

**Rules of a *State Industrial Organisation*
registered under the *Industrial Relations Act 1996***



Fire Brigade Employees' Union of New South Wales

As at 30 January 2012

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1 - NAME

The name of the Union shall be the "Fire Brigade Employees' Union of New South Wales".

2 - INTERPRETATION

- (1) So far as is consistent with their express provisions these Rules are to be construed so as not to be contrary to any provision of the Act or the Regulations or an Award and so as not otherwise to be contrary to law and so as not to exclude the jurisdiction of any relevant court.
- (2) So far as is consistent with their express terms all resolutions, decisions and directions purporting to be made or given pursuant to these Rules are to be construed as within the power of the Union and of the body or person making or giving the same.
- (3) In these Rules unless inconsistent with the context or subject matter:

"the Act" means the Industrial Relations Act 1996.

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

"Employee" means a person employed on behalf of the Union.

"General election" means any election which is not a casual election.

"Member" means a member of the Union.

"Officers" means the President, Vice Presidents, State Secretary and Sub-Branch Secretaries. An agent/organiser duly appointed by the State Committee of Management, shall be deemed to be an officer for the purposes of Part 7 of Chapter 5 of the Industrial Relations Act 1996 and for no other purpose and shall remain an officer while holding appointment as an agent of the Union.

"Penalty" means any reprimand, fine, suspension of membership or removal from office under Rules 34, 35 and 36.

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

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

"The Union" means the Union formed under these Rules.

Words importing the masculine gender shall be taken to include females and the singular to include the plural and the plural the singular."

3 - BINDING EFFECT OF RULES

Members of the Union shall be bound by these Rules.

4 - CONSTITUTION

The Union shall consist of an unlimited number of employees permanently engaged in or in connection with fire fighting and fire prevention in the State of New South Wales, partially-paid and volunteer firefighters, the State Secretary of the Union, other persons having the qualifications required for the permanent Fire Brigades as laid down in the Fire Brigade By-Laws, members who have been placed on retirement from the Service and persons employed by the New South Wales Fire Brigades who are not eligible for membership in any other Trades Union or Association and also such other person or persons, who, by nature of service to the Union, may be permitted to retain honorary membership upon a majority decision of a meeting of the Union.

5 - OBJECTS

The objects of the Union are as follows:

- (1) to further and protect the interests of its members;
- (2) to improve the working conditions and the general welfare of its members;
- (3) to improve the position of its members by increasing their proportionate share of the national wealth and by endeavouring to educate them towards the socialisation of the means of production, distribution and exchange;
- (4) to uphold the rights of organised labour;
- (5) to endeavour by conference or otherwise to prevent any threatened, impending or probable dispute or cessation of work and by conciliatory measures to uphold the interests of the Union and its members in the settlement of a dispute and if such endeavours fail, to provide ways and means of supporting any of its members involved in a dispute;
- (6) to secure the election of working class representatives in Parliament and to promote such legislative enactments as will ensure industrial justice to the working class;
- (7) to preserve and advance civil liberties;
- (8) to act as agent for any member of the Union in any matter pertaining to the member's privileges, rights and duties as an employee and in any matter pertaining to the relationship between the member and his/her employer;
- (9) to ensure its members absolute and complete freedom of political and religious conviction;
- (10) to advance the efficiency of the services of fire prevention, suppression and extinguishment;
- (11) to co-operate with and assist other organisations, associations, institutions and groups in the pursuit of these Objects;
- (12) to uphold the rights of labour and to represent members of the Union in the peak councils of the trade union movement and in national and international forums or organisations;
- (13) to do anything authorised or required by these Rules;
- (14) to do anything authorised or required by the Act or the Regulations;
- (15) to raise money by levies and/or other means or disburse funds for any of these Objects;

- (16) to raise or disburse funds for investigating the methods of attaining these Objects;
- (17) to affiliate with, and support financially, political parties having objects similar in the whole or in part to these Objects;
- (18) to establish and support financially or aid in the establishment and financial support of associations, institutions, funds, trusts, recreational, educational and health facilities, and other conveniences calculated to benefit members of the Union or their dependants or connections;
- (19) to support financially, maintain, conduct, own in whole or in part or subsidise any newspaper, journal or other publication or any company publishing a newspaper or other publication advocating the cause of the working class;
- (20) to purchase, take on lease, hold, sell, lease, mortgage, exchange or otherwise own, possess and deal with any real or personal property;
- (21) to borrow money and to give security for its repayment;
- (22) to do anything which it is required to do by law;
- (23) to do all such other things as are incidental or conducive to the attainment of these Objects and the exercise of the Union's powers;
- (24) to enter into contracts and agreements for the purposes of furthering directly or indirectly any one or more of these Objects;
- (25) to determine actions on matters of concern to members in relation to international affairs and to carry out these actions internationally;
- (26) to provide financial assistance to members and their dependants in the pursuit of these Objects at the Union's sole and absolute discretion;
- (27) to provide legal assistance to members at the Union's sole and absolute discretion;
- (28) to provide from time to time such services to and for members as shall be determined;
- (29) to establish funds for mutual assistance and support in the carriage of these Objects;
- (30) to elect Officers and to appoint employees for the furtherance of the Union's Objects and to remunerate such persons by salaries, wages, honoraria and other payments and benefits;
- (31) to make contributions to the financing of superannuation schemes or retirement funds for the benefit of the elected Officers and employees and to enter into such arrangement as may be necessary for that purpose;
- (32) to subscribe to any charity, or to make donations for any public purpose or for any purpose in direct or indirect furtherance of any of these Objects.
- (33) to further any scheme that has for its objects the establishment of a labour research and information bureau and to assist in the establishment and maintenance of labour and trade union radio broadcasting and television stations and to invest in shares in such radio and television stations;
- (34) to hold, purchase, lease, sell, mortgage or otherwise Union property;

- (35) to attain such other objects as the Union shall from time to time determine;
- (36) to further and give support to underprivileged people and disadvantaged peoples;
- (37) to advance the cause of peace and friendship throughout the world;
- (38) to act as an industrial organisation of employees.

and other conveniences calculated to benefit members of the Union or their dependants or connections;

6 - ADMISSION TO MEMBERSHIP AND PAYMENT OF CONTRIBUTIONS

- (1) An applicant for membership of the Union shall be informed by the State Secretary in writing, of:
 - (i) the financial obligations arising from membership; and
 - (ii) the circumstances, and the manner, in which a member may resign from the Union.
- (2) An applicant for membership of the Union shall make a written application to the State Secretary on the form provided.
- (3) The form of the application for membership shall be determined by the State Secretary but shall contain the Applicant's name, address and a statement of willingness to assume all the rights and liabilities attaching to membership.
- (4) An applicant shall become a member of the Union upon the entry of such applicant's name in the register of the Union.
- (5) The total weekly dues for permanent firefighters shall be calculated by taking 0.95% of the total weekly rate of pay of an FRNSW Firefighter Level 1 and then multiplying that figure by 1.09 to provide for the Federal Government's Goods and Services Tax (GST) and rounding the result to the nearest cent.
- (6) Subject to sub-rule (8), the total weekly dues for retained firefighters shall be calculated at the rate of one fifth of the total weekly dues payable under sub-rule (5), rounded to the nearest cent. The monthly dues shall be calculated by multiplying the weekly dues by 52.1785, dividing that figure by 12 and rounding the result to the nearest cent.
- (7) The total weekly dues for firefighters employed in the private sector shall be as determined from time to time by resolution of the State Committee of Management, provided that such dues may not be set at a rate higher than that payable under sub-rule (5) or at a rate lower than that payable under sub-rule (6).
- (8) The total weekly dues for a firefighter employed in the private sector who is also employed as a retained firefighter shall be the dues payable under sub-rule (7) only.

7 - RESIGNATION FROM MEMBERSHIP

- (1) A member of the Union may resign from membership by written notice addressed and delivered to the State Secretary.
- (2) A notice of resignation from membership of the Union takes effect:

- (a) where the member ceases to be eligible to become a member of the Union:
 - (i) on the day on which the notice is received by the Union; or
 - (ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;whichever is later; or
- (b) in any other case:
 - (i) at the end of 3 months after the notice is received by the Union; or
 - (ii) on the day specified in the notice;whichever is later.
- (3) Subject to the provisions of the Industrial Relations Act 1996, any dues payable but not paid by a former member of the Union, in relation to a period before a member's resignation from the Union took effect, may be sued for and recovered in the name of the Union, in a court of competent jurisdiction, as a debt due to the Union.
- (4) A notice delivered to the State Secretary shall be taken to have been received by the Union when it was delivered.
- (5) A resignation from membership of the Union is valid even if it is not effected in accordance with this Rule if the member is informed in writing by or on behalf of the Union that the resignation has been accepted.

8 - REGISTERED OFFICE

The Registered Office of the Union shall be at 1-7 Belmore Street, Surry Hills.

9 - REGISTER

- (1) A register shall be kept in the registered office of the Union in which the State Secretary shall cause to be kept -
 - (a) A list of names, postal addresses and occupations of the members of the State Committee of Management.
 - (b) A list of members of the Union showing the names, residence and postal address of each member and all details of membership.
 - (c) An account in proper form of the receipts, payments, funds and effects of the Union.
 - (d) A copy of the Rules of the Union together with any amendments.
 - (e) A certified audit of membership as at 30 June to be prepared by the Auditor.

10 - CONTROL OF UNION BY MEMBERS

Final control of the Union in relation to all matters shall rest with the decision of the financial members of the Union in a plebiscite conducted under these Rules and every such decision shall bind -

- (1) the State Committee of Management, State Executive and Officers.
- (2) all members of the Union.

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

- (3) Any financial member of the Union may inspect the books and documents and other property of the Union during normal office hours, provided reasonable notice is given.

