[105N-ATAI: Incorporates alterations of 6 June 2024 [R2024/44]]

(replaces rulebook dated 24 December 2021 [R2021/203])

I CERTIFY under section 161 of the *Fair Work (Registered Organisations) Act 2009* that the pages herein numbered 1 to 64 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Maritime, Mining and Energy Union, The Manufacturing Division.

DELEGATE OF THE GENERAL MANAGER

FAIR WORK COMMISSION

Rules of the CFMMEU, The Manufacturing Division

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## 

## THE MANUFACTURING DIVISION RULES

## 1 - NAME

The name of the Division shall be “The Manufacturing Division”.

## 2 - ELIGIBILITY FOR DIVISION

Every member who is a member of the union by virtue of Rule 2 Sub-Rule (C), (F) and (R) of the National Rules shall belong to this Division.

## 3 - SIGNING OF DOCUMENTATION

Any document required or permitted by the *Fair Work Act 2009* or the *Fair Work (Registered Organisations) Act 2009* or any document required to be executed on behalf of the Division shall be signed by the Divisional Secretary or, in the absence of the Divisional Secretary, either the Divisional President or Divisional Senior Assistant Secretary, the TCF National Secretary, or such other Divisional Officer as authorised by the Divisional Executive.

## 4 - DEFINITIONS

Unless the context otherwise indicates, in these Rules:

“**DISTRICT**”means a District of the Division set up in accordance with the National and Manufacturing Division Rules and is synonymous with the use of ‘Divisional Branch’ in the National Rules.

“**DISTRICT MANAGEMENT COMMITTEE**” means a committee of management governing a District of the Division and is synonymous with the use of ‘Divisional Branch Management Committee’ in the National Rules.

“**DIVISIONAL OFFICERS**” means the Divisional Secretary, the Divisional President, the Divisional Senior Assistant Secretary, the TCF National Secretary, the Senior Vice President (TCF), the Divisional Assistant Secretary, and the Divisional Assistant Secretary (PPW).

“**FINANCIAL** **MEMBER**” shall mean any member of the Manufacturing Division who has paid all subscriptions, fines, levies and dues in accordance with Rule 6 of the Manufacturing Division Rules.

"**MEMBER**" shall mean a member of the Manufacturing Division and membership shall have a corresponding meaning.

“**OFFICE**” has the same meaning as defined by section 9 of the *Fair Work (Registered Organisations) Act 2009*.

“**OFFICER**” has the same meaning as defined by section 6 of the *Fair Work (Registered Organisations) Act 2009*.

"**PREFERENTIAL VOTING**" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the member votes as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the members preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast the candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes then the candidate shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

“**TCF AMALGAMATION RULES**” means the amendments to the rules of the Division in order to put into effect the amalgamation of the Union with the TCFUA.

“**TCF SECTOR**” means the members of the Union and the Division eligible in accordance with National Rule 2 (R) and Rule 3 (K).

“**TCF SECTOR COUNCIL**” means the body constituted pursuant to Rule 9 A of the TCF Amalgamation Rules.

“**TCF AMALGAMATION DAY**” means the day fixed by the Fair Work Commission for the amalgamation between the Union and the TCFUA to take effect.

“**TCFUA**” means the Textile, Clothing and Footwear Union of Australia, a registered organisation of employees.

“**THE 2008 RULE CHANGES**” shall mean the amendments made to the Rules of the Division in 2008 providing for the substantial restructure of the Division.

“**THE 2012 RULE CHANGES**” shall mean the amendments made to the Rules of the Division in 2012 providing for the substantial restructure of the Division.

## 

## 5 - MEMBERSHIP

(i) A candidate for membership of the Division may make application to the Divisional Secretary or the District Secretary covering the area in which the candidate resides or is employed and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the Manufacturing Division Rules.

(ii) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Divisional Executive may require, and shall, when requested, fill in and sign such application form as may be provided.

(iii) An application for membership of the Division may be referred by the Secretary of the relevant District to the Divisional Executive for consideration or decision. Where in any case the admission to membership of any person applying is rejected such person shall have the right to appeal to the Divisional Conference the decision of which shall be final.

The Divisional Conference shall decide the appeal at a meeting specially conducted for that purpose and the appellant shall have the right to attend the meeting and state a case on the appeal.

(iv) All members shall be deemed to be attached to the District covering the locality in which the member resides, except:

(a) where the member is eligible for membership of the Division pursuant to Sub Rule 2 (C) of National Rule 2 Constitution to the PPW District; and

(b) members in the TCF Sector who reside in Queensland, who shall be deemed to be attached to the NSW District.

## 6 - ENTRANCE FEES AND CONTRIBUTIONS

(i) Applicants for membership of the Division shall pay on application an entrance fee in accordance with these rules. Such entrance fee if applicable shall not exceed $300.00. The payment of the entrance fee shall not be a condition precedent to any person being constituted a member under these rules.

