the other Branches, the Branch Secretary, at least 1 Branch Trustee and at least 2 members of the Branch Committee appointed by and from the committee of management.

(c) The National Finance Committee and each Branch Finance Committee:

(i) Shall be chaired by a person appointed by the National Executive or Branch committee of management to fill that role. In his or her absence at a meeting, the remaining members present shall elect one of their number present to chair the meeting.

(ii) Shall have a quorum of sixty per cent of the members of the Committee.

(iii) Shall meet at least as regularly as is determined by National Executive or Branch committee of management. The person appointed chair of the Committee may call a meeting more regularly if he or she considers it appropriate. The National Finance Committee shall meet at least once every two months. Branch Finance Committees shall meet at least quarterly.

(iv) In accordance with a decision of the chair of the Committee, the Committee may meet in person, by way of telephone conference, or by any other electronic means.

(d) The functions of the Finance Committee are:

(i) Develop the annual budget to be adopted by the National Executive or the Branch Committee of Management.

(ii) Monitor and report to National Executive (in the case of the National Finance Committee) and to Branch committee of management (in the case of the Branch Finance Committee) on the financial performance of the NORU or Branch against the budget.

(iii) Ensure there are adequate internal control systems in place and functioning to promote operational efficiency, minimise financial risk and fraud, and to ensure financial accountability.

(iv) Examine and monitor expenditure to ensure that expenditure is consistent with achieving the objects and complies with policy and procedures.

(v) Examine and monitor all credit card expenditure by employees and officers to ensure compliance with applicable policy and procedures.

(vi) Ensure that the applicable Financial Management Policy and Procedures are complied with at all times.

(vii) Ensure that the rules concerning the finances and financial management are complied with at all times.

(viii) Monitor and ensure that the NORU or Branch is complying with all statutory obligations regarding financial management and reporting requirements.

(e) The Finance Committee also has the following functions in relation to auditing:

(i) Make recommendations regarding the appointment of the Auditor to the National Executive or Branch Committee of Management.

(ii) In conjunction with the National or Branch Auditor, make recommendations to the National Executive or Branch committee of management about changes to the Union's or Branch's systems of internal control and systems to identify, monitor and mitigate significant financial risk.

(iii) In conjunction with the National or Branch Auditor, ensure that the Union's or Branch's annual financial statements are fairly represented in all material respects in accordance with Australian accounting principles and Standards.

(iv) Ensure that any matter that the National or Branch Auditor wishes to bring to the attention of the National Executive or Branch committee of management has been given adequate attention.

(f) The National Finance Committee shall report to each meeting of National Executive about the matters referred to in sub-rules (d) and (e).

(g) The Branch Finance Committee shall report to each meeting of Branch Committee of Management about the matters referred to in sub-rules (d) and (e).

(h) If there is a matter that is so important, or so urgent, that it requires more immediate attention or direction from the National Executive or Branch Committee of Management, and two or more members of the Finance Committee so resolve:

(i). A report about the matter shall be sent by the chair of the Finance Committee to each member of the National Executive or the Branch Committee of Management;

(ii). The National President, or President of the Branch, shall determine if a National Executive or Branch Committee of Management meeting should be called to deal with the matter.

(i) National Executive and each Branch Committee of Management may authorise the Finance Committee to approve expenditure of the funds of the Union or the Branch, as the case may be, on ordinary or extraordinary operating expenditure up to an amount specified.

(j) The powers and functions conferred by this rule on the National Executive are only exercisable in relation to the National Finance Committee and the powers and functions conferred by this rule on a Branch Committee of Management are only exercisable in relation to that Branch's Finance Committee.

76 - THE FUNDS AND PROPERTY OF THE UNION

(a) Subject to sub-rule (e), the National Executive:

(i) has control of all of the funds and property of the Union;

(ii) may determine all matters associated with the property of the Union, including the acquisition, disposal, transfer, use and control of the property; and

(iii) may determine all matters associated with the investment of the funds of the Union, including the acquisition, disposal, transfer, use and control of the investments.

(b) Subject to sub-rule (e), the National Secretary is authorised to expend the funds of the Union on normal operating expenditure, subject to the limitations contained in the policies and procedures referred to in sub-rule (d).

(c) Subject to sub-rule (e), the National Finance Committee is authorised to expend the funds of the Union on ordinary and extraordinary operating expenditure, subject to the limitations contained in the policies and procedures referred to in sub-rule (d).

(d) Without limiting sub-rule (a), the National Executive shall adopt and implement policies and procedures, consistent with the principles of good governance and the Union's statutory obligations, governing all matters associated with the control of the funds, investments and property including, but not limited to:

(i) The opening, closure and operation of accounts with financial institutions.

