

**5 AUGUST POST PERTH VISIT DRAFT**

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 21 both inclusive contain a true and correct copy of the registered rules of the CPSU, the Community and Public Sector Union; Chapter C - SPSF Group Western Australian Branch Rules.

DELEGATE OF THE GENERAL MANAGER  
FAIR WORK AUSTRALIA

---

# Rules of the CPSU - SPSF Group - Western Australian Branch Contents

1 - FEDERAL RULES.....	1
2 - NAME .....	1
3 - REGISTERED OFFICE .....	1
4 - POLITICAL .....	1
5 - BRANCH MEMBERS .....	1
6 - POWERS, CONTROL AND MANAGEMENT OF BRANCH .....	1
7 - BRANCH COUNCIL.....	2
8 - BRANCH OFFICERS .....	3
9 - BRANCH COUNCILLORS.....	4
<a href="#">10 - PROXY VOTING ON BRANCH COUNCIL .....</a>	<a href="#">4</a>
<del>10</del> <a href="#">11</a> - BRANCH ELECTORATES.....	<del>4</del> <a href="#">4</a>
<del>11</del> <a href="#">12</a> - BRANCH EXECUTIVE .....	<del>5</del> <a href="#">5</a>
<del>13</del> <a href="#">12</a> - WORKPLACES .....	<del>5</del> <a href="#">5</a>
<del>14</del> <a href="#">13</a> - ELECTORATE DELEGATES COMMITTEE (EDC) .....	<del>6</del> <a href="#">6</a>
<del>15</del> <a href="#">14</a> - EDC - MEETINGS.....	<del>6</del> <a href="#">6</a>
<del>16</del> <a href="#">15</a> - EDC - VOTING.....	<del>7</del> <a href="#">7</a>
<del>17</del> <a href="#">16</a> - ELECTION AND DUTIES OF CHAIR AND SECRETARY OF EDCs .....	<del>7</del> <a href="#">7</a>
<del>18</del> <a href="#">17</a> - ADVISORY COUNCILS.....	<del>8</del> <a href="#">8</a>
<del>19</del> <a href="#">18</a> - BRANCH POLICY .....	<del>8</del> <a href="#">8</a>
<del>20</del> <a href="#">19</a> - BRANCH FUND.....	<del>9</del> <a href="#">9</a>
<del>21</del> <a href="#">20</a> - ANNUAL REPORT .....	<del>9</del> <a href="#">9</a>
<del>22</del> <a href="#">21</a> - ANNUAL GENERAL MEETING.....	<del>9</del> <a href="#">9</a>
<del>23</del> <a href="#">22</a> - SPECIAL GENERAL MEETINGS .....	<del>10</del> <a href="#">10</a>
<del>24</del> <a href="#">23</a> - INDUSTRIAL MEETINGS .....	<del>10</del> <a href="#">10</a>
<del>25</del> <a href="#">24</a> - REFERENDUM .....	<del>11</del> <a href="#">11</a>
<del>26</del> <a href="#">25</a> - DUTIES OF MEMBERS .....	<del>12</del> <a href="#">12</a>
<del>27</del> <a href="#">26</a> - DUTIES OF BRANCH OFFICERS.....	<del>12</del> <a href="#">12</a>
<del>28</del> <a href="#">27</a> - DUTIES OF BRANCH COUNCILLORS .....	<del>14</del> <a href="#">14</a>
<del>29</del> <a href="#">28</a> - DUTIES OF WORKPLACE DELEGATES .....	<del>15</del> <a href="#">15</a>
<del>30</del> <a href="#">29</a> - DIRECTION OF WORKPLACE DELEGATES AND BRANCH COUNCILLORS.....	<del>15</del> <a href="#">15</a>
<del>31</del> <a href="#">30</a> - MISCONDUCT.....	<del>16</del> <a href="#">16</a>
<del>32</del> <a href="#">31</a> - CENSURE MOTIONS.....	<del>17</del> <a href="#">17</a>
<del>33</del> <a href="#">32</a> - EXECUTION OF AGREEMENTS AND DOCUMENTS .....	<del>18</del> <a href="#">18</a>
<del>34</del> <a href="#">33</a> - ELECTIONS .....	<del>18</del> <a href="#">18</a>
<del>35</del> <a href="#">34</a> - BRANCH ASSOCIATES .....	<del>19</del> <a href="#">19</a>
<del>36</del> <a href="#">35</a> - STANDING ORDERS .....	<del>20</del> <a href="#">20</a>
<del>37</del> <a href="#">36</a> - <a href="#">PROXY BRANCH COUNCILLOR TRANSITION RULE</a> <del>TRANSITIONAL PROVISIONS</del> .....	<del>20</del> <a href="#">20</a>

---

## **RULES OF THE CPSU, SPSF GROUP WESTERN AUSTRALIAN BRANCH**

### **1 - FEDERAL RULES**

These rules are in addition to the federal rules of CPSU, the Community and Public Sector Union and shall apply to the Western Australian Branch so far as they are not in conflict with the federal rules.

### **2 - NAME**

The name of the Branch shall be the CPSU, the Community and Public Sector Union, Western Australian Branch, in these rules called the Branch.

### **3 - REGISTERED OFFICE**

The office of the Branch shall be at 445 Hay Street, Perth, or such other address as the Branch Council resolves.

### **4 - POLITICAL**

The Branch shall not be identified with any political party. No officer or employee shall have any power to publicly express views on any political party on behalf of the Branch but this rule shall not be construed so as to prevent comment on issues affecting members, provided that such comment is consistent with the Rules and policies of the Union or Branch.

### **5 - BRANCH MEMBERS**

The members of the Branch shall be those persons admitted to membership of the SPSF Group in accordance with the federal rules whose employer is located in Western Australia and such other members who have been allocated to the Branch by Federal Council.