(ii) The contribution payable by each member shall be fixed by the Divisional Executive subject to the processes provided for in Rule 14.

(iii) The Divisional Executive may if, in its opinion it is desirable or necessary for financial or any other reason that the aforesaid entrance fees or contributions should be altered, waived or suspended, make such decision as it deems desirable or necessary, and the altered, waived or suspended entrance fee and/or contribution payable shall be applicable to the member(s), group or class of members concerned.

(iv) Members must pay any entrance fee, contribution, levy and fine imposed in accordance with these rules, subject to any decisions made by the Divisional Executive in accordance with Rule 6 (iii) or Rule 28. A member will be deemed to be unfinancial if any such payment is not made within three months of becoming payable in accordance with these rules.

(v) An unfinancial member will not be eligible to receive any benefits, participate in any deliberations, propose or second any new applicant member for admission, or exercise any authority or any membership rights.

(vi) A member shall be deemed to be financial immediately upon payment of all arrears outstanding.

(vii) Contributions shall be paid to and collected by the Divisional Secretary, or an authorised agent of the Division.

(viii) The Divisional Executive may fix a special or different rate of contribution and/or entrance fee for any class of members within the Division.

Any decision made by the Divisional Executive in accordance with this rule must not discriminate between members on the basis of race, colour, sex, sexual orientation, age, physical or mental disability, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin.

(ix) A member shall, when applying for membership be informed of the financial obligations arising from membership and the circumstances, and the manner, in which a member may resign from the organisation and shall be informed of such in writing.

## 7 - DELETED

## 8 - SUPREME GOVERNING BODY OF THE DIVISION

(i) The supreme governing body of the Division shall be the Divisional Conference which shall meet at least every two (2) years.

(ii) The Divisional Conference shall consist of the following:

(a) the Divisional Officers of the Division; and

(b) delegations from each District calculated in accordance with (iii) hereof.

(iii) Each District shall be entitled to two (2) representatives up to 500 members, one (1) additional representative between 500 members and 1,000 members and one representative for each additional 1,000 members, based, on the aggregate income received by the Division in relation to members of that District (Union contributions only) divided by the amount of the yearly contribution fixed by the Rules from time to time, for the financial year ending on the 31st December in the year preceding the quadrennial election of representatives to act as its representatives at the Divisional Conference.

The number of representatives to which each District is entitled shall remain unaltered throughout the period between the quadrennial elections provided that prior to each Divisional Conference meeting the Divisional Executive may review the delegations to Divisional Conference in the event that as a result of growth or decline in membership the formula set out in this sub rule should be adjusted.

Provided further that the delegation from each District will include ex officio: the District Secretaries of each District and the District Secretaries will be counted as representatives in calculating the entitlement of each District in accordance with this sub clause.

(iv) Representatives of the District other than those ex officio representatives as provided for in sub-rule (iii) hereof shall be elected by secret postal ballot of all members of the District eligible to vote every four (4) years in accordance with the provisions of Rule 32 of these Rules.

(v) In the event of a circumstance leading to a casual vacancy in a position of a Divisional Conference Delegate that vacancy shall be filled in accordance with the provisions of Rule 33.

(vi) Districts, may where elected delegates to Divisional Conference agree, arrange multiple voting representation at a Divisional Conference by notifying the Divisional Secretary prior to the beginning of the Divisional Conference of the number of delegates to be credentialed and of the arrangements for proxy voting to be adopted by that/those delegate/s to Divisional Conference.

(vii) Where one or more representatives of a District is or are unable to attend a meeting of the Divisional Conference the District Management Committee of that District may itself select a proxy representative or representatives to act on its behalf at that meeting. Such representative or representatives shall vote in accordance with the instructions of the District Management Committee of the District.

(viii) The method of calling nominations and the election of District delegates to Divisional Conference shall be under the provisions of Rule 32 of these Rules.

(ix) A majority of delegates eligible to attend the Divisional Conference shall form a quorum.

(x) All duly approved expenses of representatives to Divisional Conference shall be borne by the Division.

(xi) No alteration of the personnel of the representatives at a meeting of the Divisional Conference shall be permitted after the credentials of the representatives have been received and accepted by the Divisional Conference, unless such alteration is rendered necessary by death or serious illness.

(xii) The Divisional Conference shall have power:

(a) To take such steps, subject to the rules of the Union, as it shall think fit to carry out all or any of the objects of the Union as they relate to the Division and to raise or spend such funds as are necessary to carry out the objects.

(b) To decide the general policy of the Division and to take steps to enforce the carrying out of such policy.

(c) Subject to any other rule to impose penalties, (i.e. fines not exceeding the sum of $100, suspension, expulsion or dismissal from office), on officers, members, representatives, committee members, organisers or delegates of the Division, for knowingly refusing to comply with the rules of the Union or decisions of the Divisional Conference, Divisional Executive, District Management Committee or the PPW District sub-branch Management Committee relevant to such person.

Provided that a copy of the rules, the decisions of Divisional Conference, Divisional Executive or of the District Management Committee to which a member is attached are available to members at each District Office.