(ii) The procedures followed when making financial transactions.

(iii) The establishment of an annual budget.

(iv) The keeping of financial records.

(v) The production, content, timing and distribution of financial reports.

(vi) The auditing of the Union's finances.

(vii) The documentation, reporting and accounting of transactions and expenditure.

(viii) What is defined as normal and extraordinary operating expenditure for the purposes of these rules.

(ix) The limits to the amounts the National Secretary and National Finance Committee are authorised to expend.

(x) The conferral of authority to expend the funds of the Union.

(xi) The expenditure on which the funds of the Union cannot be expended without specific authorisation of the National Executive.

(xii) The procedure that must be followed in expending the funds of the Union.

(xiii) The issuing, use of, and accountability for credit cards.

(xiv) All aspects related to the use of credit cards and accounting for that expenditure.

(xv) The procedure that must be followed in purchasing goods or services using the funds of the Union.

(xvi) Hospitality and gifts.

(xvii) The employment and remuneration of officers and staff.

(xviii) The disclosure and management of conflicts of interest.

(e) National Council may make directions, which National Executive, the National Finance Committee, and National Officers must comply with, concerning the matters referred to in sub-rules (a)-(d).

(f) Policies and procedures adopted under sub-rule (d) must be identified in the resolutions of the National Executive as rule 76 policies and procedures. Once adopted rule 76 policies and procedures shall be binding on all officers and members of the Union.

(g) Rule 76 policies and procedures must be published on the website conducted by the Union within fourteen days of their adoption.

77 - LOANS, GRANTS AND DONATIONS

(a) Notwithstanding anything elsewhere contained in these rules, the Union shall not make any loan, grant or donation of any amount exceeding $1,000 unless the National Council or the National Executive of the Union has approved the making of the loan, grant or donation and has satisfied itself:

(i) That the making of the loan, grant or donation would be in accordance with the other rules of the Union, and,

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

(b) Sub-rule (a) shall not apply to or in relation to payments made by the Union by way of provision for, or reimbursement of, out of pocket expenses incurred by persons for the benefit of the Union. Nor do the provisions of sub-rule (a) apply to a transfer of funds to a Branch referred to in sub-rule 79(c).

78 - CAPITATION FEES

(a) Each Branch shall pay annually to the Union capitation fees (which includes the Branch's proportion of the Union's affiliation fee to the ACTU) being such amount per financial member as decided from time to time by two-thirds vote of National Council ('Branch capitation fees').

(b) Branch capitation fees shall apply equally to Branches.

(c) Branch capitation fees shall be calculated and payable on the basis of the number of financial members of the Union attached to that Branch as at the 30th June in the appropriate year certified as correct by the Branch Secretary.

(d) Branch capitation fees shall be due and payable:

(i) when paid annually, by the 31st August next following, or

(ii) if a Branch chooses to pay its Branch capitation fees on a quarterly basis, by 14 July, 14 October, 14 January and 14 April next following; or

(iii) if the Branch chooses to pay monthly by the 14th of each month.

79 - BRANCH LIABILITIES

(a) Branch's liabilities means:

(i) the liability of the Union to a third person for an amount resulting from the conduct of a Branch or officers, employees or agents of the Branch, whether that conduct is engaged in separately or jointly with any other and whether that conduct has, directly or indirectly, resulted in the liability;

(ii) an unpaid debt due for repayment as defined in sub-rule (c).

(b) Without limiting the foregoing, the Branch's liabilities referred to in sub-rule 79(a)(i) includes:

(i) Liability for the remuneration of officers and others engaged to perform work for the Branch.

(ii) Liability to pay payroll tax, similar types of tax, workers' compensation, superannuation and other types of contributions in respect to those engaged in the Branch.

(iii) Liability to pay stamp duty and other similar types of tax in respect to the transfer, howsoever described, of property used by or enjoyed by the Branch or its officers.

(iv) Liability to pay mortgage repayments and other similar types of payment in respect to property used by or enjoyed by the Branch or its officers.

(v) Liability to pay debts on any loans whose funds have been applied principally for the benefit of the Branch.

(vi) Liability to pay damages or penalties for conduct of the Branch or conduct of its officers, employees or agents.

(c) An unpaid debt is due for repayment when:

(i) The Union effects a transfer of funds from the funds of the Union to the funds of a Branch ('a loan') on agreed terms requiring the repayment of an amount, and part or all of the repayment amount is due for repayment under the agreed terms, and the Branch has not repaid to the Union the amount due and payable from the Branch's funds and property;

(ii) The Union agrees to provide a service of any nature to a Branch, directly or indirectly, on the terms that the Branch pay an amount to the Union in relation to the service and part or all of the payment is due under the agreed terms, and the Branch has not repaid to the Union the amount due and payable from the Branch's funds and property; or

(iii) The Union, with the agreement of the Branches concerned, has made a payment in relation to group activities of two or more Branches (or the activities of the officers or members of two or more Branches), and National Executive has determined an amount to be reimbursed by the Branch referable to those activities, and the Branch has not reimbursed the Union for the amount determined by National Executive.