Such inspection shall take place in the Union Office and in the presence of the State Secretary.

11 - GENERAL MEETINGS

- (1) Each year the Union shall hold an Annual General Meeting at which all financial members of the Union shall be entitled to attend. The Annual General Meeting of the Union shall be held each October at a time, day and place to be decided by the State Committee of Management.
- (2) The State Committee of Management may determine that the interests of the Union require the holding of a Special General Meeting of the Union to consider a specified motion or motions. The arrangements under sub-rule (3) for the holding of a Special General Meeting of the Union shall be decided by the State Committee of Management.
- (3) General Meetings shall be summonsed by the State Secretary forwarding to each fire station, or place of employment, a notice setting out:
 - (a) the type of General Meeting, i.e., Annual or Special; and
 - (b) the time, date and place at which the General Meeting shall be held; and
 - (c) in the case of a Special General Meeting, the specified motion or motions which the General Meeting is summonsed to consider; and
 - (d) the time, date and place at which the President or, subject to Rule 20, a Vice President shall declare the final vote on each question, at the conclusion of which the General Meeting shall then be declared closed.

Notice of at least twenty eight days shall be given before the Annual General Meeting and wherever practicable, of at least seven days before a Special General Meeting. There shall be no minimum period required between the commencement and the closure of a General Meeting under sub-rule (3)(d), provided that the State Committee of Management shall provide such time as is reasonable in the circumstances.

- (4) (a) The State Committee of Management shall cause a Special General Meeting to be held as soon as practicable if:
 - (i) two or more Sub-Branches meet and resolve to request a Special General Meeting to consider a specified motion or motions; or
 - (ii) a written request for a Special General Meeting to consider a specified motion or motions under the signatures of a mover, a seconder and not less than forty eight other members is given to the State Secretary.

- (b) The final wording of the motion or motions to be placed on the agenda of a Special General Meeting called under the preceding sub-rule shall be determined:
 - (i) in the case of a request from two or more Sub-Branches made pursuant to subrule (4)(a)(i), by the relevant Sub-Branch Executive Committees in consultation with the State Executive; or
 - (ii) in the case of a request from members made pursuant to subrule (4)(a)(ii), by the mover and seconder of the motion or motions in consultation with the State Executive.
- (5) Members may be required to present adequate proof of financial membership to be permitted to attend and vote at meetings of the Union. A member shall not be eligible to vote at any meeting by means of a proxy vote.
- (6) A resolution of a General Meeting shall be binding on the Union, State Committee of Management, State Executive, the officers and Union members if, and only if, a total of more than one fortieth of the financial membership of the Union have voted on the resolution at the General Meeting and at any Sub-Branch meetings convened under sub-rules (10) and (11) of Rule 52.
- (7) A quorum at any General Meeting shall be twenty members.

12 - STATE COMMITTEE OF MANAGEMENT

- (1) There shall be a State Committee of Management which shall consist of:
 - (a) the President, Senior Vice President, Junior Vice President and State Secretary;
 - (b) Thirteen (13) Sub-Branch Secretaries, one (1) of whom shall be employed within the Sydney North Sub-Branch area (FRNSW Zone ME2), one (1) of whom shall be employed within the Central Coast Sub-Branch area (FRNSW Zone MN2), one (1) of whom shall be employed within the Newcastle Sub-Branch area (FRNSW Zone MN1), one (1) of whom shall be employed within the Sydney Central Sub-Branch area (FRNSW Zone ME1), one (1) of whom shall be employed within the Sydney South Sub-Branch area (FRNSW Zone MS2), one (1) of whom shall be employed within the Illawarra Sub-Branch area (FRNSW Zone MS1), one (1) of whom shall be employed within the Sydney Inner West Sub-Branch area (FRNSW Zone ME3), one (1) of whom shall be employed within the Sydney Central West Sub-Branch area (FRNSW Zone MW2), one (1) of whom shall be employed within the Sydney Outer West Sub-Branch area (FRNSW Zone MW1), one (1) of whom shall be employed within the Sydney South West Sub-Branch area (FRNSW Zone MS3), one (1) of whom shall be employed within the Country Sub-Branch area (FRNSW Zones MN3, MW3, RN1, RN2, RN3, RW1, RW2, RW3, RS1, RS2, RS3), one (1) from the Senior Officers' Sub-Branch of the Union and one (1) from the Retained Sub-Branch of the Union.
- (2) All members shall be eligible to nominate for and participate in the election of the President, the Senior Vice President, the Junior Vice President and the State Secretary.
- (3) A member nominating for election to a Sub-Branch Secretary's position (except the positions of Senior Officers' Sub-Branch Secretary and Retained Sub-Branch Secretary) shall be either a permanent firefighter holding the rank of Station Officer or below, or a firefighter employed in the private sector, and in either case shall be employed within the region or area of that Sub-Branch.

- (4) A member nominating for election to the position of Senior Officers' Sub-Branch Secretary shall be employed as a permanent firefighter holding a rank above the rank of Station Officer.
- (5) A member nominating for election to the position of Retained Sub-Branch Secretary shall be employed as a retained firefighter.
- (6) Each Sub-Branch Secretary's position shall be elected in a separate ballot. All members shall participate in the election of each of the Sub-Branch Secretaries.

13 - POWERS AND DUTIES OF STATE COMMITTEE OF MANAGEMENT

The powers and duties of State Committee of Management shall be:

- (1) In relation to all matters:
 - (a) it shall, subject to Rules 10 & 11, act as the governing, controlling, managing and policy-making body of the Union; and,
 - (b) its resolutions shall bind the Union Executive, Officers, Sub-Branches and all members of the Union.
- (2) It shall manage and control the Union fund and all moneys payable to the Union fund and it shall acquire, manage and control all property, effects, records and documents necessary for the proper conduct of the business and affairs of the Union and may sell or otherwise dispose of such property and effects as are no longer necessary for the proper conduct of the business of the Union, provided it shall not have the power to authorise or make a payment to any Union Officer unless approval exists from a decision of a General Meeting of members for such payment to be made.
- (3) It shall -
 - (a) authorise the receipt of all moneys payable to the Union fund;
 - (b) authorise the incurring of all proper Union liabilities;
 - (c) authorise the disbursement of all proper amounts of money in respect of Union liabilities.
- (4) It shall engage or employ such persons as in its opinion are necessary to carry out the business and affairs of the Union and shall determine the wages, salaries, honorariums, payments and allowances to be paid to such persons.
- (5) It shall appoint an auditor annually who shall be a competent person within the meaning of the Act and the Regulations. It shall make provision for that auditor to have full and complete access to all the books and documents of the Union and shall ensure that the accounts of the Union are audited yearly.
- (6)
 - (a) It shall at a meeting convened in accordance with the Act and these Rules receive, adopt or otherwise deal with the annual report, accounts statements and balance sheet of the Union and the Union auditor's report;
 - (b) The 30th June is the end of the Union's financial year.
- (7) It may direct the Returning Officer to conduct a plebiscite of the financial members of the Union upon any matter whatsoever.

- (8) It may appoint delegates or representatives of the Union to any body, organisation or association including delegates to the Government and Related Appeals Tribunal, Unions NSW, ACTU Congress and any conciliation committees established under the Act.
- (9) It may appoint sub-committees from the members of the Union to inquire and report in respect of any matter that may involve the interests of the Union or any member thereof.
- (10) It shall have the power -
 - (a) insofar as it may lawfully do so, to initiate any proceedings affecting the Union or its interest or affecting a member of the Union or such member's interest;
 - (b) to have the control of any proceedings in which the Union is a party or an intervener or appears or is represented and to appoint agents, solicitors or counsel to represent the Union in such proceedings;
 - (c) insofar as it may lawfully do so, to support financially and to appoint agents, solicitors or counsel to represent any member of the Union or the interest of any member of the Union in any proceedings at its absolute discretion;
- (11) to initiate and control all steps taken to submit industrial disputes or other matters to conciliation or arbitration under the Act.
- (12) to do or cause to be done anything authorised or required by the Act, the Regulations, an award or by law or by these Rules to be done by the Union and for the doing of which no provision is elsewhere made in these Rules.
- (13) to, when necessary, appoint from its members an Acting President and/or Acting State Secretary of the Union and to fix allowances and/or wages of the Acting President and/or Acting State Secretary as required.
- (14) to, subject to the Rules, meet together for the dispatch of business, adjourn and otherwise regulate its meetings and proceedings as it thinks fit.

14 - MEETINGS OF STATE COMMITTEE OF MANAGEMENT

- (1) The State Committee of Management shall meet at such times, dates and places as it resolves or as shall be fixed by the State Secretary after consultation with the President, provided that it shall meet at least once each quarter each year. A State Committee of Management meeting may also be held by means of telephone, radio or any other means by which members of the Committee are able to communicate orally with each other without being physically present at the meeting. Decisions of the State Committee of Management shall be taken on the basis of the majority of votes cast in accordance with these Rules.
- (2) Meetings of State Committee of Management shall be summonsed by the State Secretary giving to each member of the State Committee of Management reasonable notice by telephone, telex, facsimile, email or certified mail of the time, date and place or manner of holding the meeting.
- (3)
 - (a) The State Secretary, after consultation with the President, may submit any question or matter to the members of the State Committee of Management for resolution by telex, facsimile, email or postal vote.
 - (b) In submitting such a motion or matter the State Secretary shall allow a period of time reasonable in the circumstances of the case for members of the State Committee of Management to record their vote.

- (c) A resolution in writing under this sub-rule shall be as valid as if it had passed at a State Committee of Management meeting if, and only if, it is signed by all members of the State Committee of Management. Such resolution may consist of several documents in like form.
- (4) A quorum at State Committee of Management shall be a simple majority of members eligible to attend.