### **6 - POWERS, CONTROL AND MANAGEMENT OF BRANCH**

- 6.1 The Branch shall have all powers vested in it in accordance with Chapter C of the federal rules and shall at all times conform to the federal rules. (Chapter C of the federal rules provide that the Branch shall have full autonomy in matters affecting members of the Branch only and matters concerning the participation of the Branch in any State industrial conciliation and arbitration system.)
- 6.2 Democratic control of the Branch resides with the members who can by virtue of provisions elsewhere in the rules :
- (a) participate in Annual General Meetings and Special General Meetings of the Branch
  - (b) contest elections
  - (c) vote in ballots, and at membership meetings
  - (d) lay charges of misconduct against officials and other members
  - (e) requisition Special General Meetings or Referenda

---

6.3 Management of the Branch shall be by financial members by means of

- (a) Workplaces
- (b) Electorate Delegates Committees
- (c) Advisory Councils
- (d) Branch Executive
- (e) Branch Council

## **7 - BRANCH COUNCIL**

7.1 The affairs of the Branch shall be managed by the Branch Council, which shall have power to control and manage the business and affairs of the SPSF Group in the State of Western Australia subject always to the federal rules and to any lawful direction of the National Officers Committee, Federal Council or Federal Executive and without limiting the generality of this power shall have power to:

- (a) make amend and rescind rules and bylaws for the regulation and government of the Branch;
- (b) enrol in the Union any person eligible to be a member of the Federation;
- (c) fix and from time to time vary the entrance fees and subscriptions payable by candidates for membership and members of the SPSF Group attached to the Branch.
- (d) impose levies on members attached to the Branch
- (e) waive in whole or part any fees, subscriptions and levies
- (f) disburse or authorise the disbursement of moneys from the Branch Fund for any purpose within the objects of the Union;
- (g) for the purposes of managing the branch fund:-
  - (i) to buy, sell, rent, lease, sublet or otherwise deal with any property real or personal
  - (ii) to enter into any contract
  - (iii) to borrow money and mortgage or charge any of the real or personal property of the Branch
  - (iv) to establish any company or trust to hold, or assign on trust, any real or personal property of the Branch Fund
- (h) appoint or remove a Branch Returning Officer qualified to act in accordance with the Act to conduct any election for which a Returning Officer is required in connection with any Branch office in the SPSF Group;
- (i) appoint or remove a Branch Auditor qualified to act in accordance with the Act for any purpose for which an auditor is required in connection with the Branch accounts of the SPSF Group;

- 
- (j) fix and from time to time vary the salaries and allowances or honorariums payable to Branch Officers and to confer authority on the Branch Secretary to employ, retain and terminate the employment of such staff as on such terms as shall be specified in a resolution of Branch Council;
  - (k) subject to the Rights of Officers under Chapter C of the federal rules, dismiss from office any person elected to an office within the Branch who has been found guilty in accordance with the rules of the Union of misappropriation of the funds of the Union, a substantial breach of the rules of the Union, gross misbehaviour or gross neglect of duty, or who has ceased according to the rules of the Union to be eligible to hold the office provided that any such person shall have a right of appeal to the Federal Council;
  - (l) to publish and distribute Branch Publications
  - (m) to seek, obtain and hold in the name of the Branch or the Branch's nominee, a Club Licence for the sale of liquor or any other licence or permit pursuant to the Liquor Act, 1970.
  - (n) To award by resolution passed by a two-thirds majority of the members of Branch Council present and voting, a Testimonial Medal to any person in recognition of services rendered to the Branch. The medal and manner of presentation shall be decided by the Branch Council.
  - (o) do all things necessary or convenient to the exercise of the foregoing powers.

7.2 The Branch Council shall consist of:

- (a) the Branch Officers
- (b) the Delegates to Branch Council who shall be referred to as the Branch Councillors for the purposes of these Rules.

7.3 Branch Council shall meet at least ten times a year and at such other times as Branch Council or Branch Executive or the Branch President and Branch Secretary acting together shall deem necessary and shall be convened by notice signed by the Branch President or failing him/her a Branch Vice-President or failing them the Branch Secretary.

7.4 At every meeting of Branch Council the quorum shall be a majority of those entitled to attend and vote at the meeting.

## **8 - BRANCH OFFICERS**

8.1 The Branch Officers shall be:

- (a) the Branch President
- (b) two Branch Vice-Presidents
- (c) the Branch Secretary
- (d) the Branch Assistant Secretary
- (e) the Branch Treasurer
- (f) six Executive Councillors.

- 8.2 A Branch Officer may attend and speak at any meeting in the Branch held under these rules.

## **9 - BRANCH COUNCILLORS**

- 9.1 Each Electorate will be represented on Branch Council by one Branch Councillor ~~and one Proxy Branch Councillor~~ for each 500 financial members or part thereof allocated to the Electorate as at 31st December in the year preceding an election.
- 9.2 ~~As from 2012~~, ~~each~~ Each Branch Councillor ~~and Proxy Branch Councillor~~ shall be elected for a term of four (4) years by and from the whole of the financial membership in the Electorate.
- ~~9.3 Proxy Branch Councillors shall perform the duties and exercise the powers of Councillors during the Councillors' absence, unavailability or when a position of Councillor is vacant. Should there be more than one position of Proxy Branch Councillor within an Electorate, the allocation of proxies shall be by rotation.~~
- 9.43 Each election under this rule shall be conducted so that the result is declared not earlier than the 1st of May and not later than the 30th of June in an even-numbered year.
- 9.54 The office of a Branch Councillor ~~or Proxy Branch Councillor~~ shall become vacant if she or he dies, resigns, is removed from office under these Rules, ceases to be a member of the SPSF Group or is transferred out of the Electorate represented for a period in excess of three months.

## **10 - PROXY VOTING ON BRANCH COUNCIL**

- 10.1 A member of the Branch Council who is unable to attend all or part of a meeting may appoint a proxy in accordance Rule 5.2 of Chapter C of the registered rules of the CPSU, the Community and Public Sector Union.