80 - CONSEQUENCES OF NOT PAYING CAPITATION FEES OR MEETING BRANCH LIABILITIES

(a) Where a Branch owes money to the Union:

(i) The Branch delegates to National Council from that Branch shall not, unless the National Council otherwise decides, be entitled to participate in any meeting of National Council until such payment is made in full.

(ii) The Branch Secretary shall not, unless the National Executive otherwise decides, be entitled to participate in any meeting of the National Executive until such payment is made in full.

(b) The Branch only owes money to the Union for the purposes of sub-rule (a) when:

(i) The Branch has failed to pay Branch capitation fees that are due and payable under rule 78;

(ii) The Union has paid a Branch liability as defined in rule 79(a)(i) of more than $5,000; or

(iii) The Branch owes an unpaid debt due for repayment as defined in sub-rule 79(a)(ii) of more than $5,000.

(c) In relation to a Branch liability as defined in rule 79, the National Executive may direct and require the Branch by its officers to:

(i) In the case of a Branch liability referred to in sub-rule 79(a)(i), to pay the Branch liability;

(ii) In the case of a Branch liability referred to in sub-rule 79(a)(ii), to repay the loan, pay the amount due or pay the amount determined by National Executive as the case may be; and

(iii) If the Union has paid all or part of the Branch liability referred to in 79(a)(i) from the funds of the Union, to reimburse the Union the amount paid by the Union.

(d) Where the National Executive has made a direction under sub-rule (c) then the Branch, and each of its officers, has an obligation to take all necessary steps to comply with the direction, including giving any necessary authorities and executing any documents reasonably necessary to comply with the direction.

(e) In the case of a Branch liability referred to in sub-rule 79(c)(iii), to enable the Union and its Branches to minimise its and their liabilities and meet its and their statutory obligations, the Branch, and each of its officers, also have obligations:

(i) To promptly provide information reasonably requested of it;

(ii) To co-operate with the Union and other Branches; and

(iii) In the event that any additional liability is incurred by the Union due to the failure by a Branch to provide accurate information within timeframes required, that additional liability will be treated as a loan by the Union as defined in sub-rule 78(c) repayable immediately.

(f) In the case of a Branch liability referred to in sub-rule 79(a)(i), if the Branch contends that the Union is not liable to a third person, then:

(i) The Branch shall pay from the funds of the Branch all of the legal costs incurred associated with that contention; and

(ii) If there are any legal costs incurred by the Union associated with that contention, then the payment of those costs from the funds of the Union shall be treated as a loan as defined in sub-rule 78(c) by the Union to the Branch repayable within 30 days from the receipt by the Union of an invoice, or similar requirement, for the payment of those costs; and

(iii) So long as the obligations referred to in sub-rule 80(e)(i) and (ii) are complied with, the Union is not to pay the liability unless it has received advice that there is no reasonable defensible contention that the liability is not payable.

81 - FARES AND EXPENSES

(a) National Executive shall determine from time to time the fares and expenses to be paid to or on behalf of members of the National Executive when attending National Executive meetings or when attending to the business of the Union.

(b) In the case of Branch delegates to National Council, unless otherwise determined by National Executive or National Council, such fares and expenses shall be paid by the Branch concerned and in the case of National Executive members such fares and expenses shall be paid out of the funds of the Union.

82 - NATIONAL AUDITOR

(a) The National Auditor shall be appointed annually by the National Executive.

(b) The National Auditor shall be a person qualified under any governing statute to hold that appointment.

(c) The National Auditor shall perform such functions and duties as are prescribed by any governing statute and such other functions and duties, not inconsistent with any governing statute, as are required by the National Council or the National Executive.

(d) The National Auditor shall for the purpose of performing his or her functions and duties:

(i) have access to and be entitled to examine all documents of the Union in the custody, control or power of the Union or any of its Branches;

(ii) be empowered to question any Officer or employee of the Union or any Branch of the Union about such documents and any other matter related to the performance of the National Auditor's functions and duties;

(iii) to obtain from any bank or other institution at which the funds of the Union or any Branch thereof are deposited or invested such information as he or she may require.

(e) The National Auditor shall have power to:

(i) Make recommendations to National Executive about the financial affairs of the Union or its Branches;

(ii) Make recommendations to National Finance Committee about the financial affairs of the Union or its Branches;

(iii) Make recommendations to a Branch committee of management about the financial affairs of that Branch.