15 - STATE EXECUTIVE COMMITTEE

- (1) The State Executive Committee shall consist of:-
 - the President,
 - the Senior Vice President,
 - the Junior Vice President, and
 - the State Secretary.
- (2) In these rules the State Executive Committee may also be described as the State Executive

16 - POWER AND DUTIES OF STATE EXECUTIVE COMMITTEE

The power and duties of the State Executive Committee shall be:

- (1) Between meetings of the State Committee of Management it may, subject to Rules 10 & 11 and the direction and control of the State Committee of Management, exercise any of the powers and perform any of the duties given to the State Committee of Management in these Rules provided that:
 - (a) It shall transact all ordinary business within the declared policy of the Union;
 - (b) All business transacted shall be reported to the next State Committee of Management meeting.
 - (c) It shall have no power to vote any funds of the Union, except ordinary working expenses.
- (2) All acts and resolutions of the State Executive Committee under its powers shall have full force, effect and validity and shall be presented at the next State Committee of Management meeting. Any resolution of the State Executive Committee may be reversed or altered by the State Committee of Management or by a General Meeting but this shall not affect the validity of anything which was done or which occurred prior to such reversal or alteration.
- (3) It shall act as the administrative authority to carry out the decisions of the State Committee of Management and general meetings.
- (4) It may refer to the State Committee of Management for decision any matter before it which it considers of special importance.

17 - MEETINGS OF STATE EXECUTIVE COMMITTEE

Meetings of the State Executive Committee shall be summoned by the State Secretary in the manner set out in Rule 14 (1) and (2) and the provisions of Rule 14(1), 14(2), 14(3) and 14(4) shall apply as

though the reference to the State Committee of Management therein were a reference to the State Executive Committee, provided that the State Executive Committee shall meet at least once each calendar month.

18 - POWERS AND DUTIES OF PRESIDENT

- (1) The President shall wherever practicable attend all Special General Meetings, Annual General Meetings, State Executive and State Committee of Management Meetings. The President shall act as Chairperson at all meetings at which the President is present, to preserve order and to give an impartial decision on all questions submitted. If the President (or acting President) is absent from a meeting and no Vice President is present the meeting shall appoint one of its members to act as Chairperson of the meeting.
- (2) The President shall sign the minutes of meetings, after adoption.
- (3) The President may choose to act as Chairperson at any other meeting within the Union at which the President is present.
- (4) If the State Secretary dies or is absent from Australia or unable or unwilling to summon any meeting which such State Secretary could summons under these Rules and no Acting State Secretary has been appointed the meeting may be summonsed by the President.
- (5) The President shall be ex officio on all Committees and meetings of the Union.
- (6) Should the President wish to speak for or against any motion before the meeting, the Chair may be vacated according to the wish of the meeting and if vacated remain so until the motion under discussion is disposed of.
- (7) The President shall have an ordinary vote and in the event of an equality of votes the motion shall be deemed to have failed.

19 - POWERS AND DUTIES OF STATE SECRETARY

The State Secretary -

- (1) may, subject to the direction and control of a General Meeting, State Committee of Management or State Executive Committee exercise any of the powers and perform any of the duties given to State Committee of Management by Sub-Rules (2), (3), (11) and (12) of Rule 13;
- (2) shall be the chief administrative officer of the Union to carry out the decisions of General Meetings, State Committee of Management or State Executive Committee and the policies of the Union;
- (3) shall comply with all valid directions given by Union meetings, State Committee of Management and State Executive Committee;
- (4) shall take all reasonable steps to attain the purposes of the Union and to carry out these Rules and the decisions of Union meetings, State Committee of Management and State Executive Committee.
- (5) shall have the day to day management and control of -
 - (i) the Union fund, moneys, properties, effects, records and documents; and

- (ii) the business and affairs of the Union;
- (6) shall receive all moneys payable to the Union fund and shall give a receipt for the same and shall deposit the same in the appropriate account of the Union in accordance with these Rules;
- (7) shall not incur liabilities on behalf of the Union without the authority of State Committee of Management or State Executive Committee which at any time total more than \$10,000 and all liabilities incurred shall be reported to the next meeting;
- (8) shall keep proper records of all financial transactions and payments relating to the Union fund and shall present a summary of all such transactions and payments to the next meeting of the State Committee of Management;
- (9) shall pay from the Union fund all amounts properly payable from the Union fund. Provided that:
 - (i) where the amount exceeds \$2,000 the State Secretary shall not pay the same without the authority of the State Committee of Management;
 - (ii) subject to Rule 30(4), where the amount exceeds \$200 the State Secretary shall pay the same by cheque.
- (10) (a) shall keep proper accounts and submit them to the auditor of the Union and then submit them to the State Committee of Management;
- (b) shall supply a copy of the auditor's report and copies of the accounts and statements prepared in accordance with the Industrial Relations Act, 1996 to members of the Union free of charge;
- (11) shall ensure that the auditor of the Union has full and complete access to the books and documents of the Union and shall ensure that the accounts of the Union are audited yearly;
- (12) shall be the general custodian of the Union's funds, moneys, properties, effects, records and documents;
- (13) shall, within forty-eight hours of making a demand for any part of the Union fund or any Union money, property, effect, record or document, be entitled to receive the same from any member or officer who has possession, custody or control of the same;
- (14) shall, within forty-eight hours of receiving notice of a direction by the State Committee of Management to do so, deliver any fund, money, property, effect, record or document of the Union in State Secretary's possession, custody or control to the person named in the direction;
- (15) shall keep up-to-date the register of members of the Union and shall keep records which show any amounts which a member owes to the Union;
- (16) shall wherever practicable -
 - (a) prepare an agenda for each meeting of the State Committee of Management and circulate it to the members thereof within a reasonable time before the meeting;
 - (b) prepare an agenda for each meeting of the State Executive Committee and circulate it to the members thereof within a reasonable time before the meeting;

- (c) prepare an agenda for each Annual General Meeting and circulate it to each fire station or place of employment within a reasonable time before the meeting.
- (17) shall, wherever practicable, attend all General, State Committee of Management and State Executive Committee meetings and shall keep minutes in accordance with these Rules of all proceedings at such meetings;
- (18) shall write, send, receive, answer, file or produce on request to State Committee of Management the correspondence of the Union for endorsement;
- (19) shall draw up an annual report and submit it to the Annual General Meeting;
- (20) shall take all reasonable steps to supply members with information as to the proceedings of State Committee of Management; State Executive Committee and the activities of the Union generally.
- (21) shall make available or cause to be made available to any prospective applicant for membership of the Union a form of application in accordance with these Rules;
- (22) shall receive or cause to be received from any applicant for membership such Applicant's signed and written application for membership and the amount properly payable in respect of admission to membership and shall deal with such application for membership in accordance with the Rules of the Union;
- (23) is authorised to sue in the name of the Union; and
- (24) is authorised on behalf of the Union to do any of the things referred to in the Industrial Relations Act, 1996 or the Regulations made under that Act as are necessary to ensure compliance with that Act or Regulations.

20 - POWERS AND DUTIES OF VICE PRESIDENTS

Vice Presidents shall, wherever practicable attend all General Meetings and meetings of the State Committee of Management. The Vice-Presidents shall assist the President in maintaining order and attention at meetings. If the President is absent from the meeting, the Senior Vice-President shall, if present, act as Chairperson. If the President is absent from the meeting and the Senior Vice-President is absent from the meeting then the Junior Vice-President shall act as Chairperson.

21 - POWERS AND DUTIES OF SUB-BRANCH SECRETARIES

- (1) Sub-Branch Secretaries shall be elected in accordance with these Rules and shall have the powers and duties set out in Sub-Rule (2).
- (2) Sub-Branch Secretaries shall, wherever practicable attend all meetings of their Sub-Branch, General Meetings and meetings of the State Committee of Management. Sub-Branch Secretaries shall present the recommendations of their Sub-Branch to the State Committee of Management for its consideration in accordance with Rule 51 of these Rules.

22 - RETURNING OFFICER

- (1) The Union shall at its next Annual General Meeting appoint a member of the Union, who is not a holder of any office in and shall not be an employee of the Union, as Returning Officer to hold such office for three years until the appointment of a Returning Officer at that year's Annual General Meeting, and then at every third Annual General Meeting thereafter.

- (2) If the Returning Officer becomes a candidate for election to any office in the Union or is unwilling to act as Returning Officer on any occasion such Returning Officer shall be treated as having resigned the office of Returning Officer.
- (3) If the office of Returning Officer becomes vacant for any reason the State Committee of Management shall appoint a member of the Union as Returning Officer who shall hold office until the election of Returning Officer. Elections shall be held in accordance with Rule 22(1) at the next Annual General Meeting.
- (4) If the Returning Officer is to be absent from Australia or unable for any reason to act as Returning Officer the State Committee of Management shall appoint a member of the Union to act in such Returning Officer's place and during such absence or inability the member acting as Returning Officer shall have the powers and duties given by these Rules to the Returning Officer.
- (5) A Returning Officer shall decide a tied vote by the casting of lots.
- (6) The Returning Officer shall hold office until his/her successor is elected.
- (7) The Returning Officer shall have the power to seek the assistance of financial members who are not candidates or scrutineers in the ballot.