No penalty shall be imposed unless -

(i) The officer, member, representative, committee member, organiser or delegate concerned has been summoned to attend the meeting at least seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the charge(s) and/or offence and/or allegation to enable a reply;

(iii) The officer, member, representative, committee member, organiser or delegate concerned has been afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

A period of suspension imposed under this rule shall not exceed six (6) months.

(d) To hear and decide any appeal on an issue concerned solely with a matter affecting this Division, from a District or Sub-Branch or member. Any appeal from a member must be forwarded through the District. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

Provided that in the case of an appeal from a District of the Union, the District shall have the right to appeal any decision of the Divisional Conference or Divisional Executive to the National Executive.

(e) To settle disputes between District. Any District concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with and decide any matter submitted to it by any District of the Division or Divisional Executive.

(g) To confirm, over-rule or otherwise deal with decisions of the Divisional Executive, Districts or PPW Sub Branches of this Division.

(h) To hear and decide any appeal from the Divisional Executive. Reasonable notice of the time of the place of the hearing of such appeal shall be given to all parties involved, who shall be given an opportunity of being heard and/or placing submissions before the Divisional Conference.

(i) To establish new Districts and amalgamate existing Districts, to close or disband Districts in accordance with these Rules (provided that the Divisional Conference shall not exercise any such power affecting the PPW District without its consent), and generally to control Districts and the members thereof.

(j) When establishing a new District, the Divisional Conference shall have power to make rules providing for the admission of members of that new District, the establishment of a Management Committee of that new District, the election of officers of that new District and all such matters as may be necessary.

(k) To make, alter and rescind rules of this Division.

(l) To deal with any District not working in conformity with the Rules and policy of the Union.

(m) To appoint and remove organisers.

(n) To vote moneys and pass accounts.

(o) To fix salaries and allowances for all Officers and employees of the Division and of all Conference delegates and representatives.

(p) To appoint a Returning Officer, who shall conduct any plebiscite upon any question submitted to the whole of the membership for determination, and who shall have power to appoint Deputy Returning Officers.

(q) To elect, appoint and remove officers and members of the Divisional Executive of the Union.

(r) To establish any special fund to achieve any of the objects of the Union.

(s) To select persons as delegates to represent the Union at meetings, committees or to affiliated organisations.

(xiii) The business to be dealt with by Divisional Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by the Divisional Conference in session. Any matter appearing on the agenda paper may be amended by Divisional Conference.

(xiv) Notice of every Divisional Conference, together with a copy of the agenda paper, shall be posted and/or sent via email by the Divisional Secretary to each District Secretary at least one (1) week before the date of such meeting but no failure to notify will of itself vitiate a meeting. Notice shall also be posted and/or sent via email to all delegates so as to give them at least the notice provided for herein.

(xv) A copy of the minutes containing all decisions and business of the Divisional Conference shall be forwarded to each and District Secretary within one month of the conclusion of each Divisional Conference. Any member of the division may, upon request to the District Secretary, inspect a copy of the minutes of each Divisional Conference at the District Office during the ordinary hours in which the District Office is open.

(xvi) The Divisional Secretary on receipt of resolutions from a majority of Districts or on receipt of a petition signed by not less than 10 percent of the financial members of the Division calling for a Special Divisional Conference shall call such Divisional Conference within thirty (30) days. Members of Divisional Conference shall be given seven (7) days' notice if practicable. Notice shall be given by telephone, letter, facsimile, email, telegram or telex and/or any other form of communications.

The Divisional Secretary may at any time thought fit by the Divisional Secretary conduct a postal, telephonic, telegraphic, facsimile, email and/or any other form of vote of members of Divisional Conference to obtain a decision on any matter.

(xvii) All meetings of the Divisional Conference shall be held at such time and place as the Conference shall from time to time determine, and in case of default, or of special meetings, as the Divisional Executive shall determine.

(xviii) A loan, grant or donation of an amount exceeding $1,000 shall not be made by this Division unless the Divisional Conference -

(i) has satisfied itself -

(a) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(b) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(ii) has approved the making of the loan, grant or donation.

## 9 - DIVISIONAL EXECUTIVE

i). The Divisional Executive shall consist of the following:

* + - Divisional Secretary;
    - Divisional President;
    - TCF National Secretary;
    - Divisional Senior Assistant Secretary;
    - Divisional Assistant Secretary;
    - Divisional Assistant Secretary (PPW) (held by the PPW District Secretary);
    - Divisional Senior Vice President (TCF);
    - Two Divisional Vice Presidents; and
    - No less than 10 and no more than 12 additional Divisional Executive Members, four of whom shall be women.

The number of additional Divisional Executive members in excess of 10 (if any) shall be determined by the Divisional Conference prior to the calling of nominations and they shall be elected by the conference from the conference delegates other than the Divisional Officers.