## **10-11 - BRANCH ELECTORATES**

- 10-11.1 The Branch shall be divided into Electorates consisting of such members of the Branch as is determined by the Branch Council from time to time in its discretion having regard to such advice as to the views of members affected as is available.
- 10-11.2 An Electorate may consist of all or some of the members employed in a Department, Statutory Authority, institution or other authority, or of members employed in a geographical area within or part of the Branch, or of members employed in more than one Department, Statutory Authority, institution or other authority. The minimum number of members who may constitute an Electorate shall be 250 financial members.
- 10-11.3 There shall be one or more Health Electorates consisting of all members employed in or by a public hospital, private hospital, nursing home, public dental clinic, area health service, community health service or psychiatric service; or employed in or by any department, or part of a department or by any employer which a resolution of the Branch Council declares to be a health service body.
- 10-11.4 There shall be one or more Higher Education Electorates consisting of all members employed in or by a University, College of Advanced Education, a Department of Technical and Further Education, a College or Institute of Technical and Further Education; or employed in or by any department, or part of a department or by any employer which a resolution of the Branch Council declares to be a higher education body.
- 10-11.5 Where as a result of abolition, amalgamation or other alteration in the structure of a department, institution, authority, the basis for the constitution of an Electorate under paragraph 10.2 of this rule or representation at Branch Council under Rule 10-11 is varied, the Branch Council may determine that the Electorate no longer exists and the tenure of all Branch Councillors within the Electorate

shall thereupon terminate. The Branch Council shall forthwith determine new arrangements for the representation of members of the former Electorate. This paragraph shall not apply to the Health and Higher Education Electorates.

#### **11-12 - BRANCH EXECUTIVE**

11-12.1 Between meetings of Branch Council the management of the Branch shall be vested in the Branch Executive which shall be the committee of management of the Branch and pending the first meeting of Branch Council shall have all such powers except the power to make, amend or rescind rules or any power expressly reserved to itself by decision of Branch Council.

11-12.2 The Branch Executive shall consist of the Branch Officers.

11-12.3 The Branch Executive shall meet at least monthly between meetings of Branch Council and whenever required by the Branch President after consultation with the Branch Secretary.

#### **12-13 - WORKPLACES**

12-13.1 Each Electorate shall be divided into Workplaces. A Workplace shall consist of such members as are determined from time to time by the Branch Council after giving prime consideration to any recommendations of the Electorate.

12-13.2 A Delegate and a Deputy Delegate shall be elected for a term of four (4) years in an odd-numbered year by and from the financial membership in each Workplace by secret ballot under the provisions of these Rules.

12-13.3 A Deputy Delegate shall perform the duties and exercise the powers of the Delegate during the Delegate's absence, unavailability or when the position of Delegate is vacant.

12-13.4 The office of a Delegate or Deputy Delegate shall become vacant if he or she dies, resigns, is removed from office under these Rules, ceases to be a member of the SPSF Group or is transferred out of the Workplace represented for a period in excess of three months.

12-13.5 Where a vacancy exists in the position of either Delegate or Deputy Delegate following the conduct of an election under paragraph 12-13.2 of this Rule, that vacancy may be filled by appointment by the Workplace of one of its members. The person so appointed shall hold office until the position is filled in accordance with Rule 56 of Chapter C of the Federal Rules.

#### **13-14 - ELECTORATE DELEGATES COMMITTEE (EDC)**

13-14.1 There shall be a Electorate Delegates Committee (hereafter termed the EDC) in each Electorate. An EDC shall consist of all of the Workplace Delegates in the Electorate. A Branch Councillor or Proxy Branch Councillor of the Electorate, who is not a Workplace Delegate, shall be ex-officio a member of the EDC.

13-14.2 An EDC:

- (a) may submit a proposal for consideration by Branch Council or the Branch Executive;
- (b) shall assist in the work of the Branch;
- (c) shall report to Branch Council, Branch Executive, the Branch Secretary or a Electorate meeting of members on any matter;

- (d) shall, subject to these Rules, oversight the activity of the Electorate in an industrial dispute relating to a matter pertaining only to that part of a Department, Statutory Authority, Institution, Authority covered by the EDC;
- (e) may convene Electorate meetings
- (f) shall determine its own method of operating.

~~13~~14.3 An EDC is empowered to make representations to management in accordance with SPSF Group Rules and policy on any matter which affects that Electorate only. This includes the power to nominate any financial member in the Electorate as a representative to a joint union/management committee, provided that final power of decision remains with a meeting of the EDC or members of the Electorate. The Branch Secretary, Branch Executive or Branch Council may take control at any time of a matter which the EDC is pursuing.

~~13~~14.4 An EDC may direct a Branch Councillor from the Electorate or her/his proxy as to the manner in which that Councillor shall vote or exercise her/his functions as a Councillor. Should any such direction be contrary to a direction of an Electorate Meeting, the direction of the Electorate Meeting shall prevail. The provisions of Rule ~~29~~29-30 shall apply to any direction given under this Rule.

#### ~~14~~15 - EDC - MEETINGS

~~14~~15.1 An EDC shall meet in person and/or by post, facsimile, telephone conference or other electronic means, when directed by Branch Council, the Branch Executive or the Branch Secretary or when the Chair or

Secretary or majority of the EDC members thinks fit, provided that at least one meeting shall be held in each of the quarters ending 31st March, 30th June, 30th September and 31st December in each year.

~~14~~15.2 A meeting of an EDC shall be convened by the Chair or the Secretary of the EDC or the Branch Secretary giving reasonable notice of the meeting to members of the EDC and stating the purpose of the meeting.

~~14~~15.3 (a) the first meeting of an EDC may be convened by any member of the EDC or the Branch Secretary.

(b) in convening the first meeting of an EDC at least one week's written notice shall be given to all members of the EDC.

~~14~~15.4 Any financial member of the Electorate, not being a member of the EDC, may attend a meeting of the EDC and by leave of the meeting speak but not vote at the meeting.

#### ~~15~~16 - EDC - VOTING

~~15~~16.1 Each member of an EDC, other than an ex-officio member who shall have one vote only, shall have a vote equal to the number of financial members in the Workplace represented. The number of financial members for the Workplace is deemed to be the number of financial members for that Workplace that was recorded at the Branch Office at the close of nominations for the immediately preceding quadrennial election of Workplace Delegates.