(iv) Work in conjunction with the National Finance Committee to enable that committee to perform its functions and duties referred to in sub-rule 75(e);

(v) Attend any National Finance Committee meeting and raise any matter concerning the financial affairs of the Union.

83 - FINANCIAL REPORTING REQUIREMENTS

(a) The Union shall prepare such financial reports as are required to be prepared by any governing law ('the financial reports').

(b) The Union shall provide within any timeframe established by any governing statute:

(i) A copy of the full financial reports free of charge to the members of the Union, unless the National Executive resolves that a concise report is to be provided to members of the Union; and

(ii) A copy of the full financial reports free of charge to any member that requests such a copy.

(c) A copy of the full or concise reports referred to in (b) may be provided by publication in the Union's Journals, by correspondence, email, by posting on the Union's website or by some other method where all Union members have reasonable access to and are able to view the report.

(d) The purpose of this sub-rule is to provide for a general meeting of members referred to in s 266(3) of the Fair Work (Registered Organisations) Act 2009. Members of the Union may requisition a general meeting of the Union for the purpose of considering the auditor's report, the general purpose financial report and the operating report. The meeting shall only be called if 5% or more of the members requisition the meeting. The requisition shall be in writing and signed by those members. If the National Secretary receives such a requisition, he or she shall:

(i) Call a general meeting of members, giving not less than 21 days' notice.

(ii) Determine the time and place at which the meeting shall be heard.

(iii) Shall ensure that facilities are provided to enable members in each State and Territory to participate at the meeting. This includes telephone or video conferencing or other electronic means of attending at and participating in the meeting.

(iv) Direct the Branch Secretaries to give at least 14 days' notice of the meeting to members of their respective Branches, including notice of the purpose of the meeting and how members may attend at and participate in the meeting by telephone or video conferencing or other electronic means.

(v) Shall ensure that members are given such documents as are required by law to be provided within any timeframe established by any governing law.

84 - ACCESS TO FINANCIAL RECORDS

(a) The Union must provide access to the Union's financial records in accordance with its statutory obligations.

(b) A member of the National Executive has a right of access to the financial records of the Union at all reasonable times. For the purposes of this rule, the financial records of the Union are those records that are required to be kept and maintained by any governing statute.

(c) Any member of the National Executive shall, on giving three days' notice to the National Secretary, be entitled within the ordinary office hours of the Union to inspect the books and documents of the Union.

(d) In relation to any information provided under this rule, the member of National Executive:

(i) Must not make improper use of the information in order to gain a personal advantage or an advantage for any person other than the Union.

(ii) Must not make improper use of his or her position in order to gain a personal advantage or an advantage for any person other than the Union.

(iii) Must not improperly exercise his or her powers for a purpose other than to serve the interests of the Union in order to gain a personal advantage, or an advantage for any person other than the Union; and

(iv) Must act in good faith in what he or she believes to be the best interests of the Union.

85 – DISCLOSURE OF REMUNERATION AND NON-CASH BENEFITS BY OFFICERS

a) The obligations concerning the disclosure of remuneration and non-cash benefits are regulated by the Act ('the disclosure obligations').

b) In addition to the disclosure obligations imposed by the Act, and without limiting those obligations in any way:

(i) The disclosure obligations are also obligations owed by officers under these rules.

(ii) Where the disclosure obligations impose on an officer of a Branch an obligation to disclose a matter to the Branch, the Branch Secretary of that Branch shall forward to the National Secretary a written record of the disclosure.

(iii) The written record forwarded to the National Secretary shall be made within one month of the disclosure to the Branch, or immediately if requested by the National Secretary.

86 - DISCLOSURE OF REMUNERATION PAID TO THE HIGHEST PAID OFFICERS

a) The obligations concerning the disclosure of the remuneration and benefits provided to officers are regulated by the Act ('the disclosure of remuneration obligations').

b) In addition to the disclosure of remuneration obligations imposed by the Act, and without limiting those obligations in any way:

(i) The disclosure of remuneration obligations are also obligations under these rules.

(ii) The disclosure of remuneration obligations in the Act imposed in relation to some officers of the organisation apply, under these rules, to all officers of the organisation.

(iii) The disclosure of remuneration obligations in the Act imposed in relation to some officers of each Branch apply, under these rules, to all officers of the Branch

87 – DISCLOSURE OF MATERIAL PERSONAL INTERESTS

a) The obligations concerning the disclosure of material personal interests are regulated by the Act ('the disclosure of material personal interests obligations').

b) In addition to the disclosure of material personal interests obligations imposed by the Act, and without limiting those obligations in any way:

(i) The disclosure of material personal interests obligations are also obligations owed by officers under these rules.