If the PPW District Secretary is elected to the position of Divisional President, then the Divisional Assistant Secretary (PPW) position ceases to exist. If the PPW District Secretary vacates the position of Divisional President then the Divisional Assistant Secretary (PPW) position is re-established.

ii). Except for the filling of extraordinary vacancies the Divisional Vice Presidents and the Divisional Executive members other than the Senior Vice President (TCF) shall be elected by and from the Divisional Conference. The Divisional Senior Vice President (TCF) shall be elected by the Divisional Conference from the Divisional Conference Delegates representing the TCF Sector. These officers and Divisional Executive Members shall be elected every four years and shall hold office until their successors are elected.

iii). Preceding such conferences the Divisional Executive shall appoint a Divisional Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the Union. Such Divisional Returning Officer shall have the conduct of the election of the Divisional Executive members and the Divisional Senior Vice President (TCF) and the Divisional Vice Presidents in accordance with these Rules.

iv). Nominations unless otherwise determined by the Divisional Executive shall be called for on the second day of the Divisional Conference. Where practicable the ballot shall be conducted on that day. The Divisional Returning Officer shall call for nominations for all positions at the one time.

Nominations shall be made in writing by any member to Divisional Conference and submitted in accordance with these rules, by any delegate to Divisional Conference and such nominations must be agreed to by the candidate in writing.

The Divisional Returning Officer shall have the power in accordance with these rules to accept or reject such nominations, provided that if the Returning Officer rejects any nominations the following provisions shall have effect -

(a) The Divisional Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Divisional Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity if possible, of remedying the defect.

v). The ballot for the Divisional Senior Vice President (TCF) and the two other Divisional Vice Presidents shall be dealt with and completed. The ballot for the Divisional Executive members shall be dealt with and completed.

vi). If the nominations are equal to the number of positions to be filled the Divisional Returning Officer shall forthwith declare to the Divisional Executive that such candidates are elected. An officer shall not hold more than one position on the Divisional Executive.

vii). If there are more candidates than the number required for filling the office/s the Divisional Returning Officer shall prepare voting papers and conduct the ballot.

viii). The election shall be by secret ballot and any candidate may appoint a Scrutineer by notification in writing to the Divisional Returning Officer prior to the commencement of the ballot whose duty it shall be to watch the interest of the candidate at all stages of the ballot. Such a scrutineer shall represent and may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present and shall do all things necessary to preserve the secrecy of the ballot and conduct themselves in a sober, proper and impartial manner and obey any directions given to them by the Divisional Returning Officer. If any scrutineer or scrutineers are not present at any stage or stages of the ballot the Divisional Returning Officer may proceed nonetheless.

ix). Any delegate to Divisional Conference who will not be present, either personally or by proxy, at the meeting at which an election is to be held, may lodge with the Divisional Returning Officer a request for an absentee vote together with an address where the delegate can receive communications and, if any delegate has done so, the Divisional Returning Officer shall not declare the result of the ballot until the Returning Officer has given such delegates a reasonable opportunity to vote.

x). The Divisional Returning Officer shall declare to Divisional Conference the result of the ballot as soon as the count is completed. In the event of a tie, the Divisional Returning Officer shall determine the result by declaring the candidate who currently holds the office being contested elected. Should no candidate hold the office which is being contested the Returning Officer shall determine the result by casting lots.

xi). Except insofar as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot shall be recognised as validly holding such office.

xii). A Divisional Executive member shall hold office until a successor is elected.

xiii). The Divisional Executive shall, have and may exercise, subject to the review of its actions by Divisional Conference, the care, control, powers, superintendence, management and administration in all respects of the affairs, business, Divisional funds and property of the Division and have and exercise all of the powers of the Divisional Conference, and, without limiting the generality of the foregoing it may -

(a) Interpret and enforce the general policy of the Division.

(b) Control and conduct the business and affairs of the Division.

(c) Appoint the editor of any Divisional journal and manage and control the policy of the journal.

(d) Hear and decide any appeal from any District or member. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.

(e) Settle disputes between Districts. Any District concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.

(f) To deal with any District not working in conformity with the Rules, Decisions and policy of the Division.

(g) To deal with and decide any matter submitted to it by any District of the Division.

(h) To confirm, over-rule or otherwise deal with decisions of the Districts of this Division.

(i) To make, alter and rescind any of the rules of this Division including any rules relating to Districts subject to Rule 16 of these Rules.

(j) To appoint and remove organisers or specialist officers.

(k) To select persons as delegates to represent the Division at meetings, committees or to affiliated organisations.

(l) To select persons as delegates to represent the Union at meetings, committees or to affiliated organisations.

(m) Expend such moneys by way of ordinary expenditure of the Division as may be necessary.

(n) Submit any matter to the members for decision by ballot.