23 - ELECTION OF OFFICERS

- (1) The President, Senior Vice President, Junior Vice President, State Secretary and Sub-Branch Secretaries shall be elected every three years and shall hold office from the time of the declaration of their election until a successor is elected.
- (2) All members of the Union who are financial members at the time when the roll of voters for the election closes in accordance with Rule 28 shall be entitled to vote in the election of all positions named in sub-rule (1) of this Rule.
- (3) Nomination for the position of President, Senior Vice President, Junior Vice-President, State Secretary and Sub-Branch Secretaries shall be called, received and closed in accordance with Rule 28(10) in each year in which there is a general election for those positions and shall be delivered to the registered office of the Union addressed to the Returning Officer or delivered to the Returning Officer.
- (4) The Returning Officer conducting an election shall call for nominations by notice which shall be displayed in the registered office of the Union and at work areas and be published in the Union Journal and in other ways likely to come to the attention of members of the Union and must be in accordance with the Industrial Relations Act unless Rule 29 applies.
- (5) The Returning Officer shall consider all nominations and if, in such Returning Officer's opinion, any nomination is defective, the Returning Officer shall immediately notify the person concerned of the defect by the most expeditious means and, where it is practical to do so, give such person the opportunity of remedying the defect within seven days after being so notified but in any event by close of nominations.
- (6) Where only one nomination is received for a position, or where the number of nominations received are equal to the number of positions to be filled, the Returning Officer shall forthwith declare that such candidates are elected.
- (7) If there are more candidates than the number required for filling the office/s the Returning Officer shall conduct a ballot in accordance with Rule 28.

24 - FILLING OF CASUAL VACANCIES

- (1) Subject to Sub-Rule (3), where a casual vacancy occurs in the office of President, Senior Vice President, Junior Vice-President, State Secretary or Sub-Branch Secretary such vacancies shall be filled by appointment by the State Committee of Management to such vacant office of a person, eligible to be a candidate in accordance with Rule 25.
- (2) The person so appointed shall hold office in accordance with these Rules for the balance of the unexpired part of the term of office.
- (3) Where the unexpired term of the office exceeds three quarters of the term of the office, or where the State Committee of Management so determines, the vacancy shall be filled by ordinary election of a person, eligible to be a candidate for the position in accordance with Rule 25, for the unexpired part of the term of office. Subject to section 444(2) and section 446 of the Industrial Relations Act 1991 preserved as regulations under section 249 of the Industrial Relations Act 1996 and clause 31(2) of the Industrial Relations (General) Regulation 2001, and Rule 29 of these Rules, the Returning Officer shall conduct the election and shall determine the dates for calling of nominations, the closing of nominations and the dates of the opening and closing of the ballot. In all other respects the Rules for the conduct of Union Triennial elections shall apply with the necessary changes. When a casual vacancy is to be filled by an election the State Committee of Management may appoint one of its members to carry out the function of the office until the declaration of the result of the election.

25 - CANDIDATES

- (1) A candidate for any position in the Union shall be a financial member at the time of the close of the roll of voters, or a Life member of the Union still employed in the industry.
- (2) In order to become a candidate for election to any position, a person shall be nominated for the office in writing signed by two financial members of the Union. Every candidate shall on the same paper as contains the said nominations, accept the nomination for the relevant office.
- (3) No member shall be entitled to contest more than one Officer position. Where a member is nominated for more than one Officer position the Returning Officer will invite the member to withdraw their multiple nominations so as to limit their nomination to one position. If the member fails to do so before the time stipulated in Rule 28(10)(c), all nominations for that member shall be deemed to be withdrawn.”

26 - POWERS AND DUTIES OF RETURNING OFFICER

- (1) Subject to section 444(2) and section 446 of the Industrial Relations Act 1991 preserved as regulations under section 249 of the Industrial Relations Act 1996 and clause 31(2) of the Industrial Relations (General) Regulation 2001, and Rule 29 of these Rules, elections pursuant to these Rules (including the acceptance or the rejection of nominations) shall be conducted by a Returning Officer who shall not be the holder of any other office in and shall not be an employee of the Union.
- (2) The Returning Officer shall decide all questions which are relevant to determine the result of the election and the first declaration by the Returning Officer of the result of an election for an office shall be the declaration of election to that office unless a written protest is made under this Rule. If a written protest is made under this Rule and no new election is directed the final declaration by the Returning Officer of the result of the election for an office shall be the declaration of election to that office.

- (3) If, prior to any declaration of election to an office or within fourteen days from the close of voting in the ballot (whichever is later) any written protest is made to a Returning Officer signed by any member, scrutineer or candidate -
- (a) as to the sufficiency of the nomination of a candidate for an office; or
 - (b) as to anything done or omitted to be done by any person in or in connection with the ballot;
- a Returning Officer shall inquire into the subject of the protest and -
- (i) if satisfied that there was an irregularity in or in connection with the election which may have affected the result of the election and which can not be cured by a final declaration by the Returning Officer as to the result of the election for an office
 - (1) shall direct that a new election be held for any office or offices and shall conduct such election;
 - (2) and shall fix all proper and necessary dates and give all proper and necessary directions for the conduct of the new election;
 - (ii) if satisfied that there was an irregularity only in or in connection with the ballot step in the election for an office which may have affected the result of the election and which cannot be cured by a final declaration by the Returning Officer as to the result of the election such Returning Officer may direct that the ballot step be taken again and shall thereupon fix all proper and necessary dates and give all proper and necessary directions for the taking of the said ballot step again;
 - (iii) if not satisfied that Clause (i) or (ii) of this Sub-Rule applies the Returning Officer shall make a final declaration of the result of the election for the office or offices concerned.
- (4) A Returning Officer shall declare the result of an election for an office in an election conducted by such Officer -
- (a) if there is only one proper nomination for an office upon the closing of nominations;
 - (b) if an election is held for the office or if all candidates for the office but one withdraw their candidature as soon as the result is known.
- (5) The Returning Officer shall declare the results of an election for office by posting a formal notification to the:
- (a) President;
 - (b) State Secretary who shall be obliged to ensure that the document is displayed at the registered office;
 - (c) to all work areas affected by the election.
- (6) Notice of directions under Sub-Rule (3) that a new election be held or that the ballot step in an election be taken again shall be given by the Returning Officer in writing to the President.
- (7) All Officers and members of the Union shall comply with directions given by the Returning Officer under this Rule.

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

27 - PLEBISCITES

- (1) Any plebiscite required under these Rules upon any matter shall be conducted by the Returning Officer and any other persons the Returning Officer considers necessary. The Returning Officer shall fix all proper and necessary dates for the conduct of the ballot after consultation with State Committee of Management.
- (2) All financial members of the Union shall be entitled to vote in a plebiscite, including the Returning Officer.
- (3) A plebiscite shall be conducted by the Returning Officer upon the State Secretary receiving a written request for such a plebiscite signed by at least one-tenth of the financial members of the Union.
- (4) The Returning Officer shall conduct a plebiscite upon any matter if directed to do so by the State Committee of Management.
- (5) The Returning Officer shall decide all questions which are relevant to determine the result of the plebiscite and the Returning Officer's declaration of the result shall be final. The Returning Officer shall declare the result of a plebiscite by posting to the President and by posting up in a prominent place at the Registered office of the Union a declaration signed by such Returning Officer.
- (6) If a majority of members voting, vote in favour of the motion, the motion shall be carried and shall have the effect of a decision of the State Committee of Management.

28 - BALLOTS

All elections and all plebiscites shall be by secret ballot and, subject to the Act, conducted by the Returning Officer specified by these Rules and shall be held in accordance with the following -

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

- (1) The Returning Officer shall have ballot papers printed and obtain and retain a certificate from the printer as to the number printed.
- (2) (a) Ballot papers for an election shall be set out with the names of the candidates for the respective offices. The order of the names of candidates on the ballot paper to be determined by drawing lots.

(b) In a plebiscite the Returning Officer shall formulate the matter or matters the subject of the plebiscite in the form of proposals which are proposed or decisions which have been made under these Rules. Ballot papers for a plebiscite shall set out each proposal or

decision to be determined, and shall provide for satisfactory wording which will accurately reflect the intention of the plebiscite.

- (3) The Returning Officer shall (in the name of the Union) rent a post office private box before the commencement of the ballot and shall personally keep the key and not allow the box to be opened during the ballot.
- (4) The Returning Officer shall on or before the date fixed for the posting of ballot papers post by ordinary post to each member of the Union entitled to vote in the ballot a sealed envelope containing -

- (a) a ballot paper initialled or stamped with the Returning Officer's initials by the Returning Officer;
- (b) an envelope addressed to the post office private box which will be delivered by the post office to the private box without charge to the member of the Union;
- (c) (1) in an election a Returning Officer shall issue instructions to the following effect:

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

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

Enclosed is a ballot paper for a plebiscite in the Fire Brigade Employees' Union.

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

- (5) The sealed envelope to be posted by the Returning Officer to each member of the Union entitled to vote shall be addressed to the postal address of the member. Provided that, if a member entitled to vote has before the posting of the sealed envelope requested the Returning Officer in writing to address it to a specified address it shall be addressed to that address.
- (6) Members shall vote in an election or a plebiscite respectively in accordance with the procedures set out in Clause (c) of Sub-Rule (4) of this Rule.

- (7) The vote of a member shall not be informal -
- (a) if in some way other than that prescribed intention in voting is indicated;
 - (b) if such member's intention is indicated only as to first preference or if indication is given as to the order of preference for some but not all of the candidates for an office;
 - (c) as to any office, proposal or decision in respect of which such member votes validly although such member does not vote or votes informally for other offices, proposals or decisions;
 - (d) if it contains any identifying marks.
- (8) The member voting shall place the ballot paper in the addressed envelope which was enclosed with the ballot paper and seal and post the same.
- (9) The member voting shall not sign either the ballot paper or the envelope in which it is returned but any such signature shall not invalidate such member's vote.
- (10) In a Union election -
- (a) the date for the opening of nominations shall be the first weekday occurring on or after 23 February;
 - (b) the time on which nominations close shall be 5pm on the first weekday occurring on or after 15 March;
 - (c) the time on which nominations may no longer be withdrawn shall be midday on the first weekday occurring on or after 22 March;
 - (d) the date for the posting of ballot papers shall be the first weekday occurring on or after 29 March;
 - (e) the time on which the ballot closes shall be 5pm on the first weekday occurring on or after 12 April.
- (11) The Returning Officer shall as soon as practicable after the time on which the ballot closes open the private box, collect the envelopes therein and convey them to an office selected by the Returning Officer and proceed to count the election papers.
- (12) (a) Any candidate in an election may by notice in writing given to the Returning Officer appoint one member of the Union as a scrutineer to represent such candidate and may in a similar manner change the scrutineer representing such candidate.