~~15~~16.2 The Chair of an EDC shall not have a casting vote and in the event of an equality of votes the question shall be determined in the negative.



~~45~~16.3 Where between the quadrennial election of Workplace Delegates a new Workplace is created or the Workplace structure of an an Electorate is otherwise amended, the number of financial members for the new or amended Workplace and for all other Workplaces in the Electorate for the purposes of determining the vote of the Workplace Delegate, shall be deemed to be the number of financial members for that Workplace as recorded at the Branch Office as at the date of creation or amendment of the Workplace.

#### **46-17 - ELECTION AND DUTIES OF CHAIR AND SECRETARY OF EDCs**

~~46~~17.1 As soon as practicable after the commencement of the term of office of an EDC, the Branch Returning Officer shall conduct an election for the positions of Chair and Secretary of the Committee. The persons elected shall hold office until the next quadrennial election for Workplace Delegates.

~~46~~17.2 In all elections conducted under this Rule the following procedures shall be observed:

- (a) The Branch Returning Officer shall fix a time and date for the closing of nominations and shall notify same to the members constituting the EDC for which the election is being held.
- (b) Nominations shall be lodged with the Branch Returning Officer.
- (c) The ballot shall take place at the EDC meeting after the closing of nominations if possible and if not, as soon thereafter as practicable.
- (d) Any member of the EDC who is unable to be present at the holding of the ballot may apply to the Branch Returning Officer for a ballot paper and may deliver or post such ballot paper so as to reach the Branch Returning Officer prior to the closing of the ballot.
- (e) At the conclusion of the counting of the votes, the Branch Returning Officer shall declare the successful candidate(s) elected at the meeting at which the ballot is held if possible and if not, as soon thereafter as practicable.
- (f) The provisions of Rule ~~33-34~~ of these rules and Rules 54A, 56, 57 and 58 of Chapter C of the Federal Rules shall apply, with the necessary alterations, to elections conducted under this Rule.

~~46~~17.3 Pending the filling of a position of Chair or Secretary of a EDC under paragraph ~~46~~17.1 of this Rule, the EDC may appoint one of its members to act in the position. The person so appointed shall cease to act when the position is filled pursuant to paragraph ~~17~~6.2 of this Rule.

~~17~~6.4 Where a vacancy exists in the position of either Chair or Secretary of an an EDC following the conduct of an election under paragraph ~~46~~17.1 of this Rule, that vacancy may be filled by appointment by the EDC of one of its members. The person so appointed shall hold office until the position is filled in accordance with Rule 56 of Chapter C of the Federal Rules.

~~16~~7.5 The respective duties of the Chair and Secretary of the EDC shall include:

- (a) Chair - to Chair meetings of the EDC, to carry out any representation requested by the EDC within its authority.
- (b) Secretary - to keep a written record of meetings, to forward a copy of such records to the Branch Secretary within 7 days of a meeting to give notice of meetings where appropriate, to carry out such representation tasks as may be required. The Secretary shall also be required to advise the Branch Secretary of variations in office holders of the EDC.

~~16~~17.6 The office of a Chair or Secretary of a EDC shall become vacant if she or he dies, resigns, is removed from office under these Rules, ceases to be a member of the SPSF Group or ceases to be a member of the EDC.

### ~~17~~18 - ADVISORY COUNCILS

~~17~~18.1 Branch Council may establish advisory bodies, including :

- (a) Councils established on an occupational, geographic, industry, agency or other basis
- (b) Conferences

~~17~~18.2 Advisory bodies shall

- (a) comply with the rules, standing orders and their terms of reference
- (b) be subject to direction by, and accountable to, the Branch Executive and Branch Council
- (c) promptly and accurately report their activities and advice to the Branch Council
- (d) provide written reports for presentation to the Branch Council when required.

### ~~18~~19 - BRANCH POLICY

~~18~~19.1 The Branch Council may determine Branch Policy.

~~18~~19.2 Advisory Councils and other bodies may be authorised by Branch Council to develop policy proposals, but any such proposal will not become Branch Policy unless adopted by Branch Council.

### ~~19~~20 - BRANCH FUND

~~19~~20.1 The Branch Fund shall consist of :

- (a) any real or personal property of which the Branch of the SPSF Group by the rules or by any established practice not inconsistent with the rules, has, or in the absence of any limited term lease, bailment or arrangement, would have the right of custody, control or management;
- (b) the amounts of entrance fees, subscriptions, fines, levies and other fees received by a Branch;
- (c) any interest rents or dividends derived from the investment of the Fund;
- (d) any superannuation or long service leave fund operated or controlled by the Branch for the benefit of its officers or employees;
- (e) any fund operated or controlled by the Branch for the benefit of its members;
- (f) any property acquired wholly or mainly by expenditure of the moneys of the Fund or derived from other assets of the Fund; and
- (g) the proceeds of any disposal of parts of the Fund.

~~19~~20.2 Cheques and other instruments drawn against funds deposited to the credit of the Branch Fund with banks or other financial institutions shall be signed by the Branch Secretary or a person delegated

---

for the purpose by the Branch Secretary, or the Branch Assistant Secretary, and one other person who is either:

- (a) the Branch Treasurer
- (b) another member of the Branch Executive
- (c) a person appointed by Branch Council for the purpose of signing cheques and other such instruments.

## **20-21 - ANNUAL REPORT**

A report by the Branch President and Branch Secretary of the activities of the Branch during the preceding financial year, together with the financial statements for the Branch Fund, and following approval by Branch Council, shall be presented at the Annual General Meeting and made available to members on the Union's web site. A summary of the report, approved by the Branch Secretary, shall be published in an official publication to all members. A full copy of the report shall be provided to any member who so requests.