(o) Ensure that officers, committee members, organisers, delegates or members of the Division and Districts and PPW Sub Branches comply with the rules, policies and decisions of the union and subject to Rule 11 impose penalties [i.e., fines not exceeding the sum of $100, suspension, expulsion or dismissal from office,] on officers, members, representatives, committee members or delegates of or to the Division for knowingly refusing to comply with the rules, policies or the decisions of the Divisional Executive. Provided that the rules, policies or the decisions of the Divisional Executive are available to members in the minutes of the Divisional Executive and the registered rules of the union and the Division are available at each District Office. No penalty shall be imposed unless -

(i) The officer, member, representative, committee member, organiser or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;

(ii) Particulars are given in the summons of the charge(s) and/or offence and/or allegation to enable a reply;

(iii) The officer, member, representative, committee member, organiser or delegate is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

(p) Take such action as may be necessary to secure the satisfactory working of any Districts of this Division, take such action as may be necessary to ensure the adherence to the rules of the Union and decisions and policies of the Divisional Conference and/or Divisional Executive by any District and, subject to Rule 11, suspend or dismiss all or any members holding positions in, or for, a District and the appointment of a member of the Divisional Executive or any other member or members of the Union to conduct the affairs of such District. Provided that an election or appointment shall be held within three (3) months therefrom.

Reasonable notice of the time and place of the meeting shall be given to the District and to all parties involved, who shall be given an opportunity of being heard before any action is taken.

(q) Control and supervise the work of the Divisional Officers.

(r) To establish new Districts and amalgamate existing Districts, to close or disband Districts in accordance with these Rules (provided that the Divisional Executive shall not exercise any such power affecting the PPW District without its consent), and generally to control Districts and the members thereof.

(s) To establish working parties and committees subject to the directions of the Divisional Executive.

xiv). All decisions of the Divisional Executive shall be made by a majority of the members present at the meeting unless otherwise provided by these Rules.

xv). The Divisional Executive shall meet at least three times in each calendar year. The members of the Divisional Executive may be summoned by the Divisional Secretary to a meeting to be held at such time and place as shall be decided by the Divisional Secretary, provided that a majority of the members of the Divisional Executive may demand a meeting of such Divisional Executive which shall be held at such time and place as stipulated by such members of the Divisional Executive. The quorum for any meeting shall be six. Notice of meetings may be given by letter, telegram, telex, facsimile, email or otherwise in writing, telephone or verbally, provided that in the latter two instances such is confirmed by letter, telegram, facsimile, email or other writing.

## 9A - TCF SECTOR COUNCIL

(i) The TCF Sector Council shall be constituted as follows:

(a) TCF National Secretary;

(b) Divisional Senior Vice President (TCF);

(c) the Secretary of any District:

(i) with 20% or more of its membership from the TCF Sector; or

(ii) containing 20% or more of the total membership of the TCF Sector,

based on the membership figures for the year immediately prior to the quadrennial elections; and

(d) At least four ordinary TCF Sector Council members, in addition to the positions set out at (a)-(c) above, including at least one from each of the Victorian District and the NSW District, to be determined in accordance with Sub Rule (vi) below.

(ii) The TCF Sector Council shall, subject to directions of the Divisional Executive and Divisional Conferences as otherwise provided for in these rules, have responsibility to oversee decisions concerning:

TCF Industry and Industrial policies

TCF and related industry awards, industrial instruments

TCF legal issues, campaigns, outwork and supply chain matters

TCF international matters, and

TCF Sector dues.

(iii) Divisional Executive will consult with the TCF Sector Council concerning any matters affecting members of the TCF Sector only.

(iv) Meetings of the TCF Sector Council shall be summoned by the TCF National Secretary, and the TCF National Secretary subject to the TCF Sector Council, Divisional Executive and Divisional Conference, will be the officer responsible for conducting the work of the TCF Sector Council between meetings.

(v) A Sub-Committee of the TCF Sector Council which shall consist of all of the members of the TCF Sector Council from the TCF Sector shall have responsibilities on behalf of the TCF Sector for all matters relating to changes to the TCF Amalgamation Rules and all matters concerning the disposition of the TCF Special Fund.

The TCF Sector Council Sub-Committee will carry out its function in relation to the disposition of the TCF Special Fund until 31 December 2022.

(vi) Ordinary TCF Sector Council Members

(a) A Divisional Executive TCF Sector Member, other than a person holding an office described in Sub Rule (i)(a)-(c) above, shall be an ex officio member of the TCF Sector Council in the capacity of ordinary TCF Sector Council member.

(b) An election is to be conducted where despite Sub Rule (vi) (a), one or more further positions are required to ensure there is at least one ordinary TCF Sector Council member from each of the Victorian District and the NSW Districts.

(c) An election is also to be conducted where despite Sub Rules (vi) (a) and (vi) (b), one or more further positions are required to ensure at least four ordinary TCF Sector Council members.

## 10 - REFERENDA

(a) On receipt of a petition signed by not less than 10 per cent of the financial members of the Division, the Divisional Executive shall take a referendum of the whole of the members of the Division upon the matter or matters submitted by the Districts or members. A decision reached by a majority of the actual votes recorded shall be binding on the Divisional Conference, Divisional Executive and the members of the Division.