Any reasonable expenses of a scrutineer appointed by a candidate shall be paid by the candidate. The scrutineer shall be entitled to be present at the counting of the ballot from the time when the Returning Officer collects the envelopes from the private box until the conclusion of counting and the Returning Officer shall on request give a scrutineer all reasonable information to enable the scrutineer to be so present. It shall be the duty of a scrutineer to represent the interests of the candidate who appointed such scrutineer, to be present at any stage of the counting of the ballot as requested by the candidate and to report to the Returning Officer any irregularity in or in connection with the conduct of the ballot which comes to the scrutineer's notice. Unless specifically authorised by the Returning Officer a scrutineer shall not be entitled to handle any ballot paper.

- (b) In a plebiscite conducted by the Returning Officer the State Committee of Management shall appoint two scrutineers and each Sub-Branch may appoint one scrutineer. In a plebiscite all scrutineers shall be members of the Union and shall, with necessary modifications, have the same powers and duties as in an election.
- (13) The ballot papers in an election shall be counted in accordance with the following provisions:
- (a) The Returning Officer shall count the ballot papers in the presence and subject to the inspection of such scrutineers as choose to be present (if any) and of no other person;
 - (b) The Returning Officer shall arrange the ballot papers by placing in a separate parcel all those on which a first preference is indicated for the same candidate omitting informal ballot papers;
 - (c) In the event of the nomination of a candidate for an office lapsing in accordance with these Rules by reason of that person's resignation or death the votes cast in favour of that person shall as a first step be allocated according to preferences.
 - (d) The Returning Officer shall count the first preference votes given for each candidate respectively;
 - (e) The candidate who has received the greatest number of first preference votes if that number constitutes an absolute majority of first preference votes shall be declared elected;
 - (f) If no candidate has an absolute majority of first preference votes the Returning Officer shall -
 - (1) treat the candidate who has obtained the fewest first preference votes as a defeated candidate and such of the ballot papers counted to such defeated candidate as indicate the voter's next preference shall be distributed amongst the non-defeated candidates next in order of the voter's preference. After such distribution the number of votes given to each non-defeated candidate shall again be counted;
 - (2) If no candidate then has an absolute majority of votes the process of treating the candidate who has the fewest votes as defeated and distributing such of that candidate's ballot papers as indicate the voter's next preference amongst the non-defeated candidates next in order of the voter's preference shall be repeated and the votes recounted after every such redistribution until one candidate has obtained an absolute majority of votes and such candidate shall be declared elected.
 - (g) If on the final count two candidates have received an equal number of votes the Returning Officer shall cast lots.
 - (h) Where more than one person is to be elected to an office counting shall cease when the number of non-defeated candidates is equal to the number of persons to be elected. Seniority in the office shall be determined by the number of votes distributed to the non-defeated candidates when counting ceases. In the case of an equality of votes the Returning Officer shall decide seniority by casting lots.
 - (i) The Returning Officer shall make and keep a record of -
 - (1) the total number of votes counted;
 - (2) the number of ballot papers rejected as informal;

- (3) the number of first preference votes given for each candidate;
- (4) in relation to each distribution of the ballot papers of a defeated candidate:
 - (A) the number of ballot papers which did not show the voter's next preferences;
 - (B) the number of votes of each candidate after the distribution.
- (5) the number of ballot papers issued
- (6) the number of ballot papers returned

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

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

29 - DELETED

There is no rule 29.

30 - UNION FUNDS

- (1) For the purposes of internal financial management of the Union there shall be a fund known as "The Union Fund" which shall be managed and controlled by the Union Administration.
- (2) The moneys in the Union fund shall be kept in such accounts as determined from time to time by the State Committee of Management
- (3) The monies of the Union shall consist of:-
 - (a) The amount collected by the Union as entrance or membership subscriptions.
 - (b) Money received by the Union -
 - (i) in respect of levies imposed by the State Committee of Management;
 - (ii) in respect of fines imposed by the State Committee of Management;
 - (iii) as donations to the Union;
 - (iv) as a result of the activities of the State Committee of Management, State Executive or Union employees;
 - (v) as a result of the exercise of powers under these Rules by the State Committee of Management or State Executive.
- (4) All payments from the Union fund shall be by cheque signed by any two of the persons occupying the offices of President, Senior Vice President, Junior Vice President or State Secretary provided that:

- (a) where prior authorisation by resolution of the State Committee of Management for the payment of regular or scheduled working expenses exists, such payments may instead be made by way of electronic funds transfer; and
 - (b) where payment by credit card is the most practicable or sole means of making payment, then payment may be made by credit card provided that:
 - (i) credit card payments do not exceed \$3000 in any calendar month; and
 - (ii) all credit card payments are presented to the next meeting of the State Committee of Management for review.
- (5) Any amount carried for payment at a General Meeting of the Union shall not exceed the amount specified on the agenda paper calling such a meeting.

31 - LEVIES

- (1) The Union shall have the power at any time to impose a levy on all members. Such levies shall not be imposed unless carried by a plebiscite of members in accordance with Rule 27.

32 - POLITICAL LEVIES

- (1) The provisions of this Rule shall override the provisions of Rule 31 where applicable.
- (2) There shall be a separate fund for any levies imposed for political objects and from which all donations or other payments for political objects shall be made.
- (3) Any contributions to such fund shall be voluntary. A member who does not contribute to such fund shall not be excluded from any benefits of the Union or placed at any disadvantage by reason of failure or refusal to so contribute.
- (4) Any contribution to each levy so raised must be voluntary and such consent to each levy so raised shall be evidenced in writing.
- (5) Donations or other payments from such funds shall be applied only to the purpose for which they were raised, unless the members making the contributions agree to some other application.
- (6) The State Committee of Management must approve the imposing of each such levy and the making of each such donation or payment and must satisfy itself that the imposing of each such levy and the making of each such donation or other payment out of the amount levied is in accordance with the Rules of the Union.

33 - FINANCIAL MEMBERS

- (1) Any member of the Union who owes the Union as subscriptions and/or levies or fines in excess of an amount equivalent to six weeks' membership dues shall be an unfinancial member of the Union and shall not be permitted to hold office or participate in the management or control of the Union. All other members of the Union shall be financial members of the Union.
- (2) No assistance under the Assistance Scheme shall be paid to any member until after a period of ninety days after the paying of all moneys owing to the Union.
- (3) Any member, owing to sickness or any other reasonable cause, may make application to the State Secretary for exemption or reduction of union dues. After receipt of such application, the State Secretary shall refer the Application to the State Committee of Management, which shall

consider it and may, if it so resolves, remit the whole or part of the dues owing, or may refuse such application and direct that the Applicant pay the amount due within a specified period.

34 - OFFENCES BY MEMBERS

- (1) The State Committee of Management, by summons in writing, may call upon any member whom the State Committee of Management alleges is acting or has within the preceding twelve months committed any offence against these Rules, to show cause why such member should not be reprimanded, fined or expelled from the Union.
- (2) The summons shall:
 - (a) state the allegation together with particulars thereof;
 - (b) disclose the evidence on which the allegation is based;
 - (c) be signed by the President or State Secretary;
 - (d) state the time, date and place at which the member is to show cause;
 - (e) be delivered personally to the member concerned or posted by registered mail to the member's last known address at least 21 days before the meeting at which the matter is to be determined;
 - (f) have attached to it a copy of this Rule.
- (3) Should any member against whom an allegation is made fail to appear at the hearing and fail to provide a satisfactory explanation for non-attendance, the State Committee of Management may proceed with the hearing of the allegation in such member's absence provided it is first satisfied that notice of the hearing in accordance with this Rule has been served on such member.
- (4) The evidence relating to the alleged offence shall be heard by the State Committee of Management or by a committee of the members thereof appointed for that purpose and consisting of not less than three of its members and the member concerned shall be heard in defence either personally and/or in writing.
- (5) If the evidence relating to the offence is heard by a committee that committee shall report its finding to the State Committee of Management as the case may be together with a recommendation to the State Committee of Management as to the penalty, if any.
- (6) If in the opinion of the State Committee of Management the member is guilty of the offence alleged then the State Committee of Management may reprimand such member or may fine such member a sum not exceeding one hundred dollars for any one offence or may suspend such member for a period not exceeding 12 months or may expel such member from the Union.
- (7) The State Secretary shall promptly inform the member by registered letter of the decision of the State Committee of Management. In the event of expulsion the expulsion shall become effective 14 days after the date of posting such letter and in the event of a fine being imposed the fine subject to Sub-Rule (8) hereof shall become payable immediately and the member shall be deemed unfinancial if the fine is unpaid one month after the date of posting such letter and shall remain unfinancial until the fine is paid.
- (8) A member who is found guilty of an offence by the State Committee of Management shall have a right of appeal to a Special General Meeting of members against such finding and/or any penalty imposed by the State Committee of Management provided that such member submits

such appeal to the State Secretary in writing not more than fourteen days after the date of posting of the letter informing such member of the decision of the State Committee of Management and pending the determination of any such appeal, the finding and/or penalty shall not become effective. Subject to the Act the Special General Meeting's determination of the appeal shall be final.

