

**RULES OF THE**  
**FINANCE SECTOR UNION OF AUSTRALIA,**  
**QUEENSLAND BRANCH, INDUSTRIAL UNION OF EMPLOYEES**



**Part I - The Union**

**1. Name**

The name of the organisation shall be the "Finance Sector Union of Australia, Queensland Branch, Industrial Union of Employees" (hereinafter referred to as "the Union").

**2. Arrangement**

**Part I - The Union**

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3. **Objects**

The objects of the Union are and shall be:-

- 3.1 to uphold, protect and advance the interest of the Union and its members;
- 3.2 to obtain and maintain reasonable conditions of work and a fair rate of remuneration for its members;
- 3.3 to render pecuniary and other assistance to members to maintain and protect their industrial rights and privileges;
- 3.4 to formulate and carry into operation schemes for the industrial, social, recreational, intellectual, and general advancement of members and to make arrangements with persons engaged in any trade, business, or profession for the concession to the members of the Union of any special rights, privileges and advantages and in particular with regard to the supply of goods or services;
- 3.5 to permit the formation of credit unions, housing and/or any other schemes that would be to the benefit of members;
- 3.6 to obtain preferential treatment for members of the Union in all appointments and promotions in the industries of the Union;



- 3.7 to establish and maintain clubs and holiday homes for the benefit of members and their families, and to provide scholarships for the children of members and deceased members;
- 3.8 to establish and maintain funds or trusts for the benefit of employees and/or ex-employees of the Union and to grant pensions and/or allowances and pay premiums on assurance for these purposes;
- 3.9 to encourage the study of insurance, banking, woolbroking, trusts and finance;
- 3.10 to encourage by means of lectures, classes, and in other ways, the study of matters relating to the industries of the Union, with the idea of fitting members for promotion within these industries;
- 3.11 to encourage esprit de corps among members, and to maintain the best understanding and relationship between members and their employers;
- 3.12 to establish and maintain journal/s dealing with the affairs of the Union and matters of interest to its members;
- 3.13 to devise and implement a scheme of providence against the exigencies of old age, sickness, death, unemployment or other misfortune;
- 3.14 to enter into an agreement with any association of employees registered pursuant to the Act or the industrial law of any State, or the commonwealth, in order to provide managements, administrative or secretarial services, and to be reimbursed in such manner as is agreed upon for the provision of such services;
- 3.15 to arrange for and implement the affiliation and/or amalgamation of other industrial organisations and associations with the Union;
- 3.16 to arrange for and implement the affiliation and/or amalgamation of the Union with other industrial organisations and associations;
- 3.17 to embrace the principle of equality of opportunity in employment in the Union and the industries of the Union regardless of sex, marital status, race, colour, nationality, religious belief, ethnic or national origin, physical impairment or sexual preference;
- 3.18 to purchase, take on lease or in exchange, hire or otherwise acquire any real property and in particular any land, buildings or easements for any purpose connected with the conduct of the Union or any part thereof;
- 3.19 to borrow or raise or secure the payment of money in such manner as the Union may think fit, to secure the same, or the repayment or performance of any debt, liability or contract, guarantee or other engagement incurred or to be entered into by the Union or any part thereof in any way and to redeem or pay off any such securities;
- 3.20 to sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Union, or any part thereof;

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- 3.21 to do all such things as the Union may from time to time deem incidental or conducive to the attainment of the above objects or any of them; and
- 3.22 to enter into agreements or arrangements with and to co-operate generally with any counterpart federal body of employees for the better running of the internal and industrial affairs of the Union and without derogating from the generality of this Rule to enter into agreements or arrangements in respect of the provision to or by the counterpart federal body by or to the Union of management, administrative, secretarial, industrial and any other services at all which may be necessary for or incidental to the operations, running and activities of the counterpart federal body or the Union and in fulfilment of this object appropriate arrangements may be made with the counterpart federal body for reimbursements and payments as between the parties to the agreement in respect of the provision of services as contemplated by this object.

#### **4. Industry**

- 4.1 The industries in or in connection with which the Union is registered are the Finance Industries which include, but shall not be limited to, Insurance Industry, the Industry of Banking, the Industry of Credit Unions, the Industry of Building Societies, the Industry of Finance Companies, the Industry of Financial Intermediaries, the Industry of Financial Services, the Trustee Executors and Agency Industry, and the Industry of Wool Selling Brokers. Without limiting the generality of the foregoing, the Insurance Industry shall be deemed to include the industries, trades, businesses, undertakings, callings and occupations of loss adjusting, loss assessing, insurance broking, friendly societies, health insurance and the provisions of health benefits.
- 4.2 Without in any way limiting, or being limited by the provisions of sub-rule 4.1, the description of the industry in connection with which the union is registered is the industry conducted by the Commonwealth Banking Corporation, Commonwealth Bank of Australia, the Commonwealth Trading Bank of Australia, the Commonwealth Savings Bank of Australia, the Commonwealth Development Bank of Australia, the Reserve Bank of Australia and any banking agency or instrumentality of the Commonwealth of Australia, together with C.B.F.C. Limited, Travelstrength Limited, Australian European Finance Corporation Limited, Australian Banks' Export Re-Finance Corporation Limited and the Australian Resources Development Bank Limited.

#### **5. Conditions of Eligibility for Membership**

- 5.1 Without in any way limiting or being limited by Rules 5.2, 5.3, 5.4, 5.5, 5.6, 5.7 or 5.8 the Union shall consist of an unlimited number of members, male and female, employed or usually employed: -
- 5.1.1 in or in connection with the business and/or industry of Insurance or Assurance other than by or on behalf of the Public Service of the Commonwealth or the State of Queensland, or any corporation, instrumentality, institution or authority of the Commonwealth or the State of Queensland; and/or,
- 5.1.2 in or in connection with the business and/or industry of loss adjusting or loss assessing or insurance broking other than by or on behalf of the Public Service of the Commonwealth or the State of Queensland



or any corporation, instrumentality or authority of the Commonwealth or the State of Queensland; and/or,

5.1.3 by or on behalf of -

5.1.3.1 the Insurance Council of Australia; or

5.1.3.2 the Life Insurance Federation of Australia; or

5.1.3.3 National Insurance Brokers' Association; or

5.1.3.4 any member thereof; and/or,

5.1.4 by or on behalf of -

5.1.4.1 any insurance or assurance business; or

5.1.4.2 any loss adjustor or loss assessor or insurance broker; or

5.1.4.3 any health insurance fund or health benefit fund; or

5.1.4.4 any friendly society in the performance of duties in or in connection with the industries in or in connection with which the Union is registered.

other than by or on behalf of the Public Service of the Commonwealth or the State of Queensland or any corporation, instrumentality, institution or authority of the Commonwealth or the State of Queensland.

5.2 Without in any way limiting or being limited by Rules 5.1, 5.3, 5.4, 5.5, 5.6, 5.7 or 5.8 the Union shall also consist of all employees in or in connection with the industry of Banking and Merchant Banking and/or in or in connection with the industry of Credit Unions.

5.3 Without in any way limiting or being limited by Rules 5.1, 5.2, 5.4, 5.5, 5.6, 5.7 or 5.8, the Union shall also consist of all employees in or in connection with the Trustees, Executors and Agency Industry in Queensland.

5.4 Without in any way limiting or being limited by Rules 5.1, 5.2, 5.3, 5.5, 5.6, 5.7 or 5.8, the Union shall also consist of all persons employed by wool selling brokers in Queensland, provided that members of the directorate of employer companies or persons covered by the Constitution of The Federated Storemen and Packers' Union of Employees of Australia (Queensland Branch) or persons covered by the Constitution of the Australian Workers' Union of Employees, Queensland shall not be eligible for membership pursuant to this Rule.

5.5 Without in any way limiting or being limited by Rules 5.1, 5.2, 5.3, 5.4, 5.6, 5.7 or 5.8, the Union shall also consist of all persons who are employees engaged in the business of building societies throughout Queensland with the exception of employees of the following Building Societies:

5.5.1 Suncorp Building Society Limited

5.5.2 Ipswich & West Moreton Building Society; and



- 5.6 Without in any way limiting or being limited by Rules 5.1, 5.2, 5.3, 5.4, 5.5, 5.7 or 5.8, the Union shall also consist of all persons who are employees engaged in the business of Finance Companies throughout Australia, with the exception of employees of the following Finance Companies:
- 5.6.1 BMW Australia (Finance) Limited;
  - 5.6.2 Ford Credit Australia Limited;
  - 5.6.3 General Motors Acceptance Corporation, Australia;
  - 5.6.4 Nissan Finance Corporation Limited;
  - 5.6.5 Toyota Finance Australia Limited;
  - 5.6.6 Suncorp Finance Limited.
- 5.7 Without in any way limiting or being limited by Rules 5.1, 5.2, 5.3, 5.4, 5.5, 5.6 or 5.8, the Union shall also consist of all employees in or in connection with the finance industry in Queensland and/or in connection with the businesses and/or industries of financial intermediaries or financial services in Queensland with the exception of employees of the companies listed in Rules 5.6.2, 5.6.3, 5.6.4 or 5.6.5.
- 5.8 Without in any way limiting or being limited by Rules 5.1, 5.2, 5.3, 5.4, 5.5, 5.6 or 5.7, the Union shall also consist of such other persons, whether or not employees in the industries of the Union, as have been elected or appointed full-time officers of the Union. For the purposes of this Rule, full-time officers of the Union shall be the holders for the time being of the office of Secretary and Assistant Secretary (if any) where the duties of such office are of a full-time nature. The Union shall also consist of such other persons as have been appointed Life Members of the Union.
- 5.9 Any person who is eligible for membership of the Union under the provisions of Rules 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7 or 5.8 shall not be excluded from membership of the Union by virtue of the provisions of any other of Rules 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7 or 5.8.

## **6. Registered Office**

The registered office of the Union shall be at Level 3, 225 Montague Road, West End, or at such other place as the Queensland Executive may from time to time determine.

## **Part II - Membership**

### **7. Admission to Membership**

- 7.1 An applicant for membership of the Union shall sign an application in such form as the Queensland Executive may from time to time prescribe, and shall forward or cause to be forwarded the said application to the Secretary of the Union.
- 7.2 An applicant for membership of the Union shall be informed in writing of:-



- 7.2.1 the financial obligations arising from membership of the Union; and,
- 7.2.2 the circumstances, and the manner, in which a member of the Union may resign from the Union.
- 7.3 Unless such application is referred to the Queensland Executive for enquiry as hereinafter provided, the applicant shall be and be deemed to be a member of the Union from the date of the receipt of the applicant's application by the Secretary of the Union.
- 7.4 The Secretary shall have power to refer any application for membership to the Queensland Executive for enquiry, and the Queensland Executive shall there upon enquire into the application and advise the Secretary of its decision to admit the applicant to membership or to refuse the application.
- 7.5 The Secretary shall:
- 7.5.1 advise the applicant that the application has been referred to the Queensland Executive for enquiry; and
- 7.5.2 advise such applicant of the decision of the Queensland Executive.
- 7.6 If the Queensland Executive decides to admit such applicant to membership of the Union, the applicant shall be and be deemed to be a member as from the date the advice of such decision is sent to the applicant.
- 7.7 If the Queensland Executive decides to refuse any such application, which refusal can only be based on the grounds stated in the Act, the applicant shall forthwith be notified of such refusal and the amount of any subscriptions, fines, fees, levies or dues paid by such applicant shall be refunded to such applicant.
- 8. Associate Membership**
- 8.1 Associate Membership of the Union may be granted to any person who has formerly been a member of the Union.
- 8.2 Such Associate Membership may be granted or refused by the Queensland Executive.
- 8.3 An Associate Member shall receive such benefits of membership as may be determined from time to time by the Union but shall not be entitled:-
- 8.3.1 to hold any office in or to nominate any person for election to any office in or to vote or otherwise participate in any way in any ballot or election in the Union; or
- 8.3.2 to vote or speak at any meeting of the Union; or
- 8.3.3 to receive any notice of any meeting of the Union.
- 8.4 Associate Membership shall not in any way be construed as membership for the purposes of the assessment of the number of members of the Union.
- 9. Life Membership**



- 9.1 The Queensland Executive may confer life membership of the union on any member who, in its opinion, has rendered special or outstanding service to the Union.
- 9.2 A Life Member shall not be liable for payment of any fees, subscriptions or levies.
- 9.3 A Life Member shall:
- 9.3.1 be entitled to attend all meetings which he/she would have the right to attend were he/she an ordinary member and to speak and vote thereat, and,
- 9.3.2 unless he/she ceases to be employed in an industry in connection with which the Union is registered or otherwise becomes ineligible for ordinary membership of the Union, be entitled to nominate for and, if elected, hold or continue to hold any office in the Union and to vote in any election in which, if he/she were an ordinary member, he/she would be entitled to vote.
- 9.4 The Queensland Executive shall not confer Life Membership on any member unless it is first satisfied that the member has been made a life member of the counterpart federal body.
- 9.5 Unless otherwise determined by the Queensland Executive, Life Members will be allocated to the Section which corresponds to the Section to which they are allocated in the counterpart federal body.