## **21-22 - ANNUAL GENERAL MEETING**

- 21-22.1 The Annual General Meeting of members of the Branch shall be held in the month of September in each year.
- 21-22.2 At least fourteen days' notice of the date, time and place for the holding of any Annual General Meeting of members of the Branch shall be published in an official Branch Publication directed to all members and in a Perth daily paper.
- 21-22.3 The text or details of any motions of which notice has been given shall appear in the notice published in an official Branch Publication
- 21-22.4 No business shall be transacted at the Annual General Meeting other than that stated in the notice convening the meeting. Members intending to have business incorporated in such notice shall give notice in writing to the Branch Secretary on or before the fifteenth day of June.
- 21-22.5 The Branch Council shall determine what additional items to include on the Agenda in sufficient time to allow the agenda to be published at least 14 days prior to the Annual General Meeting.
- 21-22.6 A quorum for an Annual General Meeting shall consist of fifty (50) members.
- 21-22.7 If, within a quarter of an hour from the time appointed for the meeting a quorum of members be not present, it shall stand adjourned to the same place and the same hour of the fourteenth day thereafter; and at such adjourned meeting the members there present will dispose of all business on the notice paper.
- 21-22.8 The President may, with the consent of the members present, adjourn the meeting from time to time and from place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.
- 21-22.9 Any resolution formally carried at a general meeting of the Branch shall be an instruction to the Branch Council and Officers of the Branch; Provided that the Branch Council, after mature consideration, may defer action on any such resolution, pending the calling of a special general meeting, within one month, to further discuss the subject. If the resolution be re-affirmed by the special general meeting, the Branch Council shall then carry out the direction of such meeting.

~~24~~22.10 The Branch may, at any annual general meeting by a majority of two-thirds of the financial members present and voting, remove from office any member of Branch Council before the expiration of that member's period of office.

### ~~22-23~~ - SPECIAL GENERAL MEETINGS

~~23~~22.1 Special General Meetings shall be convened:

- (a) whenever it is considered necessary by the Branch Council, or
- (b) on the receipt by the Branch Council of a requisition in writing stating the objects and signed by not less than one hundred (100) members of the Branch;
- (c) by the Branch Secretary in the event only of there being no quorum of the Branch Council competent to vote at a Branch Council meeting held for the purpose of considering the circumstances as set forth by paragraphs (a) and (b) above.

Upon receipt of such requisition a special general meeting shall forthwith be convened by the Branch Secretary to be held within 28 days from the receipt of such requisition, but if same be not convened within 14 days from the date of receipt the requisitioners may themselves convene a meeting.

~~22~~23.2 No business shall be transacted at a Special General Meeting other than that stated in the notice convening the meeting, and no motion considered, or other business transacted, at any meeting which is not included within the objects and purposes for which the meeting is convened and no amendments shall be allowed upon any motion contained in the notice convening any meeting not directly pertinent thereto.

~~22~~23.3 Whenever a special general meeting shall lapse for the want of a quorum or by the resolution of the members present be adjourned to a future day, notice thereof shall be given by circular or advertisement as determined by the chairperson of the meeting.

~~22~~23.4 If, within quarter of an hour from the time appointed for the meeting a quorum of members be not present, the meeting if convened upon the requisition of members, shall be dissolved; in any other case, it shall stand adjourned to a date within 14 days thereafter; and if at such adjourned meeting a quorum of members be not present, it shall be adjourned sine die.

~~22~~23.5 The provisions of Rule ~~24~~22, paragraphs ~~22~~24.2, ~~22~~24.3, ~~22~~24.6, ~~22~~24.8 and ~~22~~24.10 shall also apply to Special General Meetings.

~~22~~23.6 Any resolution carried at a Special General Meeting may, if the Branch Council so decide, be referred for determination by a referendum of all the financial members of the Branch.

~~22~~23.7 The result of the ballot, or where no ballot is to be conducted, any resolution carried at a Special General Meeting, shall be binding on the Branch Council.

### ~~23-24~~ - INDUSTRIAL MEETINGS

~~23~~24.1 Industrial Meetings of the whole Branch membership or any part thereof may be called by the Branch Secretary to consider a report on any matter of importance.

~~23~~24.2 Resolutions passed at an Industrial Meeting adopting a position on an industrial matter stated in the notice convening the meeting shall be binding on all members addressed by the notice.

2324.3 All resolutions carried at an Industrial Meeting shall be reported to the Branch Council at its next meeting.

## **24-25 - REFERENDUM**

2425.1 A referendum to obtain the view of all financial members of the Branch on any question governing the affairs of the Branch may be initiated by:

- (a) A resolution of the Branch Council
- (b) A resolution of an Annual General meeting or Special General Meeting to refer a motion before it to a referendum
- (c) A requisition signed in writing by twenty (20) percent of the financial members of the Branch

2425.2 A requisition calling for a referendum shall be in the form of an affirmative question and shall be accompanied by an objective statement of the facts and arguments in support of the question and shall be submitted to the next meeting of the Branch Council who shall :

- (a) agree to the question, in which case the decision shall be implemented immediately, or
- (b) not agree to the question, in which case it shall thereupon be referred to a referendum of financial members accompanied by the statement provided by the requisitioners in support, provided that the Branch Council may determine that several referenda shall be conducted by a single ballot of financial members.

2425.3 The arrangements for the taking of a referendum shall be made by the Branch Executive who shall :

- (a) appoint for the conduct of the referendum a Returning Officer and such Assistant Returning Officers and Scrutineers as it deems necessary
- (b) prepare material to accompany the question, which in the case of a referendum not agreed to by the Branch Council shall include an objective statement of the arguments against the question.

2425.4 The Returning Officer shall :

- (a) issue a ballot paper, and accompanying material to each financial member of the Branch
- (b) supervise the counting of the returns
- (c) declare the final result of the ballot as a whole in writing to the Branch Secretary

2425.5 Any question put pursuant to any provision of this Rule shall be determined by a simple majority.

2425.6 When a question is carried in the affirmative by a referendum it shall be put into effect forthwith.

2425.7 No question substantially the same in substance or effect, shall be resubmitted to referendum within a period of two years from the declaration of a ballot, provided that this provision shall not preclude the Branch Council from submitting any question to referendum at any time.