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

35 - REMOVAL FROM OFFICE AND SUSPENSION OF UNION OFFICERS

- (1) No officer of the Union shall be removed from office unless the officer has been found guilty under the Rules of the Union, of:
- (i) misappropriation of the funds of the Union;
 - (ii) a substantial breach of the Rules of the Union; or
 - (iii) gross misbehaviour or gross neglect of duty;
- or has ceased, under these Rules, to be eligible to hold the office.
- (2) A person shall not be dealt with pursuant to sub-rule (1) hereof unless a resolution to that effect is passed by majority of two thirds of the members (present and entitled to vote) at a Special General Meeting of members of the Union and of which the person has been given at least twenty one days notice in writing, of the date and place of the meeting and of the motion to be considered together with particulars of all allegations. Such person shall be given the opportunity of being heard at the meeting.
- (3) Where a resolution has been adopted at a Special General Meeting in accordance with sub-rule (2) the decision of the Special General Meeting must be endorsed by a plebiscite of all members conducted in accordance with these Rules. The plebiscite is to be finalised within one month of the Special General Meeting decision being made.
- (4) The powers referred to in this rule shall, in relation to persons holding the offices specified therein, be exercised only in accordance with this Rule and no other Rules of the Union shall purport to authorise the exercise otherwise of those powers in relation to persons holding offices of the Union.

36 - SUMMARY SUSPENSION OF OFFICER

If the State Committee of Management lays a charge against an officer for any of the following:

- (1) misappropriation of the funds of the Union;
- (2) a substantial breach of the Union's Rules;
- (3) gross misbehaviour in relation to the office held;
- (4) gross neglect of duty in the conduct of the office held;

then, if upon reasonable grounds it appears probable that such officer is guilty of the charge, it may suspend such officer from the office held pending the outcome of the charge before a Special General Meeting and a plebiscite of members, if necessary. Such suspension shall not exceed a period of three months and shall not effect the right of the officer to salary, remuneration or continuity of office.

37 - RECORDS

- (1) Upon the entry of the name of an applicant for membership in the Register of the Union the State Secretary shall prepare in duplicate an acknowledgment stating the name, residential and postal address of the applicant and acknowledging that the applicant has become a member of the Union on the date on which such name was entered in the Register and the State Secretary shall forthwith send one copy to the applicant, and shall retain one copy in the Union's records.
- (2) Upon a member of the Union notifying the State Secretary of any change in the member's postal or residential address the State Secretary shall alter the postal or residential address of the member shown in the Union Register and shall prepare in duplicate an acknowledgment of the change of address stating the name and the changed residential or postal address of the member and shall forthwith send one copy to the member, and shall retain one copy in the Union records.

38 - GIVING NOTICE TO MEMBERS

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

39 - PURGING THE REGISTER AND CESSATION OF MEMBERSHIP

- (1) The State Secretary shall as soon as practicable after notice of resignation takes effect pursuant to the provisions of Rule 7 of these Rules, remove the names and details of a person who has resigned from the Register.
- (2) The State Secretary shall from time to time as directed by State Committee of Management and in accordance with the provisions of sub-rule (3) remove from the Register of Members, all members who are unfinancial and all members who have ceased to be entitled to remain as members. Removal from the Register shall not in any way waive, reduce or effect the members liabilities for any arrears due to the Union under these Rules.
- (3) The State Secretary shall give a member one months' notice in writing to the member's last known address of the intention to remove his/her name from the Register pursuant to the provisions of sub-rule (2) . The Notice shall specify the reason or reasons why a member is to be removed from the Register. Where, at the expiration of one month period, the member has not provided satisfactory evidence as to why he/she should not be removed from the Register, then he/she shall be so removed and his/her membership shall cease from the date of removal. Provided that any member shall have a right of appeal against his/her removal to the State Executive. A member lodging an appeal shall be deemed to continue as a member pending determination of his/her appeal.

40 - AUDITORS

- (1) The Annual General Meeting shall appoint biannually, a duly qualified and competent auditor or firm of auditors who shall audit the Union accounts and provide a report, audited accounts and such further information and statements as may be required under any relevant legislation in relation to each financial year or in relation to any other period that a General Meeting, the State Committee of Management or the State Executive may determine.

- (2) An auditor or firm of auditors appointed by an Annual General Meeting may be removed during the term appointment by resolution of a subsequent General Meeting, Annual or Special. A General Meeting may only remove an auditor or firm of auditors during the term of appointment for the reason that:
 - (a) the auditor or firm of auditors cease to be a registered auditor;
 - (b) the auditor or firm of auditors charges excessive fees; or
 - (c) the auditor or firm of auditors engaged in unprofessional conduct.

41 - SEAL

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

42 - INDUSTRIAL AGREEMENTS

- (1) Industrial Agreements and any other documents may be executed by or on behalf of the Union by the President and State Secretary or in the event of the President or State Secretary being unavailable, another member of the State Committee of Management.
- (2) Before any general Industrial Agreement is entered into with any employer a special meeting of State Committee of Management shall be convened. At such meeting the State Executive Committee shall be instructed in reference to the Agreement and the Agreement shall be submitted to the State Committee of Management for approval.
- (3) Any Industrial Agreement required by law to be under seal shall be executed under the Common Seal of the Union.

43 - INDUSTRIAL DISPUTES

The State Secretary shall have power to cause industrial disputes to be submitted to conciliation or arbitration under the Act. Provided that the State Secretary shall report all such notifications to the next meeting of the State Executive.

44 - MINUTES

- (1) There shall be entered in books kept for that purpose minutes of all Meetings of the State Committee of Management and State Executive and those Minutes shall be signed by the Chairperson of the meeting at which the proceedings took place or the next succeeding meeting of the body in question.
- (2) Any minute so entered that purports to be signed as provided in Sub-Rule (1) of this Rule shall be evidence of the proceedings to which it relates.
- (3) Where minutes have been so entered and signed, then, until the contrary is proved -

- (a) the meeting shall be deemed to have been duly held and convened;
- (b) all proceedings which took place at the meeting shall be deemed to have taken place validly; and
- (c) all appointments made at the meeting shall be deemed to have been duly made.

45 - IRREGULARITIES

- (1) Subject to any order of the Industrial Court and to the provisions of the Act:
 - (a) Any member present at a meeting may obtain a ruling from the Chairperson of the meeting as to whether any person present at the meeting is entitled to be present. Any person who the Chairperson rules is not entitled to be present at the meeting shall leave the meeting. No meeting shall be invalid if members who are unfinancial attend and participate and vote in the proceedings so long as -
 - i) no ruling as to the entitlement of the member in question to be present was sought; or
 - (ii) the Chairperson ruled in good faith that the member in question was entitled to be present.
 - (b) All acts done in good faith by all concerned by any meeting of the State Committee of Management or State Executive or by an Officer of the Union shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment or election of any member of the body in question or of any such Officer, be as valid as if every such member of the body or Officer had been duly appointed or elected.
- (2) A meeting summonsed to consider a specified question or specified questions shall not be irregular by virtue of the fact that it considers and deals with other questions or business of which notice is not required under these Rules.
- (3) Notwithstanding the provisions of this Rule no penalty shall be imposed by State Committee of Management on a member unless the meeting of State Committee of Management was summonsed in accordance with these Rules and unless the persons voting for the resolution imposing the penalty and participating in the debate upon the resolution were regularly elected or appointed members of the State Committee of Management.

46 - IMPLIED AND INCIDENTAL POWERS

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

- (a) may exercise all powers and shall perform all duties given to such body or such Officer by these Rules expressly or by implication;
- (b) may do all such other things as are incidental or conducive to the attainment of the objects of the Union and the exercise of the powers and the performance of the duties of such body or Officer.

47 - AMENDMENT OF RULES

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

- (1) Upon receiving a direction from the State Committee of Management or a request from a Special General Meeting to call a meeting of the State Committee of Management to consider a proposed alteration, amendment, rescission or substitution of the Union Rules, the State Secretary shall summons such a meeting as soon as practicable.
- (2) The State Secretary shall summons a meeting of the State Committee of Management under this Rule by giving all members of the State Committee of Management at least twenty-eight days' notice by ordinary post of the proposal and the time, date and place of the meeting. The State Secretary shall at the same time notify all members of the proposal, and of the time, date and place of the State Committee of Management meeting, by written notices thereof being displayed and made available to the members at the registered office of the Union and at all work areas and in other ways likely to come to the attention of the members.
- (3) At a meeting held under this Rule the State Committee of Management shall (without it being necessary for any person to move or second the proposal) consider the proposal and may resolve that the alteration, amendment, rescission or submission be made as proposed. It is expressly provided that a proposal, once notified under the preceding Sub-Rule, shall not be capable of amendment.
- (4) The State Secretary shall publicise any Rule change adopted by the State Committee of Management within 14 days after the date of the resolution by written notices thereof being displayed and made available to the members at the registered office of the Union and at all work areas and in other ways likely to come to the attention of the members.
- (5) If within 28 days after the date of a resolution under the preceding Sub-Rule the State Secretary receives a written request for a plebiscite upon the decision of the State Committee of Management signed by at least one fortieth of the financial members of the Union, then the Returning Officer shall as soon as practicable conduct a plebiscite to whether or not the financial members of the Union approve of the decision of the State Committee of Management.
- (6) If the State Secretary does not receive a request within the preceding Sub-Rule the alteration, amendment, rescission or substitution which the State Committee of Management resolved to be made shall, subject to the provisions of the Act and the Regulations, come into operation upon the expiration of 28 days.
- (7) If the State Secretary receives a request in accordance with Sub-Rule (5) of this Rule then -
 - (a) if the plebiscite approves of the decisions, the alteration, amendment, rescission or substitution which the State Committee of Management resolved to be made shall, subject to the provisions of the Act and the Regulations, come into operation upon the declaration by the Returning Officer of the results of the plebiscite;
 - (b) if the plebiscite does not approve the decision, the Resolution of the State Committee of Management that the alteration, amendment, rescission or substitution be made shall have no effect upon these Rules; and
 - (c) notwithstanding anything contained in this Rule where the Union is required by law to amend its Rules such amendment when endorsed by a simple majority of the State Committee of Management shall be deemed to have been made in compliance with the procedure requirements of this Rule.