## 10. **Annual Subscriptions**

- 10.1 Each member shall pay to the Union such annual subscription if any as may be determined from time to time by the Queensland Executive, provided that any such determination shall only take effect from the first day of July next following the date of such determination.
- 10.2 Subscriptions shall be due on the first day of July in each year.
- 10.3 A member joining the Union after the first day of July in any year shall pay for that year as pro-rata subscription calculated in accordance with the remaining number of complete months in that year.
- 10.4 The Queensland Executive may exempt any member from payment of his/her subscription or any part thereof for any period on the grounds that such member:-
- 10.4.1 is absent from his/her employment on leave without pay; or,
- 10.4.2 is temporarily absent from Australia; or,
- 10.4.3 is engaged in active military service; or,
- 10.4.4 is unable through illness to carry on his/her calling; or,
- 10.4.5 is out of work; or,



- 10.4.6 is being or has been subjected to hardship other than loss of employment or illness.
- 10.5 Notwithstanding anything contained in these Rules:-
- 10.5.1 the Queensland Executive may make arrangements with any employer whereby with the authority of any member or members of the Union as the case may be, subscriptions payable to the Union are to be deducted by the employer from the salary or salaries of the member or members on a regular basis and paid to the Union;
- 10.5.2 a member who has authorised such deduction of his/her subscription to the Union from his/her salary shall, subject to the provisions of Rule 10.5.3, be deemed a financial member of the Union so long as such authority remains in force and provided that such member owes no arrears of subscriptions, fines, fees or levies in respect to any period prior to the date upon which such authority comes into force;
- 10.5.3 where an arrangement referred to in this clause is terminated by the employer or the Union, the Secretary may notify in writing any member affected by such termination and a member so notified shall thereupon become liable to pay and shall, within twenty-eight days from the date of such written notice, pay to the Union the balance of any subscription owing for the relevant year (which amount shall be specified in such notice and shall be the amount of the annual subscription payable by the member for that year less such amount or amounts as has or have been deducted by the employer from that member's salary in respect of such annual subscription) and thereafter shall be liable to pay subscriptions in accordance with this Rule.
- 10.6 Without in any way limiting or being limited by Rule 10.5, a member may pay his/her subscription to the Union by instalment by cash, cheque, credit card or automatic funds transfer of any type.
- 10.7 The Queensland Executive may, for any reason it deems to be fit and proper, decide that a member may not be permitted to pay his/her subscription by instalment under Rule 10.6.
- 10.8 If the Queensland Executive makes a decision under Rule 10.7, then it shall notify the member of that decision within two (2) months from the date upon which the decision was made.
- 10.9 A member of the Union who is also a financial member of the counterpart federal body will not be required to pay any subscriptions and will not be deemed to be non-financial for failure to pay subscriptions for the whole of any period during which the member is a financial member of the counterpart federal body, in accordance with the registered rules of that body.
- 10.10 If a member ceases to be a financial member of the counterpart federal body, then the member forthwith becomes liable for payment of all membership fees and other payments under these rules as if the member had joined the Union



on the date that they had become unfinancial under the rules of the counterpart federal body.

- 10.11 On payment of any arrears to the counterpart federal body and the member otherwise becoming a financial member of that body, any arrears or liability to pay membership fees and other fees will be extinguished.

## 11. Levies

- 11.1 The Queensland Executive may from time to time strike a levy or levies on all members of the Union or any part thereof only in respect of matters affecting that part solely of an amount or amounts which shall not exceed in the aggregate \$50.00 per member per annum.
- 11.2 Any levy struck under this Rule shall be payable within three months of the date on which the levy or any instalment thereof is declared to be payable in the resolution striking the same.

## 12. Unfinancial Members

- 12.1 Subject to Rule 10 and this Rule 12, a member owing subscriptions, fines, fees, levies or dues for a period of three months after they first become due shall be deemed to be unfinancial.
- 12.2 An unfinancial member shall not be entitled:-
- 12.2.1 to any of the rights or privileges of membership; or,
  - 12.2.2 to hold any office in or to nominate any person for election to any office in or to vote or otherwise participate in any way in any ballot or election in the Union; or,
  - 12.2.3 to vote or speak at any meeting of the Union; or
  - 12.2.4 to receive any notice of any meeting of the Union.
- 12.3 Any member who, pursuant to Rule 10.6, pays his/her subscription by instalments and/or, pursuant to Rule 10.4, is exempted from payment either wholly or in part of his/her subscription shall, for the purposes of these Rules, retain continuity of membership of the Union and, during the period for which the member pays his/her subscription by instalments or exemption has been granted, shall not, by virtue only of the fact that he/she is paying by instalments and/or of the non-payment of the amount or amounts in respect of which he/she has been exempted from payment, be or be deemed to be an unfinancial member.
- 12.4 An unfinancial member shall remain liable to pay and shall pay all subscriptions, fines, fees, levies and dues accruing or becoming payable by members of the Union during the period in which the member is unfinancial.
- 12.5 An unfinancial member shall regain status as a financial member upon payment of and as from the date of payment of all subscriptions, fines, fees, levies and dues owing by the member.



- 12.6 Where the Queensland Executive has made a decision under Rule 10.7 and notified the member of that decision under Rule 10.8, then Rule 12.3 does not apply to the member unless the member has been exempted from payment of his/her subscription pursuant to Rule 10.4.

**13. Recovery of Subscriptions**

- 13.1 All subscriptions, fines, fees, levies or dues payable to the Union by members shall be paid to and collected by the Secretary or an Agent authorised by the Union.
- 13.2 The Queensland Executive is authorised to proceed against any member in the name of the Union for the recovery of any subscriptions, fines, fees, levies or dues in arrears and may instruct the Secretary or any other person to take the necessary action for the recovery of such arrears.
- 13.3 If an unfinancial member, on being served with a written demand for payment of his/her arrears forwarded to his/her address appearing on a members' register, fails within a period of thirty days to comply with such demand the Secretary may on behalf of the Union sue for the recovery of such arrears.
- 13.4 On written application by a member, the Queensland Executive may, in its discretion, extend the time for payment of any arrears for a period not exceeding six months.
- 13.5 The Queensland Executive shall have power to extend further the time for payment of such arrears or to cancel in whole or part any members' arrears of subscriptions for any reasons which seems to it sufficient, or to waive the payment in respect of any member of any subscriptions, fines, fees, levies or dues or part thereof which may become payable during the period specified by the Queensland Executive.

**14. Termination of Membership**

- 14.1 Membership of a member of the Union shall be terminated:
- 14.1.1 by resignation in accordance with these Rules,
  - 14.1.2 by expulsion in accordance with these Rules,
  - 14.1.3 by death of the member,
  - 14.1.4 by the member's ceasing to be eligible to become a member of the Union other than by holding office as a full-time officer of the Union,

provided always that any person who is or becomes a member of the Union by virtue solely of his/her election or appointment as a full-time officer shall, unless otherwise eligible for membership of the Union, forthwith cease to be a member of the Union upon his/her ceasing to hold such a position in the Union.

- 14.2 A member may resign from membership of the Union by notice in writing addressed and delivered to the Union.
- 14.3 A notice of the resignation from membership of the Union shall take effect:-



- 14.3.1 on the day upon which the notice is received by the Union, or
- 14.3.2 on the day specified in the notice, which is a day not earlier than the day when the notice is given.
- 14.4 Any arrears payable but not paid by a former member of the Union, in relation to a period before the 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.
- 14.5 A notice delivered to the Union shall be taken to have been received by the Union when it was delivered.
- 14.6 A notice of resignation that has been received by the Union shall not be invalid because it was not addressed and delivered in accordance with Rule 14.2.
- 14.7 A resignation from membership of the Union shall be valid even if it is not effected in accordance with the foregoing provisions of this Rule if the member is informed in writing by or on behalf of the Union that the resignation has been accepted.
- 14.8 This rule is to be read subject to any provisions of the Act dealing with resignation by a member of membership of an industrial organisation.
- 15. Re-Admission to Membership**
- 15.1 The re-admission to membership of persons who have resigned from or been expelled from the Union shall be conditional on the payment of any money owing by such person to the Union in respect of his/her earlier membership and, in the case of a person who has been expelled from the Union, shall also be subject to the approval of the application by the Queensland Executive.
- 16. Reserved**
- 17. Register of Members and Officers**
- 17.1 The Secretary must, subject to the granting of a relevant exemption by the Industrial Registrar, keep a register of the members of the Union, showing in each case the name and postal address of each such member and such other particulars as are required by the Act.
- 17.2 Each member shall notify the Secretary within 14 days of any change of his/her address of that change of address.
- 17.3 The Union shall keep a register of officers in a form and containing particulars as required by the Act, subject to an exemption being granted by the Industrial Registrar.
- 18. Purging the Register**
- 18.1 The Secretary shall from time to time as directed by the Queensland Executive strike off the register of members the names of all members owing



subscriptions, fines, fees, levies, or dues for a period of or in excess of twenty-six weeks.

- 18.2 The Secretary shall give to each member whose name is proposed to be struck off at his/her last address shown on the register one month's written notice of the intention to strike him/her off the register and such member shall be given the opportunity to submit in writing any reason for his/her name not being struck off the register.
- 18.3 No member whose name has been struck off the register shall have his/her name replaced thereon unless and until he/she has paid all moneys due by him/her to the Union.

**19. Misconduct of Members**

- 19.1 Any financial member of the Union may charge another member, in writing, with:-
- 19.1.1 refusing to obey any of the Rules of the Union; or,
  - 19.1.2 refusing to abide by a resolution carried at any General Meeting or by the Queensland Executive; or,
  - 19.1.3 defrauding or attempting to defraud the funds of the Union; or,
  - 19.1.4 making a false and malicious report against a fellow member; or,
  - 19.1.5 violating or attempting to violate the terms of any industrial award or agreement; or,
  - 19.1.6 entering or attempting to enter into any agreement with any employer contrary to the provisions of any award or agreement secured by the Union and applicable to him/her; or,
  - 19.1.7 obstructing any lawful committee or body of the Union in any way in the performance of any of its functions; or,
  - 19.1.8 obstructing any officer of the Union in the course of his/her duties; or,
  - 19.1.9 wrongfully holding himself/herself out as occupying any office or position in the Union in any capacity (to which charge it shall be a defence that the member believed bona fide and on reasonable grounds that he/she was entitled to so act); or,
  - 19.1.10 behaving in a disorderly manner at any meeting held under these Rules or in the office of the Union; or,
  - 19.1.11 aiding or encouraging any other member or members in any offence under this Rule.
- 19.2 Any charge shall be made in writing to the Secretary and shall be accompanied by a deposit of a sum equal to twenty per cent (20%) of the annual subscription payable at the time the charge is made. Such officer shall summon the member reported before a meeting of the Queensland



Executive. Such summons shall be in writing and shall set out the time and place of the meeting, the name of the person making the report and the substance of the report. The person reported shall be given such notice of the meeting as may be reasonable, having regard to all the circumstances and, if required to attend at a place more than 80 kilometres from his/her address as shown in the books of the Union shall be given his/her return fare. He/she shall, on request, be supplied with such further particulars as may be necessary to indicate the precise matters with which he/she is charged.