---

## **25-26 - DUTIES OF MEMBERS**

- 265.1** Every person applying for membership in so doing agrees to be bound to comply with the rules for so long as they are a member and undertakes to work for the interests of the union and its members collectively and within the democratic structures provided.
- 265.2** Decisions of meetings of members, Branch Council and other bodies, called and conducted in accordance with these rules are binding on members. This does not prejudice the right of members to seek to vary such decisions within the framework of the union and its rules.

## **26-27 - DUTIES OF BRANCH OFFICERS**

- 276.1** The Branch President shall :
- (a) preside at all meetings of Branch Council, Branch Executive and any meetings in the Branch that they attend, and sign the minutes thereof;
  - (b) enforce the rules, Union and Branch policies and standing orders, and have control of meetings at which he or she presides, and shall use all necessary power to secure and enforce order and expedition in the conduct of the business and good order of the members thereat.
  - (c) in consultation with the Branch Secretary determine the date time and place of meetings of Branch Council and Branch Executive whenever such date time and place has not been determined by Branch Council or Branch Executive;
  - (d) exercise a deliberative vote if he or she so desires at meetings of Branch Council and Branch Executive;
  - (e) ensure as far as possible that the rules of the Branch are performed and observed by officers and members of the Branch;
  - (f) request and receive an explanation from any officer or member of the Branch in any case where the Branch President believes that the rules of the Branch have not been performed or observed and report thereon to Branch Executive and Branch Council;
  - (g) generally act to safeguard the reputation, unity, autonomy and property of the Branch.
  - (h) be an ex-officio member of all committees of the Branch.
  - (i) act in conjunction with the Branch Secretary and at least two other members of the Branch Executive in all matters of urgency.
- 2627.2** The Branch Vice-Presidents shall :
- (a) assist the Branch President in the performance of the duties of the Branch President.
  - (b) in the absence of the Branch President, or whenever the Branch President requests, or Branch Council or Branch Executive instructs, shall perform the duties of the Branch President or such of those duties as may be specified in each request or instruction.
  - (c) in the absence of the Branch Treasurer, or whenever Branch Council or Branch Executive instructs, shall perform the duties of the Branch Treasurer or such of those duties as may be specified in each request or instruction.

- 
- (d) The allocation of such duties between the Vice-Presidents shall be by rotation or by mutual agreement as the case may be.
  - (e) attend all meetings of the Branch Council and Branch Executive.

2627.3 The Branch Treasurer shall :

- (a) furnish to the Branch Council at each ordinary monthly meeting a statement showing the financial position of the Branch
- (b) present to the Branch Council such reports as may have been supplied by the Auditors.
- (c) in the absence of the Branch President and the Branch Vice- Presidents, or whenever the Branch President requests, or Branch Council or Branch Executive instructs, shall perform the duties of the Branch President or such of those duties as may be specified in each request or instruction.
- (d) attend all meetings of the Branch Council and Branch Executive.

2627.4 The Branch Secretary shall :

- (a) be the executive officer of the Branch, and subject to Rule 7, shall be responsible for the administration of the Branch, the management of the Branch Office and the direction of the employees of the Branch including the Branch Assistant Secretary.
- (b) attend all General Meetings and meetings of the Branch Council or Branch Executive.
- (c) attend to and keep a copy of all correspondence.
- (d) keep minutes of all meetings and record business transacted by the Branch. Circulate such minutes in draft where required and present a true copy of minutes at a subsequent meeting of the same body
- (e) convene all General Meetings and summon members of the Branch Council and Branch Executive to all meetings.
- (f) keep a register of all members of the Branch.
- (g) conform to all the requirements of the Commonwealth and State legislation required to be observed by the Branch.
- (h) keep proper books of account of the Branch and see to the preparation of an annual balance sheet and statement of receipts and payments and income and expenditure disclosing the true financial position of the Branch and submit same together with all books and vouchers or records required for audit to the Branch and in particular:
  - (i) be accountable for all monies received by the Branch;
  - (ii) ensure prompt payment of Branch monies into the appropriate bank account of the Branch;
  - (iii) be accountable for all monies expended from Branch funds;
  - (iv) ensure cheques drawn upon the Branch fund in payment of accounts are correct to be paid and that all cheques are countersigned;
  - (v) not make any disbursement directly out of monies received before being banked;



- 
- (vi) produce any books and records for inspection at all reasonable times when demanded by the Branch Council;
  - (vii) produce any financial records for inspection when demanded by the Auditor or Branch Treasurer.
  - (i) discharge all such other duties and services as may be assigned by the Branch Council or Branch Executive.
  - (j) not pay lend or otherwise appropriate any of the funds of the Branch for any cause or purpose whatsoever unless so authorised by the Branch Council.
  - (k) not make any disbursement directly out of monies received before being paid into the bank.
  - (l) be an ex-officio member of all committees of the Branch
  - (m) act in conjunction with the Branch President and at least two other members of the Branch Executive in all matters of urgency .

2627.5 The Branch Assistant Secretary shall :

- (a) assist the Branch Secretary in the performance of the duties of the Branch Secretary
- (b) in the absence of the Branch Secretary, or whenever the Branch Secretary requests, or Branch Council or Branch Executive instructs, shall perform the duties of the Branch Secretary or such of those duties as may be specified in each request or instruction.
- (c) attend all meetings of the Branch Council and Branch Executive.

2627.6 The Branch Executive Councillors shall attend all meetings of the Branch Council and Branch Executive.

2627.7 Where a Branch Officer is unable to perform a duty of office:

- (a) in the case of an honorary Branch Officer, the Branch Executive may authorise another Branch Officer or member of Branch Council to perform that duty,
- (b) in the case of a full time Branch Officer, the Branch Executive, upon recommendation of the Branch Secretary, may authorise a member of staff eligible to hold that office to perform that duty.
- (c) a notice signed by a majority of the Branch Council or majority of the Branch Executive may set the date time and place of a meeting of Branch Council or Branch Executive.