(ii) Where the disclosure of material personal interests obligations impose on an officer of a Branch an obligation to disclose a matter to the Branch, the Branch Secretary of that Branch shall forward to the National Secretary any written record relating to the disclosure.

(iii) The written record forwarded to the National Secretary shall be made within one month of the disclosure to the Branch, or immediately if requested by the National Secretary.

88 – DISCLOSURE OF PAYMENTS

a) The obligations concerning the disclosure of payments made by the organisation or a branch are regulated by the Act ('the disclosure of payments obligations').

b) In addition to the disclosure of payments obligations imposed by the Act, and without limiting those obligations in any way:

(i) The disclosure of payments obligations are also obligations under these rules.

(ii) The disclosure of payment obligations in the Act imposed in relation to some officers of the organisation apply, under these rules, to all officers of the organisation.

(iii) The disclosure of payment obligations in the Act imposed in relation to some officers of each Branch apply, under these rules, to all officers of the Branch

89 – BRANCH FINANCIAL POLICIES AND PROCEDURES

(a) This rule applies to each Branch of the Union, other than the New South Wales Branch, the Victoria No.1 Branch and the Victoria No.3 Branch.

(b) Each Branch shall develop and implement internal control policies and procedures relating to the expenditure of the Branch and to ensure that the Branch is conducted in accordance with the principles of good governance and to ensure accountability to members of the Branch.

(c) The policies and procedures referred to in sub-rule 89(b) shall be adopted by the Branch committee of management for each Branch and once adopted shall be binding on all officers and members of the Branch. Such policies and procedures must be identified in the resolutions of the Branch committee of management as rule 89 Branch policies and procedures.

(d) Rule 89 Branch policies and procedures must be published on any website conducted by the relevant Branch within fourteen days of their adoption.

90 - BRANCH POLICIES AND PROCEDURES: NSW, VICTORIAN No.1 AND No.3 BRANCHES

(a) Each Branch shall develop and implement internal control policies and procedures relating to the expenditure of the Branch and to ensure that the Branch is conducted in accordance with the principles of good governance and to ensure accountability to members of the Branch. Each Branch shall also develop and implement policies and procedures to ensure that the Branch is representative of and accountable to its members, will be able to operate effectively, will encourage members to participate in the affairs of their Branch and to encourage the democratic functioning and control of the Branch.

(b) Such policies and procedures shall be adopted by the Branch Committee (or in the case of the New South Wales Branch, the Branch Council) and once adopted shall be binding on all officers and members of the Branch. Such policies and procedures must be identified in the resolutions of the Branch Committee (or in the case of the New South Wales Branch, the Branch Council) as Rule 90 Branch policies and procedures.

(c) Rule 90 Branch policies and procedures must be published on the website of the Branch within fourteen days of their adoption.

(d) Rule 90 Branch policies and procedures once adopted may only be altered, amended, or revoked by a resolution duly passed by not less than 70% of all members of the Branch Committee (or in the case of New South Wales Branch, the Branch Council). Provided that where the Branch Committee (or in the case of New South Wales Branch, the Branch Council) so alters, amends or revokes the Rule 90 Branch policies and procedures, such alteration, amendment or revocation may be rescinded by a plebiscite of the Branch in accordance with Rule 60.

(e) Notwithstanding anything appearing elsewhere in these Rules, this Rule may only be altered, amended or revoked by a resolution passed by not less than 70% of all members of Branch Committee (or in the case of New South Wales Branch, the Branch Council). Provided that where the Branch Committee (or in the case of New South Wales Branch, the Branch Council) so alters, amends or revokes this Rule, such alteration, amendment or revocation may be rescinded by a plebiscite of the Branch in accordance with Rule 60. Nothing in this sub-rule operates to limit the operation generally of Rule 60.

91 – DELETED

PART F - SPECIAL BRANCH AND TRANSITIONAL RULES

92 – TRANSITIONAL RULE - MEMBERSHIP

(a) On the date of the certification of this rule any person who is then life member of the HSU East Branch shall become a life member of the New South Wales Branch, the Victoria No.1 Branch or the Victoria No.3 Branch, whichever is applicable having regard to rule 38.

(b) On the date of the certification of this rule, any period of membership and/or financial membership of the Union in the HSU East Branch in accordance with the Union's rules prior to the date of certification shall be deemed to be for all purposes membership and/or financial membership of the Union in the New South Wales Branch, Victoria No.1 Branch or Victoria No.3 Branch, whichever is applicable having regard to rule 38. Any period of unfinancial membership in the HSU East Branch in accordance with the Union's rules prior to the date of certification shall be deemed to be for all purposes a period of unfinancial membership in the New South Wales Branch, the Victoria No.1 Branch or the Victoria No.3 Branch, whichever is applicable having regard to rule 38.