- 19.3 The Queensland Executive shall have power to hear and determine charges under this Rule.
- 19.4 At the appointed time and place (or any time and place to which the meeting is adjourned or postponed and of which the person charged is notified) the charges may be dealt with whether or not the person reported is present, unless a satisfactory explanation of his/her absence has been received.
- 19.5 If the person charged attends, he/she shall be informed of the substance and source of any information adverse to him/her on which the Queensland Executive relies. He/she shall be given a reasonable opportunity to defend himself/herself and may, if he/she wishes, tender written submissions.
- 19.6 If the Queensland Executive finds him/her proved guilty, it may do one or more of the following, keeping in mind the seriousness of the offence –
- 19.6.1 impose no penalty; or,
  - 19.6.2 issue a reprimand; or,
  - 19.6.3 impose a fine not exceeding twice the amount of annual subscription payable at the time the fine is imposed; or
  - 19.6.4 suspend him/her from membership or deprive him/her of any right or benefits of membership for any specified period or until the happening of any specified event or until the performance of any specified act; or,
  - 19.6.5 expel him/her from the Union.
- (Suspension from membership shall deprive a member of the benefits of membership but shall not relieve him/her of the obligations of membership and shall not exceed six months for any offence. If the specified event had not occurred or the specified act had not been done at the expiration of six months from the date of suspension, the suspension shall then lapse.)
- 19.7 Upon completion of any hearing, the deposit shall be refunded to the member making the charge, provided that if upon investigation the charge is found to be frivolous by unanimous decision of the Queensland Executive, the deposit shall be forfeited by the member who made the report and shall be paid into the funds of the Union.
- 19.8 Any member suspended from membership of the Union pursuant to this Rule shall be liable to pay and shall pay all subscriptions, fines, levies and dues accruing or becoming payable during the period of such suspension as if he/she had not been suspended from membership.



19.9 The requirements of Rule 30 apply to the exclusion of this Rule in relation to officers of the Union.

20. **Rule Book**

20.1 Each member shall be supplied with a copy of the registered Rules of the Union on request to the Secretary.

**Part III - Union Organisation**

21. **Structure of the Union**

21.1 Each member of the Union shall be attached to one or other of the following Sections of the Union:

- 21.1.1 The National Australia Bank Section (NAB Section), or
- 21.1.2 The Australian and New Zealand Banking Corporation Section (ANZ Section), or
- 21.1.3 The Westpac Banking Corporation Section (Westpac Section), or
- 21.1.4 The Commonwealth Bank of Australia Section (CBA Section), or
- 21.1.5 The Insurance Section, or
- 21.1.6 The Midsized Banks Section, or
- 21.1.7 The General Section, or
- 21.1.8 The St George/Bank SA Section; or
- 21.1.9 A Temporary Section

21.2 Each Section of the Union shall consist of members as follows:

- 21.2.1 The NAB Section shall consist of all members of the Union employed by the National Australia Bank.
- 21.2.2 The ANZ Section shall consist of all members of the Union employed by the Australian and New Zealand Banking Corporation.
- 21.2.3 The Westpac Section shall consist of all members of the Union employed by the Westpac Banking Corporation.
- 21.2.4 The CBA Section shall consist of all members of the Union employed by the entities referred to in Rule 4.2;
- 21.2.5 The Insurance Section shall consist of all members eligible for membership of the Union pursuant to sub-rules 5.1, 5.3, 5.4 and 5.5.



- 21.2.6 The Midsized Banks Section shall consist of all members eligible for membership of the Union employed by Bank of Western Australia Ltd.
- 21.2.7 The General Section shall, subject to sub-rule 21.2.9, consist of all members of the Union not attached to any other Section.
- 21.2.8 The St George/Bank SA Section shall consist of all members eligible for membership of the Union employed in the St George Bank Division of the Westpac Banking Corporation.
- 21.2.9 Where the Queensland Executive establishes a Temporary Section it shall consist of such classes of members as the Queensland Executive shall decide.
- 21.3 Where there is a group of members not allocated to a section or who may be allocated to more than one section and/or there is an enlargement of the eligibility rules of the Union and/or where additional groups of members become eligible to join the Union, the Queensland Executive shall have the power to decide to which section the members effected shall be allocated.
- 21.4 The Secretary must nominate in writing which Section he or she is to be attached to.

## 22. **Management of the Union**

The management of the Union shall be vested in:-

- 22.1 General Meetings, and
- 22.2 Local Enterprise Councils (“LEC”) established pursuant to Rule 23.
- 22.3 The Queensland Executive.

## **Part IV - Management**

### 23. **Local Enterprise Councils**

- 23.1 There will be a Local Enterprise Council for each Section established under Rule 21 except for the Insurance Section, the Mid Sized Banks Section, the General Section and the St George/Bank SA Section.
- 23.2 Each LEC shall consist of not less than five and not more than twenty members (“LEC members”).
- 23.3 Subject to sub-rule 23.2, the number of the members of an LEC shall be determined by the Queensland Executive prior to the call for nominations for election to that LEC. In the event of a casual vacancy that number may be correspondingly reduced by the Queensland Executive.
- 23.4 An LEC and its LEC members shall, subject to these Rules, have the following responsibilities, functions, powers and duties:
- 23.4.1 to act at all times and conduct its business in a manner consistent with the decisions of the Queensland Executive;



- 23.4.2 to ascertain and identify the concerns, ideas and interests of the members allocated to that LEC (its Union members);
- 23.4.3 to actively contribute to the development, implementation and review of the Union's strategies and plans;
- 23.4.4 to ensure that the Queensland Executive is fully informed of the concerns, ideas and interests of its Union members;
- 23.4.5 to be committed to and actively support the recruitment and retention of its Union members;
- 23.4.6 to ensure that the views of the FSU Representatives in its Union members' workplaces are taken into consideration;
- 23.4.7 to establish such committees or sub-committees as it may from time to time determine, provided that any committee or sub-committee shall not exercise any executive powers but shall have and exercise only advisory powers; and
- 23.4.8 to appoint for the purposes of any of its meetings one of its LEC members to act as Chairperson in the absence of its President or in the event that the President vacates the Chair.

#### **24. Queensland Executive**

- 24.1 The Queensland Executive shall consist of the Presidents of each LEC, the Insurance and General Section Local Presidents and the Secretary.
- 24.2 The Queensland Executive and its members shall, subject to these Rules, have the following responsibilities, functions, powers and duties:
  - 24.2.1 to maintain close liaison with the National Executive of the counterpart federal body;
  - 24.2.2 to ascertain and identify the concerns, ideas and interests of its members and to regularly consult with each LEC;
  - 24.2.3 to actively contribute to the development, implementation and review of the Union's strategies and plans;
  - 24.2.4 to ensure that it is fully informed of the concerns, ideas and interests of its members;
  - 24.2.5 to assist each LEC in its role in the Union;
  - 24.2.6 to be committed to and actively support the recruitment and retention of its members;
  - 24.2.7 to ensure the implementation of the Union's organising and campaigning strategies;
  - 24.2.8 to develop and implement initiatives regarding its members consistent with the Union's policies;



- 24.2.9 to oversee the deployment of the Union's resources;
- 24.2.10 to appoint a person temporarily to act in the position of Secretary if the Secretary is temporarily unable or unavailable to perform in that office;
- 24.2.11 to provide a forum for the members of the Queensland Executive to discuss broader industry issues;
- 24.2.12 to receive reports from each LEC;
- 24.2.13 to transact all the business of the Queensland Executive;
- 24.2.14 through the Secretary and/or the President, to provide annually to members a full report of the business of the preceding year;
- 24.2.15 to fully investigate all grievances and disputes of members which may be brought before it;
- 24.2.16 to make by-laws for the conduct and administration of its affairs and alter, amend or rescind the same, provided always that no by-laws shall conflict with these Rules or the Act and if any by-law does so conflict it shall have no force or effect;
- 24.2.17 to appoint FSU Representatives;
- 24.2.18 to appoint as an LEC Associate Representative such number of LEC members from each LEC as it considers necessary to attend meetings of the Queensland Executive and to permit upon invitation by the Chairperson or resolution of the Queensland Executive any such LEC Associate Representative to speak (but not to vote) at such meetings. The Queensland Executive may at its discretion at any time remove such an LEC Associate Representative from that position; and
- 24.2.19 to establish such committees or sub-committees as it may from time to time determine, provided that any such committee or sub-committee shall not exercise any executive powers but shall have and exercise only advisory powers; and
- 24.2.20 to enter into agreements with any association of employees, registered pursuant to the Act or the industrial law of any State or the Commonwealth or any counterpart federal body for the purpose of furthering the objects of the Union or for the good government of the Union; and
- 24.2.21 to authorise the bringing of any application or proceedings or the participation of the Union in any application or proceedings under the Act or other statute and to delegate such officer or officers as it sees fit to conduct, take out and continue proceedings on behalf of the union and without derogating from the generality of this rule to determine whether any application should be made in respect of the Union or opposed in respect of any other person or entity.

- 24.2.22 to appoint an FSU returning officer for the conduct of any elections not required to be conducted under the Act.



25. **Meetings of Local Enterprise Council and Queensland Executive**

- 25.1 This Rule shall apply to each LEC and its President and the Queensland Executive and its Secretary and President. The expression “relevant officer” shall mean a person who holds such office concerned on the relevant Council or the Executive to which this Rule 25 applies and the expressions “his/her relevant body” and “relevant body” shall mean such relevant Council or the Executive.
- 25.2 The relevant body shall meet at least three times each year and at such other time or times as its members deem necessary.
- 25.3 A relevant officer may, and shall if requested by any four members of his/her relevant body, summon a meeting of that relevant body.
- 25.4 When so determined by a relevant officer, a meeting of his/her relevant body:
- 25.4.1 may be conducted by its members meeting together at the same venue;
  - 25.4.2 may be conducted by telephone, video conferencing or by any other means by which members of the relevant body are able to communicate with each other without being physically present at the same venue; or
  - 25.4.3 may be conducted by post, facsimile or email.
- 25.5 The relevant officer summoning the meeting of the relevant body shall give to each member of his/her relevant body by post, facsimile or email seven days notice or such shorter notice as is practicable, of the time, date and place (where the meeting is to be conducted at the same venue) and the manner of conducting the meeting pursuant to sub-rule 25.4.
- 25.6 For any meeting of the relevant body that is conducted under sub-rule 25.4.3 the members of the relevant body may record their vote by forwarding it to the relevant officer who summoned the meeting of the relevant body by any of the methods of communication referred to in that sub-rule. A vote shall be signed by the member concerned and if the vote is by email it shall be signed by electronic signature.
- 25.7 Notwithstanding the forgoing provisions of this Rule, the relevant officer who summoned the meeting of the relevant body may with the consent of not less than one half of the members of his/her relevant body adjourn, postpone or cancel a meeting of that relevant body.

26. **Officers**

- 26.1 The Officers of the Union, shall be the President of the Queensland Executive, the President of each Local Enterprise Council and the Secretary.

27. **Reserved**



**28. Duties of Officers**

**28.1 *President***

**28.2** The President of the Queensland Executive shall:


- 28.2.1 preside at all meetings of the Queensland Executive;
- 28.2.2 comply with the directions of the Queensland Executive and act at all times in a manner consistent with the decisions of Queensland Executive;
- 28.2.3 represent and promote the interests of the members of the Union; and
- 28.2.4 generally ensure the well-being of the Union and its members.
- 28.2.5 sign all documents requiring his/her signature as official head of the Union and shall sign all minutes of the Union duly confirmed in the presence of the meeting confirming the same;
- 28.2.6 instruct the Secretary to call meetings of the Queensland Executive and General or Special Meetings of members of the Union when necessary as required under these rules

**28.3** In the absence of the President from any meeting, the meeting shall appoint one of themselves as Chairperson of the meeting with the full power of the President whilst so acting.