## **27-28 - DUTIES OF BRANCH COUNCILLORS**

Branch Councillors shall :

2728.1 distribute Branch Council agendas, minutes and other reports to members of the EDC.

2728.2 promote knowledge and an understanding of Federation policies and activities.

2728.3 advise the Branch Council and Branch staff of the views of the members in the electorate and any important issues or changes in the electorate.



- 
- [2728.4](#) together with the EDC, make representations to management and take action in accordance with these rules and Branch policy to resolve matters affecting members in the electorate only.
  - [2728.5](#) refer unresolved electorate matters, or matters affecting members outside the councillor's own electorate, to Branch industrial staff and/or to the Branch Council.
  - [2728.6](#) advise members of their industrial entitlements.
  - [2728.7](#) protect the working conditions and award rights of members in the electorate.
  - [2728.8](#) strengthen union organisation in the electorate by recruiting potential members, and informing members about actions taken on their behalf.
  - [2728.9](#) attend all meetings of the EDC.
  - [2728.10](#) attend all meetings of the Branch Council.

### **28-29 - DUTIES OF WORKPLACE DELEGATES**

Workplace Delegates shall :

- [2829.1](#) distribute written material authorised by the Union to members in the workplace.
- [2829.2](#) promote knowledge and an understanding of Union policies and activities.
- [2829.3](#) advise the EDC and Branch staff of the views of the members in the workplace and any important issues or changes in the workplace.
- [2829.4](#) hold meetings of members in the workplace to discuss matters of common interest or concern.
- [2829.5](#) make representations to management and take action in accordance with these rules and Branch policy to resolve matters affecting members in the workplace only.
- [2829.6](#) refer unresolved workplace matters, or matters affecting members outside the delegate's own workplace, to Branch industrial staff and/or to the EDC, who may in turn refer the matter to the Branch Council via the Electorate's Branch Councillor.
- [2829.7](#) advise members of their industrial entitlements.
- [2829.8](#) endeavour to protect the working conditions and award rights of members in the workplace.
- [2829.9](#) strengthen union organisation in the workplace by recruiting potential members, and informing members about actions taken on their behalf.
- [2829.10](#) advise of changes of membership in the workplace.
- [2829.11](#) attend all meetings of the EDC

### **3029 - DIRECTION OF WORKPLACE DELEGATES AND BRANCH COUNCILLORS**

- [2930.1](#) For the purposes of these Rules it shall be a breach of these Rules and of a delegate's or councillor's duty thereunder to vote or exercise the function of a Workplace Delegate or Branch Councillor in a manner which is contrary to a direction by the workplace or electorate which the delegate or councillor represents; and

**2930.2** For the purposes of this Rule a direction of a workplace means a direction by resolution of any workplace meeting which clearly and expressly sets out the attitude of the workplace to an explicit proposal or course of action referred to in the resolution, or of reasonably close similarity to such a proposal or course of action. Any such direction shall have no effect unless communicated to the Workplace Delegate concerned prior to the transaction of the business which is the subject of direction.

**2930.3** For the purposes of this Rule a direction of an electorate means a direction by resolution of any electorate meeting or EDC meeting which clearly and expressly sets out the attitude of the electorate or EDC to an explicit proposal or course of action referred to in the resolution, or of reasonably close similarity to such a proposal or course of action.

Any such direction shall have no effect unless communicated to the Branch Councillor concerned prior to the transaction of the business which is the subject of direction.

### **30-31 - MISCONDUCT**

**3031.1** A member of the Branch may be charged for :

- (a) misappropriation of the funds of the Union
- (b) a substantial breach of the rules or duties of members
- (c) fraudulent, dishonest, disgraceful or other conduct deemed to injure the Union or to bring it into discredit
- (d) failing to declare a pecuniary or other conflict of interest
- (e) gross neglect of duty.

**3031.2** Charges may be laid by :

- (a) a member of the Branch
- (b) the Branch Council or Branch Executive
- (c) a Branch Officer

**3031.3** Charges shall be delivered to the Branch Secretary in writing and signed by the person laying the charge, detailing :

- (a) clearly and specifically the alleged misconduct
- (b) persons involved
- (c) witnesses
- (d) the date or dates of the occurrence of the offence
- (e) particulars of alleged facts on which the charge is based

**310.4** As soon as a charge is laid under this rule, no discussion of the matter shall take place at any Branch meeting held under these rules until such time as the charge is finally dealt with.

---

319.5 The Branch Secretary shall :

- (a) within 7 days forward a copy to the member charged along with a written request for the member to reply in writing within 7 days of receipt, admitting or denying the charge or to make any comment thereon
- (b) following receipt of the reply, or the expiry of the time to reply, place the charge and any response before the Branch Executive
- (c) offer the member the option to appear before Branch Executive to respond to the charge.

301.6 The Branch Executive shall determine:

- (a) that the charge does not warrant further action, or
- (b) that the member be summoned to appear before the Branch Council to answer the charge.

3031.7 Branch Council, if the member does not appear, or if dissatisfied with the members explanation, may subject to the rights of officers under Chapter C of the Federal rules:

- (a) expel the member, subject to revision at the next ensuing General Meeting of the Branch
- (b) suspend the member for a certain time
- (c) inflict such fine not exceeding \$100.00 as may seem to meet the merits of the case
- (d) censure the member.

3031.8 No member who has been expelled shall be re-admitted without the prior consent of Branch Council, and such consent shall be subject to confirmation at the next General Meeting of the Branch.

### **31-32 - CENSURE MOTIONS**

3432.1 A motion of 'no confidence', reprimand, or other form of censure of a Branch Officer or Branch Councillor may be moved at a meeting of Branch Council provided that:

- (a) notice of such motion was given at a previous meeting.
- (b) notice of intention, including the substantial details of the allegation, are given in writing to the officer at least 21 days prior to the meeting.
- (c) the officer is given adequate time and opportunity to reply to the allegation at the meeting.