48 - LOANS GRANTS AND DONATIONS

A loan, grant or donation should not be made unless the State Committee of Management:

- (a) has satisfied itself that the making of the loan, grant or donation would be in accordance with the Rules of the Union other than this Rule, and -
- (b) has satisfied itself in relation to a loan that in the circumstances the security proposed to be given for repayment is adequate and the proposed arrangements for repayment are satisfactory, and
- (c) has approved the making of the loan, grant or donation.

49 - DISCIPLINARY CHARGES

- (1) Financial members who receive or become aware that they may receive from their employer a summons to appear and/or a charge sheet in whatever form, and who desire Union assistance should, as soon as practicable after becoming aware that they are involved in a dispute, notify the State Secretary, forwarding a signed statement of the facts of the case and an application for assistance.
- (2) The State Secretary shall inform the President of its receipt and it is expressly provided that they may determine that the member be not represented, in which case they shall inform the member concerned that the member may demand a specially convened meeting of the State Committee of Management to determine whether Union assistance shall be granted or withheld.
- (3) Members shall not be entitled to Union assistance on appeal who have not availed themselves of Union representation in accordance with this rule at all previous proceedings relating to the matter appealed on, but notwithstanding these Rules, State Committee of Management may in its discretion assist any member on a matter of principle affecting the members generally.

50 - MORTALITY AND ASSISTANCE SCHEME

- (1) Where a financial member, of at least three months membership from the date of application, becomes incapable through sickness or accident of performing normal duties of employment and by reason thereof does not receive wages and such incapacity is promptly notified to the State Secretary, and the member requests that assistance be given the State Committee of Management may in its absolute discretion, upon being satisfied as to the members request, render assistance to that member in such manner as it thinks fit, otherwise than by payment of cash to that member. The maximum weekly amount which may be expended in respect of any member shall not exceed the amount determined from time to time by two thirds of members of the Union present and entitled to vote at a meeting of the Union convened for the purpose.
- (2) Nothing herein contained shall confer a right upon the member to demand any assistance from the Union or any obligation upon the Union to grant same.
- (3) The State Executive may call for production by a member, of such evidence as it thinks fit relating to the state of health, financial position and other relevant matters before giving the assistance referred to in sub-rule (1) hereof.
- (4) A member shall not be entitled to receive regular periodical assistance from the Union.
- (5) Assistance shall be limited to twenty six weeks without review, but at the expiration of such period the case shall again be submitted to the next meeting of State Committee of Management for review.
- (6) (a) A mortality grant of \$5,000 shall apply to all permanent members with at least twelve months financial membership who are not in arrears at the time of death.

- (b) A mortality grant equalling one fifth of the sum provided for in sub-clause 6(a) of this clause, shall apply to all retained members with at least twelve months financial membership who are not in arrears at the time of death.
 - (c) A mortality grant of the amount directly proportional to the dues payable under Rule 6(7), being not higher than that provided for in sub-clause 6(a) and not lower than that provided for in sub-clause 6(b), shall apply to all private sector members with at least twelve months financial membership who are not in arrears at the time of death.
- (7) On the death of a member referred to in sub-clause (6) of this Rule, a mortality grant (as herein provided) shall be immediately made to dependants of the member as herein under determined:-
- (a) where the widow/widower of the member is the sole dependant to such widow/widower;
 - (b) where the widow/widower and the children of such member are the dependants of the widow/widower for the benefit of the widow/widower and the children, to be applied by them in such manner as they may think fit for the benefit of themselves and children;
 - (c) where there is no widow/widower living, or, if living such widow/widower is not dependant upon the earnings of the member, but there are children living who are so dependant, then to the guardians of such children, or, if no guardian, to any adult person having, or apparently having the care of such children, to be applied for the benefit of such children, in such manner as such guardian or other person shall think fit;
 - (d) where there is no widow/widower but there is a father or mother of the member who is sole dependant to such father or mother as the case may be;
 - (e) where there is both a father and a mother dependant, then to the father and the mother;
 - (f) in the case of any other person whom the Union or the State Committee of Management shall have decided are dependants, or any such member as aforesaid to such adult person or persons as the State Committee of Management in its absolute and uncontrolled discretion shall determine and the mortality grant so paid shall be applied for the benefit of such dependants in such manner as such adult person or persons to whom payment shall have been made shall in their discretion determine, provided that where there are no dependants of a deceased member, State Committee of Management may, in its absolute and uncontrolled discretion determine to whom the mortality grant shall be paid.
- (8) The receipt of any of the persons aforesaid to whom payment of the said mortality grant is hereby authorised to be made shall be a full and conclusive receipt and discharged to the Union and the State Committee of Management for the payment of such moneys, and the Union or the State Committee of Management shall not be bound or concerned to see to the application of the said mortality grant after payment thereof by the Union or the State Committee of Management as aforesaid.
- (9) Where in the opinion of the State Executive, a member's misconduct brings about or prolongs sickness, accident or incapacitation, or causes death, the member shall not receive benefit, assistance or mortality grant.

51 - SUB - BRANCHES

Formation of Sub-Branches

- (1) Sub-Branches may be formed in a Fire District or Zone established under the Fire Brigades Act, or to cover a class of employee engaged in an unusual or unique work area (as determined by the State Committee of Management).
- (2) To form a Sub-Branch, a meeting of members in the Fire District, Zone or in an unusual or unique work area must be held to consider the question and any decision to form a Sub-Branch must be referred to the State Committee of Management for endorsement.
- (3) Members eligible for membership of a Sub-Branch must be employed within the Fire District, Zone, or in an unusual or unique work area, covered by the Sub-Branch. Where any dispute exists as to membership of a particular Sub-Branch, the matter shall be determined by the State Committee of Management.
- (4) On the formation of a new Sub-Branch, the State Committee of Management shall have the power to appoint temporary members of the Sub-Branch Executive Committee who shall hold those positions for a period not more than six months, during which period an election shall be held in accordance with the procedures in Rules 26 and 28.

Powers of Sub-Branches

- (5) Sub-Branch meetings shall have power, subject to the Rules, to investigate and make recommendations to the State Committee of Management on matters brought before them.
- (6) When a General Meeting is called under the signature of the State Secretary, the Sub-Branch Executive Committee may call a single meeting of the Sub-Branch, or in the case of the Retained and Country Sub-Branches only, a series of meetings, to discuss the business on the agenda of the General Meeting.
- (7) Voting on any business arising from sub-rule (6) must be signed by the Sub-Branch Secretary or Sub-Branch Chairperson and forwarded to the State Secretary at least 30 minutes prior to the declaration of the final vote, as previously notified in the General Meeting notice issued pursuant to Rule 11. The vote recorded by the Sub-Branch shall then be added to the total vote of the General Meeting, provided that if either the Sub-Branch meeting or the General Meeting subsequently resolves to amend a motion or motions on the General Meeting agenda then the vote of the Sub-Branch shall not be added to the vote of the General Meeting unless the final motion voted upon by the Sub-Branch is identical to the final motion voted upon by the General Meeting. To avoid doubt, a Sub-Branch that meets before a General Meeting will render its vote on a motion invalid if either:
 - (a) the Sub-Branch meeting resolves to amend the motion and that amendment is not subsequently adopted by the General Meeting; or
 - (b) the Sub-Branch votes on the motion on the agenda of the General Meeting and the General Meeting subsequently resolves to amend that motion.
- (8) In all other respects Sub-Branches shall conduct their affairs in accordance with the Rules, decisions of State Committee of Management and decisions of General Meetings of the Union. To avoid doubt, a resolution of a Sub-Branch meeting or Sub-Branch Executive Committee meeting shall not be binding on any member of the Union unless and until such time as that resolution has been received and endorsed by the State Committee of Management.

Sub-Branch Executive Committees

- (9) Subject to the Rules of the Union, the business of each Sub-Branch shall be conducted by a Sub-Branch Executive Committee, the composition of which shall be determined by the State

Committee of Management provided that where a Sub-Branch area or classification corresponds to an elected office on the State Committee of Management, that officer shall by reason of that office also hold the position of Sub-Branch Secretary. Sub-Branch Executive Committees shall be elected every three years in the year following the triennial State Committee of Management election.

- (10) Elections of Sub-Branch Executive Committee members shall be conducted, with the necessary modifications, in accordance with the procedures set out in Rules 23, 25, 26 and 28, provided that Sub-Branch Executive Committee elections shall be by secret postal ballot of all recognised workplace delegates within the Sub-Branch or, if the State Committee of Management so determines, by secret on-site ballot of all Sub-Branch members in attendance at an extraordinary Sub-Branch meeting called for that purpose.
- (11) Where a casual Sub-Branch Executive Committee vacancy occurs other than in the office of Sub-Branch Secretary, such vacancies may be filled by appointment by the Sub-Branch Executive Committee to such vacancy of a financial Sub-Branch member for the balance of the unexpired part of the Sub-Branch Executive Committee's term.
- (12) Sub-Branch Executive Committee members shall not hold an office under the Act.

Sub-Branch Chairperson

- (13) Sub-Branch Executive Committees may from time to time appoint from one of their members a Chairperson to preside, subject to Rule 18, at all meetings of the Sub-Branch, Sub-Branch Executive Committee or committee set up by the Sub-Branch and to conduct the business in accordance with the Rules.