93 – VICTORIA NO. 1 BRANCH PROPERTY

(a) This rule prevails over any other rule to the extent of any inconsistency and may only be amended or rescinded by a resolution of the National Executive consenting to the amendment or rescission.

(b) For the purposes of this rule:

(i) A reference to the Secured Property is a reference to the property known as 208-212 Park Street, South Melbourne, Victoria, or any new property acquired by the Union for the benefit of the Victoria No. 1 Branch;

(ii) The Secured Property forms part of the Branch Fund of the Victoria No. 1 Branch; and

(iii) A reference to financing documents is a reference to facility agreements, loan agreements, mortgages, guarantees, security and other documents relating to the financial accommodation provided by a lender and security for that financial accommodation.

(c) This rule deals with any financing documents required to be entered into by the Union with any financial institution for the benefit of the Victoria No. 1 Branch as a consequence of the dissolution of the HSU East Branch or any replacement financing documents affecting the Secured Property which are entered into by the Union for the benefit of the Victoria No. 1 Branch.

(d) To the extent that the Union is required to enter into financing documents, the Branch Committee shall ensure that all payments required to be made pursuant to any financing documents will be made as and when required and all other obligations required to be performed will be undertaken as and when required. Without limiting the generality of this obligation, the Branch Committee shall ensure that:

(i) all facilities provided by the lender are repaid in full on or before the due date as and when required under the financing documents;

(ii) if the financing documents include a guarantee and indemnity or other security provided in respect of facilities provided to the Health Services Union NSW, it pays any amounts that become payable to the lender under that guarantee and indemnity and security documents as and when demanded by the lender;

(iii) it does not take any action or fail to perform any act that will result in a breach under the financing documents or an event of default or potential event of default occurring under the financing documents;

(iv) at all times the Branch has the capacity to make the payments as and when required under the financing documents;

(v) all information that is provided to a lender for the purpose of obtaining the financial accommodation referred to in the financing documents and during the term of the financing documents including any accounts and financial information is not incorrect or misleading;

(vi) there is no material adverse change in its assets or financial position from that disclosed in information provided to a lender for the purpose of obtaining the financial accommodation during the term of the financing documents;

(vii) all ongoing compliance and reporting obligations under the financing documents are met, including, but not limited to, maintaining proper accounts and providing such accounts, cash flow projections, reports and valuations as may be required by a lender and which comply with the accounting standards required by a lender;

(viii) all the requirements of a lender in relation to insurance over the Secured Property are complied with and ensure that the Union is the beneficiary of any insurance policy;

(ix) all obligations under financing documents in relation to the Secured Property are complied with;

(x) all monies required to be paid in connection with the Secured Property including rates and taxes are paid on the due date for payment;

(xi) the Secured Property is maintained in good condition and repair;

(xii) no leases, licences or other rights to use the Secured Property are granted without obtaining the prior approval of the National Executive and the lender;

(xiii) the prior consent of National Executive and the lender is obtained in respect of any dealings relating to the Secured Property;

(xiv) there is no subdivision or consolidation of any Secured Property without obtaining the prior approval of the National Executive and the lender;

(xv) there is no change to or steps taken to change the zoning of any Secured Property or change the use of the Secured Property or the nature of the business conducted on the Secured Property without obtaining the prior consent of the National Executive and the lender; and

(xvi) no variations to any leases or management agreements affecting the Secured Property are made which will materially affect the Secured Property and its value.

(xvii) Where in this sub-rule the consent of the National Executive is required, the National Executive will not unreasonably withhold that consent.

(e) The Branch Committee will ensure that the National Secretary is provided with:

(i) details of any proposed communication or information to be provided to a lender prior to it being provided to a lender which communication or information must be approved by the National Secretary prior to it being submitted to a lender;

(ii) copies of all accounts, reports, valuations, cash flow projections and any other financial information that is provided to a lender;

(iii) evidence of insurance in relation to the Secured Property and that all premiums in relation to the insurance have been paid;

(iv) evidence that all monies in connection with the Secured Property have been paid on time including rates and taxes;

(v) immediate notification of any event, action or circumstance that may result in a breach of the financing documents or an event of default or potential event of default under the financing documents; and

(vi) any other notification, information or documents received from a lender in relation to the financial accommodation provided by a lender and the financing documents.

(f) The Branch Committee will ensure that the National Secretary is provided with a monthly statement showing that the Branch has met its obligation to pay instalments of principal with interest, line fees, and any other amounts due to be paid each month under the financing documents and any further information requested by the National Secretary or the National Executive in writing in relation to the Branch Committee's management of the Secured Property and adherence to the terms of the financing documents.