**28.4 *Secretary***

**28.5** The Secretary shall:

- 28.5.1 comply with the directions of the Queensland Executive and act at all times in a manner consistent with the decisions of the Queensland Executive;
- 28.5.2 assist, support and encourage the Union's employees;
- 28.5.3 summon and attend, unless excused, all meetings of the Queensland Executive;
- 28.5.4 have the right to speak at any meetings of the members of the Union, but not to vote thereat unless he/she is otherwise permitted to vote under the Rules;
- 28.5.5 keep or cause to be kept the minutes of all meetings of the Queensland Executive, setting out all resolutions passed or other business transacted by it;
- 28.5.6 submit a report annually to an Annual General Meeting of the members of the Union covering the activities of the Union in the preceding twelve month period;

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- 28.5.7 provide any Returning Officer with assistance to enable him/her or them to conduct any election, ballot or plebiscite;
- 28.5.8 represent and promote the interests of the members of the Union;
- 28.5.9 administer the affairs of the Queensland Executive consistent with the decisions of the Executive;
- 28.5.10 ensure the implementation of the Union's policies and plans;
- 28.5.11 be responsible for the production and authorisation of communication materials related to matters concerning the Union's members;
- 28.5.12 develop and implement initiatives consistent with the Union's policies and decisions of the Queensland Executive;
- 28.5.13 consistent with the decisions of the Queensland Executive oversee the recruitment and undertake the management of the Union's staff; and
- 28.5.14 receive or cause to be received all moneys payable to the Union by members and deposit or cause to be deposited the same within three days of receipt to the credit of the Union in such bank, building society, credit union or other financial institution as the Queensland Executive may direct and enter or cause to be entered into a book kept for that purpose particulars of all amounts so received and deposited;
- 28.5.15 keep or cause to be kept in appropriate books of account a correct statement of all moneys received and expended by or on behalf of the Union;
- 28.5.16 have custody of the financial records of the Union and produce them for inspection at all reasonable times when requested by the President or the Queensland Executive;
- 28.5.17 except as elsewhere provided in these Rules, submit to the Queensland Executive all accounts for payment with his/her recommendations and make all authorised payments from the funds of the Union;
- 28.5.18 prepare and submit to each meeting of the Queensland Executive an up-to-date financial statement and when called upon so to do by the President or the Queensland Executive produce all relevant books in support of the same;
- 28.5.19 prepare or cause to be prepared an annual balance sheet and statement of accounts and sign the same;
- 28.5.20 submit his/her books, accounts and receipts annually or as often as may be required or directed by the General Meeting or Queensland Executive to the Auditor;



- 28.5.21 issue or cause to be issued proper receipts for all moneys received by or on behalf of the Union;
  - 28.5.22 make all returns and reports required by the General Meeting or Queensland Executive;
  - 28.5.23 keep an up-to-date register of members and officers showing their names, the dates upon which they become members (and officers, as the case may be), their postal addresses and such other particulars as are required by the Act, subject to any relevant exemption granted by the Industrial Registrar;
  - 28.5.24 carry out such other duties as the Queensland Executive shall decide.
- 28.6 The President of an LEC shall:
- 28.6.1 preside at all meetings of the LEC of which he/she is President;
  - 28.6.2 ensure that a record is kept of the deliberations and any decisions of that Council and expeditiously forward a copy of that record to the Secretary;
  - 28.6.3 comply with the directions of the Queensland Executive and act at all times in a manner consistent with the decisions of the Queensland Executive;
  - 28.6.4 represent and promote the interests of the members of the Union allocated to that Council;
  - 28.6.5 be a member of the Queensland Executive;
  - 28.6.7 generally ensure the well-being of the Union and its members allocated to that LEC.

## 29. **Elections**

### **Election and tenure of office of Local Enterprise Council members and Secretary**

- 29.1 An LEC member shall be elected by secret postal ballot by and from the financial members of the Union allocated to the LEC concerned.
- 29.2 The Secretary shall be elected by secret postal ballot by and from the financial members of the Union.
- 29.3 An LEC member and the Secretary shall each take office on the 1st of August in the year of a normal election for those offices or from the declaration of his/her election in such election, whichever is the later.
- 29.4 An LEC member shall hold office until the 1st of August of the second year after the 1st August in the year in which he/she was elected or until the declaration of the results of the next normal election for LEC members concerned, whichever is the later.



- 29.5 The Secretary shall hold office until the 1st of August of the fourth year after the 1st of August in the year in which he/she was elected or until the declaration of the results of the next normal election for Secretary, whichever is the later.
- 29.6 Where, for whatever reason, an LEC member or the Secretary does not take office on 1st August in the year of a normal election the duration of the term of the office shall be deemed to have commenced on that date in that year.

### **Election and tenure of office of Local Enterprise Council President**

- 29.7 The President of an LEC:
- 29.7.1 shall be elected from the members of the LEC concerned by secret postal ballot of all of the financial members of the Union allocated to that LEC;
  - 29.7.2 shall take office on the 15th of October in the year of a normal election for that office or from the declaration of his/her election in such election, whichever is the later; and
  - 29.7.3 shall each hold office until the 15th of October in the second year after the 15th of October in the year of a normal election in which he/she was elected or until the declaration of the election of his/her successor, whichever is the later.
- 29.8 Where, for whatever reason, the President of an LEC does not take office on the 15th of October in the year of a normal election, the duration of the term of the office concerned shall be deemed to have commenced on that date in that year.
- 29.9 If the President of an LEC is not re-elected as a member of the LEC of which he/she is President, he/she shall remain President of that LEC and shall remain a member of the Queensland Executive until his/her successor is elected, but shall not vote on the LEC of which he/she remains President.

### **Election and tenure of office of the Queensland Executive President**

- 29.10 The President of the Queensland Executive shall be elected by secret ballot by and from the members of the Queensland Executive, other than its Secretary.
- 29.11 The President:
- 29.11.1 shall take office on the 1st of November in the year of a normal election for the office concerned or from the declaration of his/her election, whichever is the later; and
  - 29.11.2 shall hold office until the 1st of November in the second year after the 1st of November in the year of a normal election in which he/she was elected or until the declaration of the election of his/her successor, whichever is the later.



- 29.12 Where, for whatever reason the President does not take office on the 1st of November in the year of a normal election the duration of the term of the office shall be deemed to have commenced on that date in that year.
- 29.13 The President shall remain President until his/her successor is elected but if he/she is not re-elected as a member of the Queensland Executive he/she shall not vote on the Executive.

#### **Qualification and nomination for office of Local Enterprise Council member**

- 29.14 A nominee for election to the office of an LEC member shall have been a financial member of the Union for not less than six months immediately preceding nomination and shall, as at the date of nomination him/herself be, and be nominated by, a financial member of the Union allocated to the relevant LEC. Such a nominee shall have been employed within the period of 6 months prior to the calling of nominations in employment as provided for in Rules 3 and 4, provided that the Queensland Executive may waive this requirement prior to the calling for nominations for election to that office.

#### **Qualification and nomination for office of Secretary**

- 29.15.1 A nominee for election to the office of Secretary shall, as at the date of nomination, be a financial member of the Union, and be nominated by a financial member of the Union provided that, prior to the calling of nominations for Secretary the Queensland Executive may determine that a nominee need not be a member of the Union.
- 29.15.2 Where a member of an LEC, or the Queensland Executive is elected or appointed as Secretary that person shall cease to hold any such office held at the time of that election or appointment.

#### **Timing of normal elections**

- 29.16 Normal elections shall be held after the 1st of May in the year in which they are required to be held.
- 29.17 Persons elected to the offices specified in this sub-rule shall take office on the following dates in the year of a normal election:
- 29.17.1 Local Enterprise Council member – 1st of August;
  - 29.17.2 Secretary – 1st of August;
  - 29.17.3 Queensland Executive President – 1st of November;
  - 29.17.4 Local Enterprise Council President – 15th of October;
  - 29.17.5 Queensland Insurance Section Local President and Queensland General Section Local President – 15th of October.
- 29.18 Where, in accordance with this rule, persons are to take office on the same date then, as far as practicable:
- 29.18.1 the call for nominations shall be made on the same date;



- 29.18.2 the ballots shall open on the same date;
  - 29.18.3 the ballots shall close on the same date;
  - 29.18.4 the result of the ballots shall be declared on the same date, and
  - 29.18.5 provided that when, in the Returning Officer's opinion, it is necessary or desirable in the interests of the Union he/she may take a particular action on different dates.
- 29.19 Where, for whatever reason, an officer is declared elected to an office at a date later than specified for that office in this rule, the duration of the term of the office concerned shall be deemed to have commenced on the date specified for that office in this rule.

**Nominations - Elections – Secretary, Local Enterprise Council members - Direct voting system**

- 29.20 The Returning Officer shall fix a date for the closing of nominations for election to the office of Secretary and Local Enterprise Council member, being a date not less than three months prior to the end of the duration of the term of the office for which the election is to be held.
- 29.21 The Returning Officer shall call for nominations for election to such offices at least one month before the date he/she fixed for the closing of nominations for election to those offices. That shall be done by notice in an appropriate official publication of the Union and/or by advertisement in a daily newspaper(s) circulating throughout Queensland.
- 29.22 The notice calling for nominations shall specify how persons are to nominate, including identifying the date and time by which and the address at which nominations are to be received. Unless otherwise determined by the Returning Officer that address shall be the Registered Office of the Union.
- 29.23 Nominations shall be in writing and shall, in the case of the Secretary comply with sub-rule 29.15.1 and, in the case of an LEC Member comply with sub-rule 29.14.
- 29.24 Nominations must be received at the address specified in accordance with this rule not later than 5.00 p.m. on the date fixed by the Returning Office for the closing of nominations.
- 29.25 The Returning officer shall check all nominations received for compliance with the requirements of these Rules and shall reject any that do not so comply; provided that in the event of his/her finding a defect in any nomination he/she shall, before rejecting the nomination, notify the person concerned of the defect, and, where it is practicable, give him/her the opportunity to correct the defect within seven days of his/her having been so notified.
- 29.26 If there is no more than one nomination for election to an office of which there is only one position to be filled in the election, the Returning Officer shall declare the nominated person elected.



- 29.27 If there are no more nominations for election to an office than there are positions of that office to be filled in the election, the Returning Officer shall declare each of the nominated persons elected.
- 29.28 If there are more nominations for election to an office than there are positions of that office to be filled in the election, the Returning Officer shall conduct a ballot for that office(s) in accordance with these Rules.
- 29.29 The ballot for the offices of Secretary and LEC member shall be conducted in accordance with sub-rules 29.37 to 29.43 inclusive.
- 29.30 As soon as the Returning officer has declared the result of an election for any of the offices of Secretary or LEC member, he/she shall report the result of that election in writing to the successful candidate, the Secretary and the Presidents of each LEC.

#### **A candidate's nomination for more than one position**

- 29.31 An eligible nominee may be nominated for Secretary and LEC member for which an election is being conducted. Where an eligible nominee is nominated for two or more of the following positions, the count of the ballots for election to the positions concerned shall proceed in the following order (the order of count): Secretary, LEC member. The successful candidate for the office concerned shall be declared elected before the commencement of the count of the ballot for the next office in the order of count. If and when, in that order of count, such a candidate is declared elected he/she shall cease to be a candidate for election to any of the positions the votes for which are to be counted later in the order of count. In that later counting in the order of count any votes for such a candidate shall not be counted and shall be disregarded entirely.

#### **Nominations – Elections – Local Enterprise Council President - Direct voting system**

- 29.32 As soon as the Returning Officer has reported the results of all of the elections to the offices of LEC member in a particular Section he/she shall, in writing addressed to those LEC members, call for nominations from those LEC members for election to the office of LEC President of that LEC. He/she shall fix a date for the closing of such nominations, being a date not less than 2 weeks after the date of calling for such nominations.
- 29.33 Each nomination shall be in writing signed by the nominee and the nominator, both of whom must, at the time of signing, be a member of the relevant LEC.
- 29.34 The ballot in those elections shall be conducted by a direct voting system in accordance with the provisions of sub-rules 29.22, 29.24, 29.25, 29.26, 29.28, 29.29, 29.36, 29.37, 29.38, 29.40 and 29.41.
- 29.35 As soon as the FSU Returning Officer has declared the results of an election to the office of President of an LEC, he/she shall, in writing, report those results to the successful candidates, the President of the LEC concerned, and the Secretary.