Sub-Branch Secretary

- (14) Sub-Branch Secretaries shall, wherever practicable attend all meetings of their Sub-Branch, Sub-Branch Executive Committee or committee set up by their Sub-Branch and shall keep a correct record of all business transacted thereat. A Sub-Branch Secretary named in Rule 12 shall also represent their Sub-Branch on the State Committee of Management in accordance with Rule 21(2).
- (15) Sub-Branch Secretaries shall conduct all correspondence and perform all other clerical work in connection with their Sub-Branch. Sub-Branch Secretaries shall only correspond with the State Secretary and shall not correspond with the members of other Sub-Branches or with other bodies without the permission of the State Committee of Management.

Sub-Branch Meetings

- (16) Sub-Branches shall meet at such times, dates and places as they resolve or as may otherwise be determined by their Sub-Branch Executive Committee, the State Executive, the State Committee of Management or requisitioning members. Sub-Branch meetings shall be summonsed by a circular sent to every fire station or place of employment where members eligible to attend are attached.
- (17) Sub-Branch Executive Committees shall meet at such times and dates and places as they resolve or, subject to sub-rule (19), as shall be fixed by their Sub-Branch Secretary and shall have the same power, subject to Sub-Branch meetings, as that conferred on Sub-Branch meetings provided that Sub-Branch Executive Committees shall not have the power to initiate Special General Meetings under Rule 11(4).

- (18) Any financial member of the Union is entitled to attend, participate in and vote at any Sub-Branch meeting held pursuant to sub-rule (6), but only insofar as their attendance, participation and voting concerns the business on the agenda of a General Meeting.
- (19) (a) Sub-Branch Secretaries shall, within fourteen days of the receipt of written requisitions to that effect from twenty Sub-Branch members, or five Sub-Branch workplace delegates, call a Sub-Branch meeting to be held within twenty eight days of such receipt.
- (b) Sub-Branch Secretaries shall, within seven days of the receipt of written requisitions to that effect from two Sub-Branch Executive Committee members, call a Sub-Branch Executive Committee meeting to be held within fifteen days of such receipt.
- (c) If a Sub-Branch Secretary has not within the stipulated time called a duly-requisitioned Sub-Branch meeting, the requisitionists may themselves call it.
- (d) The requisitions and the notice of any Sub-Branch meeting shall set out the business it is desired to transact.
- (20) At Sub-Branch Executive Committee meetings, a simple majority of members eligible to attend shall constitute a quorum. At all Sub-Branch meetings seven members shall constitute a quorum.

52 - LIFE, HONORARY AND ASSOCIATE MEMBERSHIP

LIFE MEMBERSHIP

- (1) A member of the Union shall become a Life member of the Union upon the State Committee of Management so resolving, subject to endorsement by the Annual General Meeting. A Life member still employed in the industry of the Union shall have all the rights and duties of a member of the Union. Life members shall not be liable to pay membership dues or levies.

On their demise the mortality grant shall be paid to their next of kin, provided that, in cases where their economic circumstances in the unfettered and uncontrolled opinion of State Committee of Management so warrant, the payment may be withheld.

HONORARY MEMBERSHIP

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

ASSOCIATE MEMBERSHIP

- (3) Ex-members may, on application to State Committee of Management and at the State Committee of Management's discretion, be permitted to hold Associate Membership of the Union. They shall, on payment of an annual subscription of five dollars (\$5.00), be entitled to receive a copy of the Union's official Journal and to take part in any social function or demonstration in which the Union is participating.
- (4) Associate members shall not be eligible to stand for office in the Union or vote in Union elections. The State Committee of Management may resolve to confer Life membership on Associate members under the provision of sub-rule (1).

53 - RULES OF DEBATE

The following rules of debate shall apply at all Union meetings and, as far as appropriate, to meetings of Sub-Committees, and shall be construed subject to the Rules:

- (1) The meeting shall, subject to the presence of a quorum, start at the time set out on the notice, and shall, subject to the discretion of the meeting, continue until all business on the agenda is disposed of.
- (2) If no quorum is present within thirty minutes of the starting time set out in the notice, the meeting shall lapse. All business on the agenda of the lapsed meeting shall be included on the agenda of the next meeting and shall take precedence over new business.
- (3) Any member desirous of speaking at a meeting shall rise in his or her place and when called upon by the Chair shall address the Chair. If two or more members rise simultaneously, the Chair shall call upon the member who first caught the eye of the Chair.
- (4) When the Chair rises to speak any member standing shall sit down and immediately come to order.
- (5) No member other than the proposer of a motion or an amendment shall speak to it unless it has been seconded. A motion or amendment lapsing for want of a seconder shall not be recorded in the Minutes.
- (6) A motion or amendment before the Chair shall not be withdrawn except by the mover and by leave of the meeting. No motion shall be withdrawn while any amendment is under discussion or after any amendment has been adopted.
- (7) If required to do so by the Chair, the proposer of any motion or amendment shall submit it in writing.
- (8) A motion or amendment before the Chair may be reworded by the mover subject to leave of the meeting.
- (9) No member shall speak more than once at any meeting to any question, except that the mover of the motion (but not of an amendment) shall have a right of reply, which reply shall close the debate. An amendment shall constitute a separate question from the original motion and from any other amendment.
- (10) A member moving a motion or amendment shall be deemed to have spoken to it. A member seconding a motion or amendment without speaking to it may reserve the right to speak to it subsequently.
- (11) When an amendment is before the Chair, the discussion shall be confined to that amendment. No further amendment shall be proposed until the amendment before the Chair has been disposed of.
- (12) The Chair shall, as far as practicable, call on speakers for and against a motion or amendment or alternatively, subject to the right of a seconder to speak immediately after the mover. If two consecutive speakers have both argued for or against a motion or an amendment, and there is no member wishing to argue the opposite view, or, in the case of a motion, to move an amendment, the motion or the amendment shall, subject, in the case of the motion to the mover's right of reply, be put without further debate.

- (13) Any member may raise a point of order which shall take precedence over all other business, and which shall be open to discussion. The point must be raised at the time the alleged irregularity occurred. An explanation or contradiction shall not constitute a point of order.
- (14) Any member disagreeing with the Chair's ruling on a point of order may move dissent. The Chair shall then vacate the chair and such motion shall be put forth without debate.
- (15) On an equality of voting, the Chair shall declare the question resolved so as to maintain the status quo.
- (16) A member who has not already participated in a debate may at any time, whether another speaker has the floor or not, move, "that the question be now put", which motion, if accepted by the chair, shall be put without amendment or debate. The Chair shall have absolute discretion to accept or refuse the motion. The Chair may also without requiring a motion put the question if the Chair feels that adequate discussion has taken place. In either case the mover of the motion shall retain the right of reply. If an amendment is before the Chair, the closure motion shall be deemed to close the debate on the amendment only.
- (17) A member may at any time move, "that the speaker be no longer heard" or "that the speaker be heard for a further limited period only". Such motion shall be put without amendment or debate. No other motion, except the closure motion or a motion dealing with the speaker's time, shall be moved while the speaker has the floor,
- (18) During the discussion of a motion (but not of an amendment), a member who has not already participated in the debate on the motion may move:

"That the question be not now put".

This motion shall be open to debate, and shall be debated together with the original motion. If carried, the original motion shall not be dealt with further. If lost, the original motion shall be put forth without, subject to the mover's right of reply. The motion may be foreshadowed while an amendment is before the Chair, but in no case shall it be put until all amendments have been disposed of.

- (19) A member may move:

"That the debate (or meeting) be now adjourned."

Discussion shall be in order, but only amendments as to time and/or place shall be permitted. The motion shall take precedence over other business before the Chair except points of order and personal explanations.

- (20) No member shall reflect on the vote of a meeting, except on a motion for the rescission of any resolution previously adopted. Notice of motion shall be required for the purpose of rescinding some previous resolution and 28 days written notice by resolution of the members of two or more Sub-Branches pursuant to Rule 11(4) shall be required in each case. Provided that any motion may be rescinded at the same meeting at which it is passed, without any notice being required.
- (21) Unless otherwise resolved:
 - (a) the proposer of a motion shall be allowed six minutes to introduce it and four minutes to reply to the debate;
 - (b) other speakers shall be allowed three minutes.

- (22) Any member acting contrary to any of the rules of debate or using improper language shall be called to order and should he/she persist, he/she shall be asked to withdraw from the meeting. If the member refuses to withdraw from the meeting then the meeting may resolve to expel the member from the meeting.
- (23) Subject to the rules, notwithstanding anything herein before contained, any decision made by a validly constituted meeting shall not be void by reason only of a departure from these standing orders which was not detected until after the decision has been made.
- (24) Where the standing orders are silent, the rules of debate of the Union shall be determined by the Chair with reference to the 1991, 5th Edition of the book "Guide for meetings and organisations" by N.E. Renton.

54 - DISSOLUTION OF THE UNION

- (1) The Union may only be dissolved or wound up if three quarters of its members vote in favour of such dissolution or winding up in a plebiscite of members called by the State Committee of Management.
- (2) If the State Committee of Management determines to have a plebiscite in accordance with Rule 27 of these Rules, then the State Committee of Management shall determine the Rules for the conduct of the plebiscite.
- (3) Any plebiscite called by the State Committee of Management shall be administered by the Returning Officer.
- (4) On dissolution or winding up of the Union, members shall not be liable to contribute to the payment of the Union's debts or liabilities or to the cost, charges or expenses of dissolution or winding up.
- (5) If a plebiscite to dissolve or wind up the Union is carried by the requisite majority the State Committee of Management shall take all action necessary to dissolve or wind up the Union in accordance with the Act.

END OF RULES