(b) Divisional Conference or Executive may at any time by its own motion take a referendum of the whole of the members of the Division upon any matter it thinks fit.

(c) The referendum referred to in this rule shall be conducted as follows:

(i) The petition shall have set out the member’s full name, address, signature and the date the said petition was signed by the member. In determining the 10% requirement of financial members for a referendum to be conducted, the petition shall be presented to the District Secretary within 30 days of the first financial member signing the aforesaid petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 10% financial members.

(ii) The Referendum shall take place within two months of the receipt of the petition.

(iii) The Divisional Executive shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a Divisional Returning Officer and Divisional Scrutineer to conduct the ballot.

The ballot for the referendum shall be held with any necessary changes in the same manner as provided for in Rule 32 for a ballot for the election of Divisional Officers. Provided that any material enclosed in the envelope in which the ballot paper is posted to the member must be authorised by the Divisional Executive.

## 11 - REMOVAL OF OFFICERS

(a) Any Divisional or District Officer may be removed from office by majority decision of the Divisional Executive, provided that such officer shall not be dismissed from office unless the officer has been found guilty, in accordance with the Rules of the Union, of

(i) misappropriation of funds of the Union;

(ii) a substantial breach of the Rules of the Union;

(iii) gross misbehavior;

(iv) gross neglect of duty; or

(v) ceasing to be eligible to hold office according to the Rules of the Union.

(b) Should any officer be removed from office by the Divisional Executive, a casual vacancy shall occur and the vacancy shall be filled in accordance with the provisions of Rule 33.

(c) Any officer so removed from office shall have the right of appeal to the Divisional Conference. In the event of the appeal being upheld the Divisional Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

(d) In the event of the re-instatement of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary the officer would have received had the officer not been removed from office and the amount of salary the officer received during the period the officer was removed from office.

## 12 - DELETED

## 13 - DUTIES OF DIVISIONAL OFFICERS

(i) Divisional President:

The Divisional President shall preside at meetings of the Divisional Conference, Executive and meetings convened by the Divisional Executive.

The Divisional President shall have a deliberative vote only.

The Divisional President shall carry out such other functions as shall be determined from time to time by the Divisional Executive. In cases where the Divisional President is a full time officer the Divisional President shall be under the control of the Divisional Secretary.

(ii) Divisional Secretary:

The Divisional Secretary shall be the principal officer of the Division for all purposes of these rules, the *Fair Work (Registered Organisations) Act 2009* and *Fair Work (Registered Organisations) Regulations 2009* and any successor legislation or regulations thereto.

The Divisional Secretary shall summon all meetings of the Divisional Conference and Divisional Executive, issue all necessary notices to members of the Divisional Conference or Divisional Executive in connection with such meetings.

The Divisional Secretary is responsible for the keeping of minute books in which are recorded proceedings and resolutions of meetings of Divisional Executive and Divisional Conference.

The Divisional Secretary shall sign all cheques or any other type of instrument for the withdrawal of any funds of the Division from any financial institution or other account together with one other person authorised for this purpose by the Divisional Executive. In the event that the Divisional Secretary is absent the Divisional Senior Assistant Secretary, the TCF National Secretary or the Divisional President and one person authorised for this purpose by the Divisional Executive shall sign cheques or any other type of instrument for the withdrawal of any funds of the Division from any financial institution or other account.

The Divisional Secretary shall be responsible for the general correspondence of the Division, Divisional finance, filing of documents for the Division, industrial returns that are required to be made by the Division and the implementation and compliance by the Division, Districts and PPW Sub Branches of the decisions, rules and policies made by the Divisional Conference or Divisional Executive or by the National Conference or National Executive.

The Divisional Secretary shall have the power, subject to decisions of the Divisional Executive or Divisional Conference, to appoint, control and dismiss the staff of the Divisional Office and Districts and PPW District Sub Branches.

The Divisional Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the Divisional Office, together with a statement of the assets and liabilities of the Divisional Office for the year ending 31st December in each year.

Such financial statement to be made available to Divisional Conference, Executive, National Conference, National Executive, National Secretary and Districts and PPW Sub Branches of this Division.

The Divisional Secretary shall have the authority to initiate any proceedings and/or actions to advance or defend the interests or objectives of the Division.

The Divisional Secretary shall carry out such other functions as shall be determined from time to time by the Divisional Executive or Divisional Conference and allocate the duties of Officers.

The Divisional Secretary shall be an ex officio member of all Divisional Committees, including Districts and PPW Sub Branches, but shall not be entitled to vote in respect of the decisions of those committees.

With the approval of the Divisional Executive the Divisional Secretary may delegate to another the performance of any of the duties set out in this rule. The existence of such delegation shall not prevent the performance of a duty by the Divisional Secretary either concurrently or with the exclusion of the delegate.

In the absence of the Divisional Secretary, the Divisional Senior Assistant Secretary and the TCF National Secretary, the Divisional Executive shall determine whether and the manner in which one of the other Divisional Officers may exercise any or all of the powers and duties of the Divisional Secretary.