3432.2 A motion of 'no confidence', reprimand, or other form of censure of a Branch Councillor may be moved at a meeting of the members or of the EDC of the Electorate which the Branch Councillor represents provided that:

- (a) notice of such meeting, including the motion is given to all members or delegates eligible to vote at least 21 days prior to the meeting.
- (b) notice of intention, including the substantial details of the allegation, are given in writing to the officer at least 21 days prior to the meeting.
- (c) the officer is given adequate time and opportunity to reply to the allegation at the meeting.

~~31~~32.3 A motion of 'no confidence', reprimand, or other form of censure of a Workplace Delegate may be moved at a meeting of the members of the workplace which the delegate represents or at a meeting of the EDC provided that:

- (a) notice of such meeting, including the motion is given to all members or delegates eligible to vote at least 21 days prior to the meeting.
- (b) notice of intention, including the substantial details of the allegation, are given in writing to the officer at least 21 days prior to the meeting.
- (c) the officer is given adequate time and opportunity to reply to the allegation at the meeting.

~~31~~32.4 A motion of 'no confidence' shall be carried if two-thirds of those present and entitled to vote, vote in favour.

### ~~32~~33- EXECUTION OF AGREEMENTS AND DOCUMENTS

~~32~~33.1 Agreements and documents may be executed on behalf of the Branch by the Branch Secretary whose signature shall be attested to by one other member of the Branch Executive and any such document so executed shall be and be deemed to be executed on behalf of the Branch and with its authority.

~~32~~33.2 Documents required to be executed in accordance with provisions of federal or state industrial legislation shall be executed by the Branch Secretary or by any person delegated for the purpose by the Branch Secretary unless otherwise specified by the relevant Act.

### ~~33~~34 - ELECTIONS

~~33~~34.1 Every election required by these rules shall be conducted in accordance with Chapter C the Federal Rules and by the proportional preferential voting system as defined in the schedule to Chapter C of the Federal Rules.

~~33~~34.2 The Branch Secretary and Branch Assistant Secretary shall be elected by secret postal ballot of the whole of the financial membership of the Branch for a term of four (4) years and shall be full-time paid officers of the Branch. The persons eligible to accept nomination shall be:

- (a) All financial members of the Branch
- (b) Any employee of the SPSF Group.

~~33~~34.3 The Branch Council shall determine the salary and conditions packages for the full-time offices of Branch Secretary and Branch Assistant Secretary prior to the call of nominations in the year of election. The salary and conditions packages shall:

- (a) take effect from the declaration of the election and shall not be increased or improved for a period of two (2) years from the declaration.
- (b) be notified to the members of the Branch prior to the call of nominations by such means as the Branch Council determines.
- (c) not be varied without the consent of the persons occupying the offices for the term of the office.

~~3334.4~~ The Branch President, Branch Vice-Presidents and Branch Treasurer shall be elected by secret postal ballot of the whole of the financial membership of the Branch for a term of four (4) years. The persons eligible to accept nomination shall be all financial members of the Branch.

~~3334.5~~ A person holding the office of Branch President, Branch Vice-President, Branch Treasurer or Executive Councillor shall not be an employee of the Branch.

~~3334.6~~ ~~As from 2012, T~~the six Executive Councillors shall be elected by secret ballot by and from the members of the Branch Council for a term of four (4) years. The persons eligible to accept nomination shall be the members of the Branch Council and the election shall be conducted in accordance with Part3C Collegiate Elections of Chapter C of the CPSU, the Community and Public Sector Union; SPSF Group Rules, as it applies to the election of Branch Executive Councillors, with the necessary changes being made.

~~33.7 Pursuant to section 145 of Schedule 1 of the Workplace Relations Act 1996 the terms of office for the Branch President, Branch Secretary and Branch Assistant Secretary which were due to expire in 2007 are extended until 2008 for the purposes of synchronising the election of these offices with the elections for the offices of Branch Vice Presidents and Branch Treasurer, which are due in 2008. New terms for the Branch President, Branch Secretary and Branch Assistant Secretary under this rule must then take effect no later than 1 May 2008.~~

### **34-35 - BRANCH ASSOCIATES**

~~3435.1~~ Persons who are not eligible for membership of the SPSF Group may become a Branch Associate where they are:

- (a) retired persons who prior to retirement were members of the SPSF Group
- (b) widows or widowers of persons who prior to retirement or death were members of the SPSF Group or Associates of the Branch
- (c) trainee or cadet officers
- (d) students attending any recognised university or other tertiary institution and engaged in a course of study which would, upon its successful completion, render the student suitable for employment in any of the professions, callings or avocations followed by members of the SPSF Group
- (e) former members absent from the workforce for reasons of family responsibilities
- (f) employees of the SPSF Group working under the direction of the Branch.

~~3435.2~~ Branch Council shall have power to:

- (a) fix and collect enrolment fees and subscriptions for Associates of the Branch;
- (b) determine the conditions under which a person shall cease to be an Associate of the Branch;
- (c) organise groups and committees of Associates, and provide administrative and financial support for their activities;
- (d) provide for the participation of Associates in Provident or welfare Funds or other activities of or supported by the Branch;

- 
- (e) provide for the participation in activities of Associates (including groups or committees) of financial members of the SPSF Group who are also persons of a class eligible to be Associates.

~~34~~35.3 Enrolment as an Associate of a Branch shall not entitle a person to any of the rights of membership.

### ~~35~~36 - STANDING ORDERS

Branch Council shall adopt Standing Orders governing the conduct of all meetings in the Branch.

### ~~36-37~~ — ~~PROXY BRANCH COUNCILLOR - TRANSITION RULE~~TRANSITIONAL PROVISIONS

~~These Rules shall come into effect upon their registration, provided that the Branch Officers and Branch Councillors elected in 1992 shall continue to hold office in accordance with the previous Branch Rules until the 1993 elections for Branch Officers, Branch Councillors and Workplace Delegates.~~

Any Proxy Branch Councillor declared to hold that office at the 2021 elections will continue to hold that office and to perform the duties, and exercise the powers of, a Branch Councillor in the absence, unavailability or following the vacancy of the Branch Councillor position until the expiration of the term.

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