(g) The Branch Committee shall inform the National Secretary, and keep the National Secretary informed, of all accounts at banks or financial institutions in which funds that form part of the Branch Fund of the Branch are held and the purpose for which each account is maintained.

(h) In the event that the National Executive forms the view, on reasonable grounds, that the Branch Committee has breached its obligations, or that there is a likelihood that the Branch Committee will not meet its obligations, under the terms and conditions of the financing documents, the National Executive may take all steps necessary to remedy the breach, including exercising any of the powers of the Branch Committee in relation to the Secured Property. The National Executive shall be entitled to meet the costs of taking such remedial action using the funds of the Branch.

(i) In the event that the Branch wishes to enter into new financing documents, it shall obtain the consent of the National Executive. The National Executive shall give that consent by resolution provided that it is satisfied on reasonable grounds that entering into the new financing documents is in the best interests of the Union, having regard to the Union's obligations under the existing financing documents and the new financing documents, the interests of the Branch and any other relevant matter.

(j) In the event that the Branch Committee decides to sell the Secured Property, or acquire new real property, it shall obtain the consent of the National Executive for the sale or acquisition. The National Executive shall give that consent by a resolution, provided that it is satisfied on reasonable grounds that the sale is in the best interests of the Union, having regard to the impact of the sale or acquisition on the Union, the interests of the Branch and any other relevant matters.

(k) The Branch Committee shall pay for all costs and expenses incurred by the Union in relation to considering and entering into any such financing documents and complying with any ongoing compliance obligations under the financing documents as and when required under the financing documents or in relation to any sale of the Secured Property or the acquisition of any new real property.

94 – TRANSITIONAL RULES ARISING FROM THE 2013 RULE CHANGES

(a) The amendments to the rule 14 (National Officers) and 69 (Dual Offices) take effect as follows:

(i) The current office holders referred to in rule 14 continue to hold office pursuant to subrule 23B(a) and those offices continue to exist. Those office holders may cease to hold their offices in the ordinary manner pursuant to these rules;

(ii) For the purposes of the conduct of the elections to be held in 2014 the reference to National Officers in rule 23B(a) shall mean the National Officers referred to in rule 14 as amended by these rules. After the conduct of the elections the amendments to rule 14 have full effect; and

(iii) For the elections to be held in 2014, and thereafter, the amendments to rule 69 take effect.

(b) The amendments to the rule 40 (Branch Officers), the final paragraph of rule 48 (Branch Secretary), rule 50 (now retitled Branch Assistant Secretary – Treasurer of the NSW Branch) and rule 53 (Branch Trustees) have the effect of making the office of Assistant Secretary and the offices of Branch Trustee positions the same as those that exist in each of the other Branches, other than the New South Wales Branch. The amendments to those rules take effect as follows:

(i) The current holder of the office of Branch Assistant Secretary-Treasurer of the Victoria No 1 Branch shall continue to hold office pursuant to subrule 23A(b) and that office continues to exist. That office holder may cease to hold her office in the ordinary manner pursuant to these rules;

(ii) For the purposes of the conduct of the elections to be held in 2014 the reference to Officers of a Branch in rule 23 B(a) shall mean the Branch Officers referred to in the rule 40 as amended by these rules. After the conduct of the elections the amendments to rule 40 have full effect;

(iii) In rule 40(b), the insertion of the words ‘and Branch Assistant Secretary’ takes effect on the certification of this rule.

(iv) The following amendments will take effect on the declaration of the results of the ballots for the offices of Victorian No 1 Branch Trustees in 2014, or on the date the Branch Assistant Secretary-Treasurer shall cease to hold office (whichever is the later):

(A) In rule 48, the amendments to the final paragraph.

(B) In rule 50, the amendments to the unnumbered head of the rule.

(C) In rule 51, the deletion of the words 'and the Victorian No 1 Branch'.

(D) In rule 53(b), the deletion of the words 'and the Victorian No 1 Branch'.

(E) In rule 53(c), the deletion of the words 'and the Victorian No 1 Branch'.

(c) The amendments to the rules made in 2013 otherwise take effect on the date the rules are certified, unless the context requires otherwise.

95 – FINANCIAL MANAGEMENT OF THE SA/NT BRANCH

a) The purpose of this rule is to ensure:

(i) The South Australia/Northern Territory Branch ('the Branch') ceases to be a reporting unit for the purposes of section 242 of the Act.

(ii) The National Office Reporting Unit (NORU) becomes the reporting unit for the purposes of the Act of the Branch and the National Office.