### **Roll of voters – Direct voting system**

29.36 The roll of voters for an election by a direct voting system shall close 30 days before the day on which nominations open. The returning officer must prepare the roll of the voters when nominations for the elections close

### **Direct voting system and how to vote**

29.37 Where a ballot for an election is to be conducted by a direct voting system the Returning Officer shall:

29.37.1 determine by lot the order in which the names of the candidates shall appear on the ballot paper for election to the position(s) concerned;

29.37.2 determine a date and time in accordance with this rule for the opening and for the closing of the ballot(s) for such election(s); which date shall be within thirty one days but not less than twenty one days after the posting of the ballot papers for the election(s);

29.37.3 prepare or have prepared and delivered to him/her ballot papers for each relevant election specifying:

29.37.3.1 the names of the candidates in the order required by this Rule;

29.37.3.2 the manner in which votes shall be recorded on a ballot paper;

29.37.3.3 the time and date for the closing of the ballot; and

29.37.3.4 the manner in which a completed ballot paper is to be inserted in the envelopes which accompany it.

29.38 Where the ballot is for one position only:

29.38.1 the voter shall mark, in the space provided on the ballot paper to the right of and adjacent to the name of the one candidate for whom he/she wishes to vote, with a tick (✓) or cross (X);

29.38.2 the Returning Officer shall determine the form or type of the space provided on the ballot paper for that purpose;

29.38.3 where the voter has placed a mark in the space provided adjacent to the name of one candidate only, the Returning Office shall determine whether it is a tick or cross, and if he/she determines it is not such a mark that ballot paper shall be declared informal and excluded from the count of the ballot;

29.38.4 where the voter has placed a mark adjacent to the name of more than one candidate (whether or not a tick or a cross and whether or not in the space provided adjacent to a candidate's name) that ballot paper shall be declared informal and excluded from the count of the ballot; and



- 29.38.5 this sub-rule shall not prevent the Returning Officer from declaring a vote informal for valid reasons other than those provided for in sub-rules 29.38.3 and 29.38.4.
- 29.39 Where the ballot is for more than one position on the same body for which the election is held:
- 29.39.1 the voter shall vote for at least one candidate for that office but for no more candidates than there are offices for election in that ballot;
  - 29.39.2 the voter shall mark in the space provided on the ballot paper to the right of and adjacent to the name of the candidate(s) for which he/she wishes to vote with a tick (✓) or a cross (X);
  - 29.39.3 the Returning Officer shall determine the form or type of space provided on the ballot paper for that purpose;
  - 29.39.4 where the voter has placed a mark in the space provided adjacent to the name of no more candidates than there are offices for election in that ballot, the Returning officer shall determine whether each of those marks is a tick or a cross and if he/she determines any of those marks is not a tick or a cross such mark shall not be treated in the count as a vote for the candidate concerned;
  - 29.39.5 where the voter has placed a mark adjacent to the names of more than the number of candidates than there are offices for election (whether or not a tick or a cross and whether or not in the space provided adjacent to the candidate's name) that ballot paper shall be deemed informal and excluded from the count of the ballot; and
  - 29.39.6 this sub-rule shall not prevent the Returning Officer from declaring a vote informal for valid reasons other than those provided for in sub-rules 29.39.4 and 29.39.5.

### **Conducting a direct voting system ballot**

- 29.40 In conducting a ballot for an election by a direct voting system the Returning Officer shall:
- 29.40.1 be responsible for the safe custody of the ballot papers;
  - 29.40.2 obtain from the printer a certificate of the number of ballot papers printed;
  - 29.40.3 initial every ballot paper prior to its distribution;
  - 29.40.4 forward by pre-paid post to each member entitled to receive a ballot paper:
    - 29.40.4.1 a ballot paper;
    - 29.40.4.2 a declaration envelope
    - 29.40.4.3 another envelope;



- 29.40.5 provide facilities for the return of the completed ballot paper by post by the voter without expense to the voter;
- 29.40.6 arrange for the use of a post office box or other receptacle to which ballot papers may be returned to him/her; and
- 29.40.7 upon the closing of the ballot collect the envelopes containing the ballot papers so returned and, in the presence of the scrutineers (if so requested):
  - 29.40.7.1 check each outer envelope to ensure that no votes are cast except by members entitled to vote;
  - 29.40.7.2 remove the sealed envelope containing a ballot paper and open the same and mix the ballot papers so that identification of the voters becomes impossible;
  - 29.40.7.3 admit the ballot papers bearing his/her initial and properly marked by the voter;
  - 29.40.7.4 count all the votes; and
  - 29.40.7.5 subject to sub rules 29.18.4, 29.18.5 and 29.41, declare the result of the ballot.
- 29.41 In the event of a tie occurring, the result shall be determined by the Returning Officer drawing lots in the presence, if so requested, of the tied candidates or their scrutineers, provided that if one of the tied candidates is a retiring office holder from a position subject to the ballot then he/she shall be declared elected.
- 29.42 The Returning Officer shall report the result of each election in writing in relation to the election concerned.

### **Absentee voting**

- 29.43 In any election conducted by a direct voting system, if a person entitled to receive a ballot paper is absent or likely to be absent from the address appearing for that person on the roll of voters, that person shall by notice in writing, delivered to the Returning Officer prior to the opening of the ballot, advise the Returning Officer of the address to which such ballot paper is to be forwarded, and it shall be forwarded accordingly.

### **Nominations – Elections – Local Executive President – Collegiate Electoral System**

- 29.44 As soon as the Returning Officer has reported the results of all of the elections to an office of President of an LEC, the Secretary shall give notice to such Presidents of a meeting of the Queensland Executive to be held as soon as possible after they have assumed office, on a date determined by the Returning Officer (the first meeting). That notice shall also advise them that, amongst other matters it deals with at that first meeting, it shall elect one of its members (other than its Secretary) to be the President of the Queensland Executive and, in that notice, require any such member who cannot attend



that first meeting to so notify the Returning Officer prior to that meeting commencing.

- 29.45 At that first meeting of the Queensland Executive, the Returning Officer shall, subject to sub-rules 29.46 to 29.56 (inclusive) conduct an election for the office of President of the Queensland Executive from the Executive as provided in those sub-rules.
- 29.46 The Returning Officer shall at that first meeting call for nominations for election to that office of President from the Local Executive.
- 29.46.1 Each nomination shall be in writing and shall be signed by the nominee, who at the date of nomination shall be a member of the Executive (other than its Secretary), and the nominator who shall be a member of the Executive, including its Secretary.
- 29.46.2 Where a member of the Executive has advised the Returning Officer that he/she will be absent from that first meeting, the Returning Officer shall in writing inform that member that, if he/she wishes to be a candidate for election, he/she must deliver to the Returning Officer prior to that first meeting a completed nomination for election which complies with the requirements for nomination for the office and is in a form approved by the Returning Officer.
- 29.46.3 Where such a nominee is absent from that first meeting the nomination so delivered shall be accepted as a nomination for the purposes of the election.
- 29.47 The Returning Officer shall check all nominations received (including upon its receipt any nomination permitted under sub-rule 29.46 delivered prior to that first meeting) for compliance with the requirements of these Rules and shall reject any that do not so comply; provided that in the event of his/her finding a defect in any nomination he/she shall, before rejecting the nomination, notify the person concerned of the defect, and:
- 29.47.1 where it is capable of being rectified prior to the ballot in the election at that first meeting, give that person the opportunity to rectify it before the election; or
- 29.47.2 where it is not so capable of rectification (but is otherwise capable of rectification) give him/her the opportunity of rectifying the defect within seven days after being notified of the defect.
- 29.48 Where under sub-rule 29.47 it is not possible to have any such defect remedied prior to the ballot in the election at that first meeting, the Returning Officer shall accept all the nominations in which there is no defect and, notwithstanding the provisions of sub-rule 29.18, require the defective nomination(s) to be rectified as provided in sub-rule 29.47.2 and postpone the further dealing with the ballot(s) to a meeting of the Queensland Executive to be held as soon possible after the expiration of the time within which the defective nomination is to be remedied. That later meeting shall be notified as provided in sub-rule 29.44.



- 29.49 If there is only one nomination for the office of President, the Returning Officer shall declare that sole nominee elected notwithstanding the provisions of sub-rule 29.18.4.
- 29.50 If there are two or more nominations for an office, the Returning Officer shall prepare or have prepared and delivered to him/her ballot papers containing the names of the candidates for election in alphabetical order and specifying the matters for which provision is made in sub-rule 29.37.
- 29.51 The Returning Officer shall be responsible for the safe custody of all ballot papers.
- 29.52 The Returning Officer shall initial every ballot paper prior to the distribution of ballot papers.
- 29.53 The Returning Officer, at the Executive meeting at which a ballot is to be conducted, shall issue a ballot paper and together with it the required envelopes; and shall provide facilities for the ballot to be returned to the Returning Officer at that Executive meeting by the time he/she specifies to each member of the Executive present at the meeting at which voting is to take place.
- 29.54 Where a member of the Executive has notified the Returning Officer that he/she cannot attend the first meeting (or any subsequent meeting at which the ballot is to close), the Returning Officer, notwithstanding sub-rule 29.18, shall forward a ballot paper to that member. He/she shall include with it a notice advising that the completed ballot paper is to be returned to the Returning Officer by a date and time fixed for the closing of the ballot as determined by the Returning Officer.
- 29.55 At the time fixed for the closing of the ballot on the day of the Executive meeting at which the ballot is to close the Returning Officer shall, in the presence of scrutineers (if so requested) deal with the ballot, and notwithstanding sub-rule 29.18, declare the result of the ballot(s); provided that where a ballot paper is forwarded under sub-rule 29.54 that dealing with the ballot shall not commence until after the time and date fixed by the Returning Officer for the return of any such ballot paper.
- 29.56 In the event of a tie occurring, the results shall be determined by the Returning Office drawing lots in the presence, if so requested, of the tied candidates or their scrutineers, provided that, if one of the tied candidates is a retiring office-holder from the position the subject of the ballot, then he/she shall be declared elected.
- 29.57 As soon as the Returning Officer has declared the result of an election for a President he/she shall report the result of each election in writing to the successful candidate, the Secretary and each other member of the Executive.

### **Role of Voters – Collegiate Electoral System**

- 29.58 The role of voters for an election by a Collegiate Electoral system shall close immediately before the ballot in such election closes.

### **Casual vacancies in elected offices**



- 29.59 A casual vacancy in any elected office in the Union shall be filled by secret ballot whether by a direct voting system or collegiate electoral system as provided in the Rules relating to an election for the office concerned. That election shall be held as soon as practicable following the occurrence of the vacancy and the person so elected shall take office from the declaration of his/her election and shall hold office until the expiration of the duration of the term of the office concerned or until a successor is elected and takes office, whichever is the later.
- 29.60 Notwithstanding the provisions of sub-rule 29.59, in the event of a casual vacancy in an office the Queensland Executive may fill such a vacancy with a person qualified under these rules to be elected to the office if the unexpired part of the term of the office is not longer than the lesser of 1 year or three-quarters of the term of office.

### **Scrutineers**

- 29.61 A candidate in an election in the Union may if he/she so desires appoint a scrutineer as follows:
- 29.61.1 in the case of an election for any office of LEC member or LEC President, any financial member allocated to that LEC under the Rules may be a scrutineer;
  - 29.61.2 in the case of an election to the office of Secretary, Queensland Executive President, any financial member of the Union may be a scrutineer; and

and the candidate appointing the scrutineer shall, before the closing of the ballot concerned, notify the Returning Officer in writing of the name of such scrutineer.