(iii) There may be a Divisional Senior Assistant Secretary and/or up to two Divisional Assistant Secretaries. Whether there is to be a Divisional Senior Assistant Secretary and/or Divisional Assistant Secretaries shall be determined by the Divisional Executive prior to the calling of nominations.

The Divisional Senior Assistant Secretary shall perform all duties assigned by the Divisional Executive, shall be under the control of the Divisional Secretary and shall attend all meetings of Divisional Executive, Divisional Conference and National Executive.

The Divisional Senior Assistant Secretary may subject to the provisions of sub-rule 13 (ii) exercise any and all of the powers and duties of the Divisional Secretary in the absence of the Divisional Secretary.

The other Divisional Assistant Secretaries shall perform all duties assigned by the Divisional Executive, shall be under the control of the Divisional Secretary and shall attend all meetings of Divisional Executive and Divisional Conference and in the case of both the PPW District Secretary who is also a Divisional Assistant Secretary, and the additional Divisional Assistant Secretary position established pursuant to Rule 44, shall attend all meetings of the National Executive.

(iv) TCF National Secretary

There shall be a TCF National Secretary who shall perform all duties assigned by the Divisional Executive, shall be under the control of the Divisional Secretary and shall attend all meetings of the Divisional Executive, Divisional Conference, National Executive and the TCF Sector Council.

The TCF National Secretary may subject to the provisions of Sub-Rule 13 (ii) exercise any and all of the powers and duties of the Divisional Secretary in the absence of the Divisional Secretary.

(v) Divisional Senior Vice President (TCF)

The Divisional Senior Vice President (TCF) shall assist the Divisional President in the conduct of meetings and shall preside in the absence of the Divisional President, and shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vi) Divisional Vice President(s)

The Divisional Vice President(s) shall assist the Divisional President or Senior Vice President in the conduct of meetings and, in the absence of both the abovementioned officers, shall act as President.

The Divisional Vice President(s) shall carry out such other duties as shall be determined from time to time by the Divisional Executive.

(vii) Members of Divisional Executive:

Other members of the Divisional Executive shall attend meetings of the Divisional Executive when summoned so to do and perform functions allocated by the Divisional Executive.

## 14 - FUNDS AND PROPERTY

A (i) The Divisional Office shall collect all entrance fees, contributions, levies and fines and all other monies relating to the membership.

(ii) All monies received by the Divisional Office shall be paid to the credit of the Division on current account with a bank approved by the Divisional Executive. Cheques or other types of instruments for the withdrawal of any funds of the Division shall be signed by the Divisional Secretary and one of the Divisional Senior Assistant Secretary, the TCF National Secretary, the Divisional President, or one person authorised for that purpose by the Divisional Executive. In the event of the absence of the Divisional Secretary all cheques and other instruments for the withdrawal of any funds of the Division shall be signed by the Divisional Senior Assistant Secretary, TCF National Secretary or the Divisional President, and one other person authorised for that purpose by the Divisional Executive.

(iii) All expenditure for ordinary purposes, ie, incurred in directly furthering the objects of the Union for members of this Division or in the expenses of management of this Division or in satisfying any debt to or of the Divisional Office, may be disbursed by decision of the Divisional Secretary.

Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the Divisional Executive or Divisional Conference.

(iv) The funds of the Division may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees.

(v) The Divisional Executive shall have the authority to hold, purchase, lease, sell, mortgage or otherwise deal in property on behalf of the Division which shall be executed on the Divisional Executive’s behalf by the Divisional Secretary.

(vi) The property of the Division shall be under the control of the Divisional Executive.

(vii) The Division shall develop and implement internal policies and procedures relating to the expenditure of the Division and its Districts, to ensure that the Division and its Districts are conducted in accordance with the principles of good governance and to ensure accountability to members of the Division.

(viii) Such policies and procedures shall be adopted by the Divisional Executive and, once adopted, shall be binding on all officers and members of the Division and its Districts. Such policies and procedures must be identified in the resolutions of the Divisional Executive as Rule 14A policies and procedures.

(ix) Rule 14A policies and procedures must be published on the website of the Division with fourteen (14) days of their adoption.

B. DELETED

C. Budget/s

i) At the first meeting of the Divisional Executive at the commencement of each financial year the Divisional Executive shall approve a budget/s for the Division.

ii) To ensure the equitable distribution of resources amongst members throughout the Division budgets will take into account clear and consistent criteria including the following:

a) the percentage of membership income contributed;

b) appropriate financial support and underpinning for Divisional operations;

c) any cross subsidies between funds as may be necessary to provide and maintain effective operations throughout the Division for appropriate coverage and representation for all members of the Division.

d) the provision of ongoing funding for core union activities including growth recruitment, face to face organising, and campaigns in support of Divisional activities, industrial disputes, legal representation and advice, development of delegate and member involvement and activities, publications including newsletters and similar communications with members, member benefits and associated matters.

e) nationally consistent levels of contributions and costs structures including wage levels and employment standards for employees of the Division and each part of the Division.

f) as far as possible provide adequate funds for the purpose of continuing to build an appropriate asset base to both for the financial survival growth of the Division and where possible to house the operations of the Division and its various constituent parts.

g) where appropriate to support and continue to build specific member support funds and provident funds.