(iii) The financial affairs of the Branch and the National Office will form part of and be integrated into the NORU report prepared and filed pursuant to the Act.

(iv) NORU will take full administrative responsibility for financial management for the Branch.

(v) The National Secretary and National Executive will assume the powers, duties and functions related to the exercise of financial responsibility and management of the Branch.

b) Nothing in this rule has the effect of:

(i) Altering the rights of any Branch, or any Branch officer, other than the South Australia/Northern Territory Branch and officers of that Branch.

(ii) Conferring an office in the Branch on any National Officer, or member of National Executive, for the purposes of the rules, and exercising powers, duties and functions under this rule is not the holding of an office in the Branch for the purposes of rule 69.

c) NORU will take complete administrative responsibility for the financial management of the Branch. This includes:

(i) The Branch will no longer maintain a Branch Balance Sheet. Balance Sheet items including Cash at Bank and Property will be transferred to the NORU Balance Sheet.

(ii) NORU will take responsibility for Branch financial transactions and will include the incomes and expenditures of the Branch on the NORU Income and Expenditure Statement as a cost centre.

(iii) The Branch will not operate a separate bank account;

(iv) NORU will assume responsibility for the lodgement of BAS and PAYG payroll tax statements and payments for the Branch.

(v) In all transactions, the Branch will use the NORU Australian Business Number.

(vi) NORU will meet all Branch payroll obligations, including the issuing of payment summaries, pay slips, and the payment of superannuation contributions.

(vii) Each month, NORU will provide the Branch Committee with a Statement of Income and Expenditure for the Branch.

(viii) Each month, NORU will advise the Branch of staff leave entitlements.

(ix) In addition to reporting requirements of the NORU in accordance with s265 of the Act, the Branch Committee of Management will cause a financial report for the year ended 30 June each year to be provided to the members of the Branch outlining income and expenditure of the NORU on behalf of the South Australia/Northern Territory Branch, within five months of the end of the financial year.

d) The National Secretary is empowered to, and will take such steps as are necessary to, enable the NORU to comply with this rule and the Act.

e) For the avoidance of doubt, and without limiting the effect of sub-rules (c) and (d), so far as financial responsibility and financial management of the Branch, its Branch officers and the Branch Committee of Management are concerned:

(i) In rules 11, 12 (a) (c), 63, 81 (b), 87 (h), 88 (d), 88 (f), the reference to 'Branch' shall be taken to read 'NORU'.

(ii) Any rule made by the SA/NT Branch under rule 39 (d) shall not be inconsistent with this rule.

(iii) The powers, duties and functions conferred by rules 44 (a) (so far as it concerns finances), (b), (i), 85 (c), 85 (e), 85 (h) (ii), 86 (c), 87 (e), 87 (g), 87 (i) (ii), are not conferred on the Branch Committee and are conferred on the National Executive.

(iv) The powers, duties and functions conferred by rules 11 (g), 44 (c), 48 (b), (c), (d), (j), (l) (other than the annual return of information), 56 (c) (iii) (5), 85 (h) (iii) and (iv), 86 (e), 87 (i) (iii), 87 (i) (iv) are not conferred on the Branch, the Branch committee of Management or Branch Secretary and are conferred on the National Secretary.

(v) Rules 44 (k) and 52 do not apply as the auditing of the Branch is to be conducted by the National Auditor appointed and exercising powers under rule 82.

(vi) The obligations imposed on Branch officers by rules 74 (e) and (g) must be performed as if a reference to 'Branch committee of management' also included a reference to National Executive, and the 'Branch Auditor' also included a reference to National Auditor.

(vii) The funds and property of the Branch under rule 53 are part of the funds and property of the Union under rule 76.

(viii) Rules 75, 78, 79, 80, 89 do not apply to the Branch.

f) Nothing in the above rules limits the powers of the National Executive to delegate matters referred to in this rule to the National Finance Committee in the ordinary manner.

g) The officers of the Branch must take such steps as are necessary to enable the National Secretary and the NORU to comply with these rules and the Act.

h) This rule commences to take effect on the date of certification*. This rule ceases to take effect when it is repealed. On repeal, the rules of the union (other than this rule) governing the administrative responsibility for financial tasks of Branches will apply to the Branch.

i) Whilst in effect this rule shall prevail over rule 35(a) and (b) to the extent of the inconsistency.

j) If the committee of management of the Branch passes a resolution seeking to reinstate the responsibility of the Branch for the functions referred to in paragraph (c), the National Secretary is empowered to, and must, take such steps as are necessary to give effect to that resolution, including making all appropriate applications under the Act and executing all necessary documentation to effect such a reinstatement.

END OF RULES

*Note – Rule 95(h) was certified on 7 July 2017 (R2017/71)