29.62 A scrutineer:

- 29.62.1 shall be entitled to be present throughout the opening of the ballot envelopes and the counting of the ballot and may query the inclusion or exclusion of any vote in the count, but the Returning Officer shall have final determination of any votes so queried; and
- 29.62.2 shall not remove, mark, alter or deface or in any way interfere with any ballot paper or other document used in connection with the election.

### **Candidates' Statements**

29.63 In any election conducted by a direct voting system under these Rules a candidate may, at the time of nominating, submit to the Returning Officer a typewritten statement which shall not exceed 200 words and a list of offices and/or positions currently and/or previously held in the Union or in any union which is amalgamated into the Union or in a state or federally registered Union which is associated with the Union and a passport size photograph of the candidate (subject to the requirements of the Returning Officer) and the Returning Officer shall include with the ballot paper issued to each voter in such an election a copy of all such policy statements, lists and photographs combined in the one document in alphabetical order.



29.64 A candidate in the election or a member of the Union has the right, free of charge, up to 30 days after the declaration of the result of the election to inspect the list or roll persons who may vote in the ballot at the Union's registered office when it is open for business and to be given a copy of the whole or a stated part of the list or roll.

29.65 In this rule, a reference to the Returning Officer means the returning officer appointed consistently with the requirements of the Industrial Relations Act to conduct an election for office.

### 30. **Removal of Officers and Members of Queensland Executive**

30.1 An Officer or a member of the Queensland Executive may be removed from office if the Queensland Executive or a General meeting of the Union by majority resolution of members voting finds him/her guilty, in accordance with these Rules, of misappropriation of the funds of the Union, substantial contravention of the Rules of the Union, gross misbehaviour or gross neglect of duty or finds that he/she has stopped under these Rules being eligible to hold his/her office.

30.2 Such person may be charged by any member under this Rule. Any charge shall be in writing and shall be forwarded to the President or Secretary of the Union. The Queensland Executive shall meet and resolve whether the charge is to be determined by the Queensland Executive or a General Meeting. The officer to whom the charge is forwarded shall notify the person charged of the details of the charge.

30.3 The person charged shall be given not less than fourteen days' notice in writing of the time and place of the meeting at which the charge is to be heard and determined and shall be entitled to attend such meeting and to be heard but not to vote thereat.

### 31. **General Meetings**

31.1 The Queensland Executive shall not later than the 30th of November in each year hold an Annual General Meeting of the Union's members at a time and place determined by the Executive.

31.2 If the Secretary receives a written petition for a Special General Meeting of the Union's members, specifying the purpose for which the Special General Meeting is to be called and signed by not less than 10 per cent (10%) or 200 of the financial members of the Union (whichever is the lesser) he/she shall call such meeting to be held within one month of the date of the receipt of that petition.

31.3 Notice of an Annual or Special General Meeting shall be advertised by notice inserted in an official publication of the Union and/or by advertisement in a daily newspaper circulating in the State. Such notice shall be advertised or circulated not less than seven days prior to the date of the meeting and shall specify the date, time and place of the meeting and, in the case of a Special General Meeting, the purpose for which it has been called.

31.4 A Special General Meeting shall deal only with the specified purpose for which it has been called.



- 31.5 At any General Meeting and any Special General Meeting a vote shall be exercised in person and no proxy voting shall be permitted.
- 31.6 The decision of a majority of the financial members at an Annual General Meeting or a Special General Meeting shall prevail over a decision of the Queensland Executive.

## 32. **Voting**

### **Local Enterprise Council**

- 32.1 At any meeting or in any ballot or vote of an LEC the members of that Council shall be entitled to one vote each.
- 32.2 Any decision of an LEC shall be determined by the majority of the votes cast and in the case of a tied vote there shall be no casting vote and the subject matter of the vote shall be resolved in the negative.
- 32.3 Where an LEC member is unable for any reason or at any time to be present at a meeting of the relevant LEC or participate in any vote of that Council in accordance with these Rules, he/she may appoint in writing a member of that Council to exercise his/her vote at such meeting or in such vote on any or all matters including any election or appointment, provided that no person shall be able to be a proxy for more than one person.

### **Queensland Executive**

- 32.4 At any meeting or in any ballot or vote of the Queensland Executive:
- 32.4.1 The Secretary shall have one vote.
- 32.4.2 Each President of each LEC shall be entitled to a number of votes on the Queensland Executive calculated as follows:
- 32.4.2.1 the sum of each LEC President's votes shall be determined by reference to the financial membership allocated to the LEC concerned, calculated on the basis of that financial membership as at 1st May immediately preceding the last normal election which was or should have been held for that LEC
- 32.4.2.2 the sum of that voting entitlement shall be calculated on the basis of one vote per 500 of such financial members (or part thereof).
- 32.4.3 Each Section Local President shall be entitled to a number of votes on the Queensland Executive calculated as follows:
- 32.4.3.1 the sum of each Section Local President's votes shall be determined by reference to the financial membership allocated to the Section concerned, calculated on the basis of the financial membership in Queensland as at 1st May immediately preceding the last normal election which was or should have been held for that Section;



- 32.4.3.2 the sum of that voting entitlement shall be calculated on the basis of one vote per 500 of such financial members (or part thereof).
- 32.4.3 Any decision of the Queensland Executive shall be determined by the majority of the votes cast and in the case of a tied vote there shall be no casting vote and the subject matter of that vote shall be resolved in the negative.
- 32.4.4 Where the Secretary or any other member of the Queensland Executive is unable for any reason at any time to be present at a meeting of the Executive or participate in any vote of the Executive in accordance with these Rules he/she may appoint in writing another member of the Executive to exercise his/her vote at such meeting or in such vote or on any or all other matters including any election or appointment, provided that no person shall be able to a proxy for more than one person.
- 32.5 At any general meeting, every financial member shall be entitled to one vote. Such vote may only be exercised in person and no proxy voting shall be permitted.

33. **Disputes**

- 33.1 Whenever an industrial dispute takes place, the Queensland Executive shall endeavour to settle the dispute by negotiation.
- 33.2 Notification to the Commission of the existence or likelihood of an industrial dispute or disputes shall be given in the prescribed manner as set out in the Act and/or Rules of Court by the authorised office holders for that purpose, who shall be the Secretary (or any person filling or acting in that position) or the President.

34. **FSU Representatives**

- 34.1 The Queensland Executive shall have the power to appoint, by special resolution, from among the members at the office(s) of an employer one or more FSU Representative(s) and shall inform the employer in writing of the appointment of such Representative(s).
- 34.2 A duly appointed FSU Representative shall:
- 34.2.1 act at all times as representative of the Union in his/her office;
  - 34.2.2 be directly responsible for representation of a number of members as may be determined from time to time by the Queensland Executive;
  - 34.2.3 attend and participate in training courses for FSU Representative as required by the Queensland Executive;
  - 34.2.4 report to the Secretary details of membership grievances, complaints and award breaches together with other matters arising in the office which require the attention of the Union;



- 34.2.5 enter into such negotiations with management representatives as are directed or authorised in any matter by the Secretary;
  - 34.2.6 liaise with other FSU Representatives who represent members in his/her office and attend such meetings of FSU Representatives as indicated by the Queensland Executive;
  - 34.2.7 encourage interest and discussion in Union affairs in his/her office and ensure that all Union publicity material is distributed promptly to members;
  - 34.2.8 be responsible for the Union Notice Board located in his/her office and for the regular display of Union material on same;
  - 34.2.9 monitor changes in personal details including changes in names and residential addresses in respect to the members he/she represents and report same regularly to the Secretary;
  - 34.2.10 endeavour to enrol in Union membership all non-members in his/her Office and take steps to ensure the continuing financial membership of all members of the Union in the Office; and,
  - 34.2.11 carry out such other functions as the Queensland Executive or Secretary may from time to time assign to him/her.
- 34.3 Any member appointed as an FSU Representative pursuant to this Rule shall be appointed subject to such terms and conditions of appointment as the Queensland Executive may determine at the time of appointment.
- 34.4 A Queensland Executive may revoke at any time the appointment of a FSU Representative.
- 34.5 The appointment of a FSU Representative shall automatically terminate –
- 34.5.1 upon completion of the relevant period of appointment (provided that he/she may be re-appointed pursuant to this Rule);
  - 34.5.2 upon revocation of the appointment by the Queensland Executive;
  - 34.5.3 if he/she ceases for any reason to be a financial member of the Union;
  - 34.5.4 if he/she ceases to be employed at the office in respect of which he/she has been appointed as a FSU Representative.
- 34.6 Subject to the any decision of the Queensland Executive, a person appointed as an FSU representative by the counterpart federal body, is deemed to be a FSU representative of the Union for all purposes of these Rules.

## **Part V - Other Matters**

### **35. Seal**

- 35.1 The Union shall have a seal in a form determined by the Queensland Executive.



- 35.2 The seal shall be kept in the custody of the Secretary.
- 35.3 Any document not required by law to be under seal may be executed by being signed by the Secretary.
- 35.4 Any document required or permitted by the Act to be under seal may at the discretion of the Secretary be executed on behalf of the Union by affixing the seal of the Union thereto and by being signed by any two of the Officers of the Union. No authorisation of the Queensland Executive is required.
- 35.5 Any documents otherwise required by law to be under seal may be executed only on the authorisation of the Queensland Executive by fixing the seal of the Union thereto and by being signed by any two of the Officers of the Union.

**36. Industrial Agreements and Awards**

- 36.1 The Queensland Executive shall have full power and authority to negotiate and enter into in the name of the Union industrial agreements in respect to the members of the Union or any group, class or section of the members of the Union. Such agreements shall be signed for and on behalf of the Union by the Secretary.
- 36.2 The Queensland Executive shall not enter into any such agreement which concerns members of a Section of the Union unless that industrial agreement has been consented to by resolution of the LEC of the Section concerned.
- 36.3 All applications for awards by the Commission and any other process or documents necessary to be filed or taken out in respect of an award of the Commission or for proceedings of the Commission or in respect of any legal process shall be signed for and on behalf of the Union by the Secretary or a person acting in that position, or the President.

**Part VI - Finance**

**37. Funds and Property of the Union**

- 37.1 The funds and property of the Union shall consist of:-
- 37.1.1 any real or personal property which the Queensland Executive by these Rules or by any established practice not inconsistent with these Rules, has, or, in the absence of any limited term lease, bailment or arrangement, would have the right of custody, control or management;
- 37.1.2 the amounts collected and/or accrued by the Union in respect of subscriptions, fines, fees, or levies;
- 37.1.3 any interest, rents, dividends, or other income derived from the investment or use of such funds and property;
- 37.1.4 any superannuation or long service leave or other fund operated or controlled by the Union as a whole in accordance with these Rules for the benefit of its officers or employees;



- 37.1.5 any sick pay fund, accident pay fund, funeral fund or like fund operated by the Union as a whole in accordance with these Rules for the benefit of its members;
- 37.1.6 any property acquired wholly or mainly by expenditure of the moneys of such funds and property or derived from other assets of such funds and property;
- 37.1.7 the proceeds of any disposal of parts of such funds and property; and
- 37.1.8 any funds or property paid or transferred to the Union by or held in conjunction with the Union pursuant to any agreement with a counterpart federal body.
- 37.2 All funds and property of the Union shall be vested in the Union. The Queensland Executive may determine to vest some or all of the funds and property of the Union in the Trustees of the Union. The Trustees of the Union shall be the President and Secretary.
- 37.3 The Queensland Executive may cause any moneys of the Union, which, in its opinion, are in excess of current requirements, to be invested.
- 37.4 All cheques or other instruments for the withdrawal of any funds of the Union from any bank or other account shall be signed by any two of the Officers of the Union as defined in Rule 26.
- 37.5 Moneys of the Union shall be disbursed only upon a resolution of the Queensland Executive or a general meeting of members provided that for the expenditure of the funds of the Union on the general administration of the Union and for purposes reasonably incidental to the general administration of the Union, the prior authority of the Queensland Executive or a general meeting shall not be necessary before cheques are signed or accounts paid.
- 38. Collection and Distribution of Funds**
- 38.1 All moneys paid to the Union shall within three days of receipt be deposited by or at the direction of the Secretary in such bank, building society, credit union or other financial institution as the Queensland Executive may direct to the credit of the Union's relevant Receiving Account or Working Account.
- 39. Loans, Grants and Donations**
- 39.1 For the purposes of this Rule, "an authorised person" means the Secretary.
- 39.2 Notwithstanding anything elsewhere contained in these Rules, the Union shall not make any loan, grant or donation of an amount exceeding, or in the aggregate exceeding, \$1000.00 unless the Queensland Executive –
- 39.2.1 has satisfied itself –
- 39.2.1.1 that the making of the loan, grant or donation would be in accordance with the other Rules of the Union, and,



- 39.2.1.2 in relation to a loan, that, in the circumstances, the security proposed to be given for the repayment of the loan is sufficient and the proposed arrangements for the repayment of the loan are satisfactory; and,
    - 39.2.1.3 has approved the making of the loan, grant or donation.
- 39.3 An authorised person may, out of the funds of the Union, make a loan, grant or donation of an amount not exceeding, or in the aggregate exceeding, \$3000.00 to a member of the Union if such loan, grant or donation –
  - 39.3.1 is for the purpose of relieving the member or any of his/her dependants from severe financial hardship; and,
  - 39.3.2 is subject to a condition to the effect that, if the Queensland Executive at its next meeting does not approve the loan, grant or donation, it shall be repaid to the Union as determined by the Queensland Executive.
- 39.4 In considering whether to approve a loan, grant or donation made under Rule 39.3, the Queensland Executive shall have regard to –
  - 39.4.1 whether the loan, grant or donation was made in accordance with the Rules of the Union; and
  - 39.4.2 in the case of a loan –
    - 39.4.2.1 whether the security, if any, given for the repayment of the loan is adequate, and,
    - 39.4.2.2 whether the arrangements for the repayment of the loan are satisfactory.
- 39.5 The provisions of Rule 39.2 shall not apply to or in relation to payments made by the Union by way of provision for or reimbursement of out-of-pocket expenses incurred by persons for the benefit of the Union.

**39A. Expenditure for political purposes**

Any expenditure for a political purpose for a political object must comply with the requirements prescribed by the Act and Regulations.

**40. Auditor**

The Auditor shall:-

- 40.1 be appointed by the Queensland Executive;
- 40.2 be a competent person within the meaning of the Act and the Regulations;
- 40.3 perform such functions and duties as are prescribed by the Act and the Regulations and such other functions and duties not inconsistent with the Act and the Regulations as are required by the Queensland Executive;
- 40.4 have access to and examine if desired all books, papers, deeds, documents and accounts of the Union and be empowered to question any office-bearer



or officer or employee of the Union with regard to the same and to obtain from any bank or other institution at which the funds of the Union are deposited or invested such information as may be required;

- 40.5 furnish a written statement that all documents and statements to which he/she certifies are in accordance with law and the Rules of the Union or, if unable to certify to the correctness of any of them, report forthwith to the Queensland Executive the respect in which they are incorrect; and
- 40.6 have power to place before the Queensland Executive any suggestion he/she may desire to make concerning the financial affairs of the Union.

#### 41. **Annual Financial Statements**

##### 41.1 **Annual Financial Statements**

41.1.1 The Secretary shall prepare in each year such reports, accounts and statements as are required and prescribed by the Act and Regulations, subject to any exemption granted by the Industrial Registrar. In particular, the Secretary shall prepare in each year a Financial Statement of its receipts and payments for the twelve months ending on the 30th day of June then last past, and all its funds, property and effects as on that date.

41.1.2 Each such financial statement shall be signed by the Secretary and be audited by the auditor before the end of September.

##### 41.2 **Distribution to Members**

41.2.1 Any report, accounts or statements required by the Act and Regulations to be distributed to members shall be distributed in the manner required by the Act and Regulations.

41.2.2 Subject to the requirements of the Act and Regulations, the Queensland Executive may resolve that a copy of: -

41.2.2.1 a consolidated income and expenditure statement for the year ending 30th day of June then last past;

41.2.2.2 a consolidated Balance Sheet for such period; and

41.2.2.3 a statement of uncollected subscriptions for such period;

together with the Auditor's Certificate or report thereon shall be printed and a copy of same distributed to each member of the Union. Nothing in this Rule requires that any statements of a financial nature which are in excess of the requirements of the Act and Regulations be printed and distributed.

#### 42. **Financial Year**

42.1 The financial year of the Union shall commence on the 1st day of July in each year and end on the 30th day of June in the next following year.

#### 42A. **Financial Policies**



42A.1 The Union must have financial policies as prescribed by the Act and Regulations.

42A.2 Any expenditure must comply with the financial policies.

## **Part VII - General Rules**

### **43. Affiliation**

43.1 The Queensland Executive may by resolution carried by a majority of members of the Queensland Executive voting on such a resolution, affiliate the Union with other industrial organisations and associations.

### **44. Amalgamation**

44.1 The Queensland Executive is empowered to negotiate with other industrial organisations and associations. Where agreement in principle has been reached between the Queensland Executive and any other industrial organisations or associations to bring about amalgamation, the Queensland Executive has the power to seek where necessary an amalgamation under the provisions of the Act, provided that the committee shall not proceed to seek an amalgamation under the provisions of the Act where the amalgamation is not substantially the same as an amalgamation involving the counterpart federal body.

### **45. Quorums**

45.1 The Quorum for an LEC meeting shall be half the number of LEC members then holding such office or five, whichever is the lesser.

45.2 The Quorum for a Queensland Executive meeting shall be a number of members the sum of whose votes (or where relevant their proxy votes) is at least fifty per cent (50%) of the total number of votes to which all such members would be entitled if all were voting.

### **General Meetings**

45.3 The Quorum for a General Meeting held under Rule 31 shall be 30 financial members or five per cent (5%) of the financial members of the Union, whichever is the lesser.

### **Inquorate Meetings**

45.4 If, at any meeting of an LEC or Queensland Executive, no quorum be present at the expiration of thirty minutes after the time fixed for the commencement of the meeting, such meeting shall adjourn for seven days. Members shall be given two clear days' notice of the date, time and place to which such meeting has been adjourned. If at such adjourned meeting no quorum is present, those present shall be deemed to be a quorum for the purpose of the business to be transacted.

45.5 If no quorum is present at the time specified for the commencement of any General Meeting, such meeting shall lapse. Any decision of the Queensland

Executive which would have been submitted to such meeting for decision shall be deemed to be the decision of a General Meeting.



46. **Alterations to Rules**

- 46.1 The Queensland Executive shall have power to make new Rules or to add to, amend, rescind or otherwise alter these Rules by resolution carried by a majority of the Queensland Executive voting at a meeting of the Queensland Executive or by a ballot as provided for in this Rule. This power applies to all Rules of the Union including its Eligibility Rule and to changes of name of the Union.
- 46.2 Upon the written request of at least two members of the Queensland Executive, the Secretary is to submit a resolution under this Rule for decision by ballot of the members of the Queensland Executive. The resolution may be forwarded by post, facsimile or by electronic means to each of the members of the Queensland Executive in such form as is determined by the Secretary. The members of the Queensland Executive shall record their vote on the resolution so submitted by post, facsimile or by electronic means addressed to the Secretary and the decision of the majority shall be binding as if such decision were obtained by a vote at a regularly constituted meeting of the Queensland Executive. All votes or their confirmation shall be signed by members of the Queensland Executive recording the same. If any vote be recorded by means other than letter, then such vote shall be confirmed by letter signed by the member concerned.
- 46.3 Where the President and Secretary determine that a matter under this Rule be submitted to the Queensland Executive for decision by a meeting of members of the Queensland Executive conducted by such telephonic or electronic means as may from time to time be available, the Secretary shall as soon as practicable arrange such a meeting. The members of the Queensland Executive shall participate in such a meeting and the decision of the majority shall be binding as if such decision were obtained at a regularly constituted meeting of the Queensland Executive.
- 46.4 If: -
- 46.4.1 in the course of a ballot pursuant to this Rule a majority of members of the Queensland Executive notify the Secretary; or
  - 46.4.2 in the course of a meeting conducted pursuant to this Rule, a majority of members of the Queensland Executive resolve
- that the matter as submitted to them is of such importance as to require a General meeting of members, then such General Meeting shall be convened forthwith by the Secretary to meet at such time and place as the Queensland Executive may determine.
- 46.5 A matter to be dealt with by a Special General Meeting pursuant to this Rule may be referred by the Queensland Executive to the next Annual General Meeting of the Union.
- 46.6 If a Special General Meeting of the Union be held for the purpose of this Rule, such other matters as the Queensland Executive may determine may be submitted to such meeting.



- 46.7 Notice of any proposal for the making of a new rule or for the adding to, amendment, rescission or other alteration of any of these Rules shall be given in writing at least seven days prior to the relevant meeting of the Queensland Executive or the Union or to the commencement of the ballot provided that any such proposal may itself be amended when being considered by the relevant meeting. Notice to the Queensland Executive shall be in writing to each member of the Queensland Executive. Notice of the proposal to be voted on by a General Meeting shall be advertised in the manner required by Rule 31.3.
- 46.8 Notification of any alteration to these Rules consented to or certified pursuant to the Act may, in the Queensland Executive's discretion, be published in an official publication of the Union after such consent or certification being given to the alteration.
- 46.9 The Queensland Executive shall have power to resolve that the Union apply to amend its registration in respect of the calling it represents by resolution carried by a majority of the Queensland Executive voting at a meeting of the Queensland Executive.

47. **Ending of Union**

- 47.1 Without limitation to rule 48, the registration of the Union will end 12 months following:
- 47.1.1 restructuring, by amendment, of the rules of the Finance Sector Union of Australia, the counterpart Federal Body, to remove state based local Executive Committees and state based Sections; and
- 47.1.2 declaration of elections for the FSU subsequent to the restructuring under 47.1.1 (for this rule the 'Event').
- 47.2 The Executive President and the Secretary are on the happening of the Event, authorized to determine to make application to the Queensland Industrial Relation Commission for the deregistration of the Union.
- 47.3 The Secretary is required, within 21 days of the making of a determination under sub-rule 47.2, to notify the members of the Union that an application is being made for deregistration of the Union.
- 47.4 The notification under subrule 47.3 may be made by:
- 47.4.1 email;
- 47.4.2 SMS;
- 47.4.3 newsletter;
- 47.4.4 by notice on a website used to communicate with members of the Union; or
- 47.4.5 a combination of the means set out in paragraphs 47.4.1 to 47.4.4.
- 47.5 The Secretary will ensure that the accounts of the Union are audited prior to

the application for deregistration being made.

- 47.6 Surplus assets (if any) following the meeting of the liabilities of the Union (if any) are to be paid by the Secretary to the Finance Sector Union of Australia.



48. **Dissolution of Union**

- 48.1 If the membership of the Union falls below fifty, the Queensland Executive shall cause a plebiscite to be taken of the remaining members to decide whether the Union shall be dissolved. If a majority of members voting in such plebiscite declare in favour of dissolution, then, after discharging its just debts and liabilities, the property belonging to the Union at such time shall be converted into money and such money shall be donated to such public charitable institution as may be determined by the Queensland Executive.

49. **Reserved**

50. **Counterpart Federal Body**

- 50.1 Any requirement of these Rules shall be subject to the provisions of any certificate from time to time in force in respect of the Union pursuant to the Industrial Relations Act 2016 as amended.
- 50.2 For all purposes of these rules, the offices of the Union that correspond with the offices of the Counterpart Federal Body are as follows:

**Finance Sector Union of Australia,  
Queensland Branch, Industrial Union of  
Employees**

**Finance Sector Union of Australia**

Secretary

Queensland Local Executive Secretary

Queensland Executive President

Queensland Local Executive President

President, NAB Local Enterprise Council

Queensland President, NAB Local  
Enterprise Council

President, ANZ Local Enterprise Council

Queensland President, ANZ Local  
Enterprise Council

President, Westpac Local Enterprise  
Council

Queensland President, Westpac Local  
Enterprise Council

President, CBA Local Enterprise Council

Queensland President, CBA Local  
Enterprise Council

Insurance Section Local President

Queensland Insurance Section Local  
President

General Section Local President

Queensland General Section Local President

President, Temporary Local Enterprise Council

Queensland President, Temporary Local Enterprise Council



**51. Interpretation**

In these Rules, except where otherwise clearly intended:-

- 51.1 “The Act” shall, according to the context, mean the Industrial Relations Act 2016 as that Act is amended or replaced from time to time;
- 51.2 “The Regulations” shall, according to the context, mean the regulations made under or pursuant to the Act, however named, as made or amended or replaced from time to time pursuant to the Act as defined in Rule 51.1;
- 51.3 words importing the singular shall include the plural and vice versa;
- 51.4 words importing the masculine gender shall include the female gender;
- 51.5 “casual vacancy” shall mean a vacancy occurring otherwise than at the normal expiration of a person’s term of office;
- 51.6 “full time office” shall mean an office, the duties of which are of a full time nature and shall include an office determined by the Queensland Executive to be a full time permanent part-time office;
- 51.7 “full time paid Officer” shall mean the holder of a full time office who is in receipt of a salary for holding such office;
- 51.8 “each member entitled to receive a ballot paper” shall mean a person who is a financial member of the Union as at the date of the close of nominations for the appropriate ballot;
- 51.9 “federal organisation” means the Finance Sector Union of Australia, an organisation registered pursuant to the Fair Work (Registered Organisations) Act 2009(Cth) as amended or replaced or any successor of that organisation.
- 51.10 “relevant branch” means a branch of the federal organisation other than the counterpart federal body;
- 51.11 “counterpart federal body” means the Finance Sector Union of Australia, Queensland Branch (being a branch of the federal organisation) or the Finance Sector Union of Australia itself (as the context permits) or any successor of the counterpart federal body;
- 51.12 the “Commission” means the Queensland Industrial Relations Commission;
- 51.13 Fair Work (Registered Organisations) Act 2009(Cth) includes all rules and/or regulations under that Act and any amending or replacing that Act (or rules and/or regulations);



51.14 "Arrears" or any expression referring to amounts which are due to the Union shall be read as subject to the limitations imposed by the Act upon the Union in the period in respect of which such amounts can be recovered or any other like limitation;

51.15 "political purpose" has the same meaning as it has pursuant to the Act,

51.16 "political object" has the same meaning as it has pursuant to the Act.

## 52. **Standing Orders**

52.1 The purpose of this Rule is to make the best and most efficient use of the time made available by members attending meetings of the Union. The agenda for any such meeting shall be notified to persons who are to or may attend a meeting. It should specify a commencing and closing time for the meeting. The following order of procedure shall be adhered to as far as practicable at all meetings of the Union:

52.1.1 The Chairperson shall take the Chair at the time appointed for the commencement of the meeting, and, upon ascertaining that a quorum is present shall declare the meeting open for the transaction of business. In the event of no quorum being present within the time prescribed by Rule 45 the Chairperson shall proceed in accordance with that Rule.

52.1.2 Proxies and apologies shall be recorded.

52.1.3 Minutes shall be presented for confirmation, but no discussion shall be allowed except as to their accuracy as a record of the proceedings.

52.1.4 Business arising out of minutes.

52.1.5 Reports.

52.1.6 Financial Statements to be reported and accounts to be passed for payment.

52.1.7 General business.


## 53. **Rules of Debate**

The following Rules of Debate shall be observed at all meetings of the Union:

53.1 A member wishing to speak or move a motion or move an amendment to a motion or raise a point of order shall attract the attention of the Chairperson of the meeting (the Chair). If two or more members seek to attract the attention of the Chair at the same time the Chair shall determine who has precedence.

53.2 Any person addressing the meeting shall direct his/her remarks through the Chair.

53.3 Where the Chair rises all other persons present will be silent.

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- 53.4 A member may propose a motion (the original motion) once he/she has attracted the attention of the Chair and has been invited to speak.
- 53.5 Subject to sub-rule 53.20 when a motion has been moved the Chair shall call for a seconder.
- 53.6 If seconded by a member an original motion shall be open to debate by the meeting. Should the motion not be seconded it shall lapse. The Chair shall determine when any debate on such a motion shall commence.
- 53.7 Once a motion has been seconded the Chair will invite the mover and then the seconder to speak in favour of the motion. Both the mover and seconder may reserve their right to speak in favour of the motion until all those who speak against the motion have done so.
- 53.8 Once the mover and seconder have spoken in favour of the motion or reserved their right to speak in favour of it, the Chair will call for a speaker against the motion. Where no one wishes to speak against the motion the Chair shall put the motion to a vote of the meeting.
- 53.9 After a member has spoken against the motion the Chair shall then call for a speaker in favour of the motion. Where no member then seeks to speak in favour of the motion the Chair shall invite the seconder (where he/she has reserved his/her right to speak in favour of the motion) and then invite the mover to exercise his/her right of reply (as well as his/her right to speak in favour of the motion where it has been reserved), provided that where the mover is exercising only the right of reply, the reply must be limited to answering the arguments advanced against the motion.
- 53.10 Subject to sub-rule 53.25 once there are no more speakers in favour of or against the motion and any reserved rights to speak in favour of the motion and the mover's right of reply has been exercised or waived the Chair shall put the motion to a vote of the meeting.
- 53.11 A member may move a motion, "that the motion be immediately put" (the "put motion") at any time during the debate of any motion. Where such a motion is moved and seconded the Chair will immediately submit it to a vote of the meeting. Where the majority of the votes of those voting at the meeting are in favour of the "put motion" the Chair will immediately, without debate, offer the mover of the original motion the right to exercise his/her right of reply. Following this reply, or upon it not being exercised, the Chair shall immediately put the motion to a vote of the meeting.
- 53.12 A member may propose an amendment to a motion ("the amending motion") that is the subject of debate by the meeting.
- 53.13 A member wishing to move an amending motion shall propose the form and words of the amending motion to the Chair. Subject to sub-rule 53.20 once the member has proposed an "amending motion" and the Chair has a copy of it in writing the Chair will call for a seconder to the "amending motion".
- 53.14 When the "amending motion" is seconded the Chair will seek the views of the mover and seconder of the original motion to which an amendment is sought as to whether the amending motion is acceptable to the mover and seconder. Where the amending motion is acceptable to the mover and seconder of the



motion, the motion shall be amended in accordance with the amending motion and the motion as so amended will become the substantive motion.

- 53.15 Where the “amending motion” is not acceptable to the mover and seconder of the original motion the “amending motion” will then be debated in accordance with this Rule as though it were a substantive motion.
- 53.16 Subject to sub-rule 53.20 where the “amending motion” is not seconded it shall lapse.
- 53.17 Where the majority of the votes of the members voting at a meeting vote in favour of the “amending motion” the motion shall be amended accordingly and the motion as so amended shall become the substantive motion and debate on the substantive motion shall continue in accordance with this Rule.
- 53.18 Where the majority of the votes of the members voting at a meeting vote against the “amending motion” the original motion shall not be so amended and debate on the original motion shall continue in accordance with this Rule.
- 53.19 More than one “amending motion” may be moved and seconded in relation to an original or substantive motion, provided that only one amendment shall be dealt with at a time and that such amendment is disposed of before any further amending motion is moved.
- 53.20 No motion or amendment shall be entertained or discussed until it has been seconded.
- 53.21 At the conclusion of all debate and the exercising, or waiving of, reserved rights to speak in favour of the motion and the right of reply the Chair shall submit the motion to the vote of the meeting.
- 53.22 In submitting any motion to the vote of the meeting the Chair:
- 53.22.1 will call for those in favour of the motion to vote. Upon this call those wishing to vote in favour of the motion shall respond by saying “Aye” or raising their hand or their voting instrument;
  - 53.22.2 will then call for those against the motion to vote. Upon this call those wishing to vote against the motion shall respond by saying “Nay” or raising their hand or their voting instrument;
  - 53.22.3 subject to sub-rule 53.22.4, will announce whether the meeting has voted in favour or against the motion;
  - 53.22.4 where unable to determine the decision of the majority of the meeting, or a member of the meeting requests it, will call for a count of votes on the motion as follows:
    - 53.22.4.1 shall determine the person(s) to conduct any count of the votes. Wherever possible the person(s) conducting the count shall not be a member voting at the meeting;
    - 53.22.4.2 shall then call those in favour of the motion to vote. Upon this call those wishing to vote in favour of the motion

shall raise their hands or voting instrument until instructed to do otherwise;

53.22.4.3 shall then call those against the motion to vote. Upon this call those wishing to vote against the motion shall raise their hands or voting instrument until instructed to do otherwise; and

53.22.4.4 upon the completion of the counting of the votes in favour and against the motion the person(s) conducting the count shall report to the Chair the result of the count of the vote. The Chair will decide whether the count has been conducted properly and if so satisfied shall declare to the meeting whether the majority of the votes are in favour of or against the motion.

53.23 The Chair shall call to order any speaker who departs from the subject matter of the motion or matter being dealt with or who violates the courtesies of the Rules of Debate.

53.24 Where the Chair wishes to speak in favour or against the motion he/she shall inform the meeting and vacate the Chair. The meeting will appoint a person to perform the role of the Chair until debate and vote on the motion has concluded, at which time the Chair shall resume the Chair.

53.25 No member shall be allowed to speak on a motion for more than 10 minutes without the consent of the meeting.

53.26 No more than one member (apart from the mover and seconder of a motion) shall speak in succession for or against a motion before the meeting.

53.27 No member, other than the mover of the motion, shall speak more than once on the same motion.

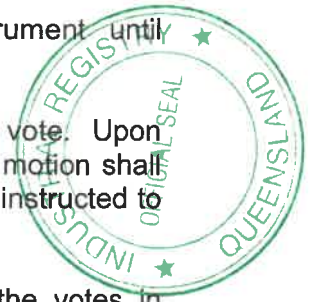
53.28 Any member who thinks himself/herself misrepresented by a speaker may by indulgence of the meeting interrupt the speaker to correct the misstatement, but he/she must not enter into argument.

53.29 A member may move the motion "that the meeting be adjourned" at any time during the meeting and if seconded that motion shall immediately and without discussion be put to a vote of the meeting.

53.30 A member may move a motion "that the meeting move into committee" at any time during the meeting and if seconded that motion will immediately and without discussion be put to a vote of the meeting.

52.30.1 When the majority of the votes are in favour of the motion "that the meeting move into committee", the Rules of Debate shall be suspended (other than to allow the meeting to consider a motion to move out of committee).

52.30.2 When in committee a member may move a motion "that the meeting move out of committee" and if seconded, that motion will immediately and without discussion be put to a vote of the meeting.



Where the majority of votes are in favour of that motion that meeting will move out of committee and the Rules of Debate shall resume.



- 53.31 Upon a majority of the votes being in favour of a motion it shall become a resolution of the meeting.
- 53.32 A member may at any time raise a point of order in relation to these Rules of Debate. The Chair will immediately hear and then rule upon the point of order and the Chair's ruling shall be final unless overturned by a resolution of the meeting. Any member may move a motion of dissent in relation to the Chair's ruling upon a point of order. Debate on such motion shall be dealt with in accordance with this Rule 53 provided that it shall not be subject to amendment.
- 53.33 A report to a meeting may be received without resolution but the adoption of all or part of the report shall be by resolution of the meeting.
- 53.34 Every member eligible to vote at a meeting shall cast a vote(s) in favour or against any motion before the meeting.
- 53.35 A member who voted with the majority of a meeting in relation to a resolution may seek to have that resolution reconsidered by a subsequent meeting. Such a member shall give seven (7) days written notice to the relevant officer of his/her intention to seek such reconsideration.
- 53.36 Any Standing Order or Rule of Debate contained in this Rule 53 or Rule 52 may be suspended by vote of the majority of the members present at a meeting.