D. Special Funds

Schedule 1 of these rules lists specific funds of Districts and the Mortality Fund of the TCF Sector. These funds shall be managed and maintained by the Divisional Executive on behalf of and for the benefit of those groups of members for whom those funds were established. Those funds will be expended to the members of those groups of members in a manner consistent with the purposes for which the funds were established and that manner will not be changed without consultation and agreement with the relevant District Committee of Management or the TCF Sector Council.

## 15 - AUDITOR AND AUDITOR’S REPORT

(i) The Divisional Executive shall appoint as auditor a competent person resident in the city in which the Divisional Office is located who shall each year for the period ending 31 December audit the books and accounts of the Division and draw up a correct report on same. Such a person must be a registered auditor in accordance with the relevant provisions of the *Fair Work (Registered Organisations) Act 2009*.

(ii) The auditor shall, in the auditor’s report, draw attention of the Divisional Executive, Divisional Conference to any deficiencies or other matters which the auditor may think proper. The auditor shall have full and complete access to all the books and documents of the Division.

## 15A - REPORTING UNIT

(i) The whole of the Division shall constitute the reporting unit on an alternative basis as by the *Fair Work (Registered Organisations) Act 2009.*

(ii) The Divisional Secretary shall be the designated officer for the purposes of the *Fair Work (Registered Organisations) Act 2009* for the Division.

(iii) On receipt of a petition signed by not less than 5% of the members of the Division the Divisional Secretary shall convene a general meeting of members to present the auditor’s report, the general purpose financial report and the operating report.

(iv) The petition shall have set out the member’s full name, address, signature and the date the said petition was signed by the member. In determining the 5% requirement of members for a general meeting to be held, the petition shall be presented to the Divisional Secretary within 30 days of the first member signing the aforementioned petition. Members who signed the petition in excess of the 30 days required by this sub-rule shall not be included in determining the calculation of 5% members.

(v) The Auditor’s Report, the general purpose financial report and the operating report shall be the only matter to be considered at the general meeting.

(vi) The General Meeting shall be conducted as a series of meetings in localities of each of the Districts and each of the PPW Sub Branches.

## 16 - ALTERATION OF RULES

These Divisional Rules including any Rules relating to Districts of this Division may be altered or rescinded or new rules made by the Divisional Executive. Proposals for alterations of such rules may also be proposed by Districts and shall be forwarded with the notice to the Divisional Executive.

Provided that Divisional Executive in session may alter such rules although previous notice has not been given.

Nothing in this rule affects the right of the Divisional Executive to vote on any matter, including rules, otherwise than at a meeting assembled.

Provided that any such rescission, alteration or amendment which affects in any way the existence, structure or position under these rules of the PPW District, shall be of no effect unless endorsed by a resolution of the District Management Committee of the PPW District.

Provided that any such rescission, alteration or amendment which affects in any way the representation under these rules of the TCF Sector shall be of no effect unless endorsed by a resolution of the TCF Sector Council Sub-Committee in accordance with Rule 9 A.

## 17 - RULES BINDING ON MEMBERS AND DISTRICTS

These Divisional Rules, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Districts of this Division and on all members who now, or who may hereafter, belong to the Division until they are made or become null and void according to law.

## 18 - DISTRICTS

i. For the purposes of organisation of the members of the Division and for provision of services to members each member of the Division shall be allocated to a District as follows:

(a) the NSW District which shall consist of:

1. all members resident in that State of NSW and the Australian Capital Territory other than those persons who are eligible for membership of the PPW District as provided for in (f) of this Sub Rule; and

2. all members of the TCF Sector resident in the State of Queensland;

(b) the Victorian District consisting of all members resident in the State of Victoria other than those persons who are eligible for membership of the PPW District pursuant to (f) of this Sub Rule and those persons who are eligible for membership of the Greater Green Triangle District pursuant to (g) of this Sub-Rule;

(c) the South Australian District consisting of all members resident in the State of South Australia other than those persons who are eligible for membership of the PPW District pursuant to (f) of this Sub Rule and other than those persons who are eligible for membership of the Greater Green Triangle District pursuant to (g) of this Sub-Rule;

(d) the Tasmanian District consisting of all members resident in the State of Tasmania other than those persons who are eligible for membership of the PPW Branch pursuant to (f) of this Sub Rule.

(e) the Queensland Northern Territory Western Australian District consisting of all members resident in the States of Queensland, Western Australia and the Territory of the Northern Territory other than those persons who are eligible for membership of the PPW Branch pursuant to (f) of this Sub Rule and other than those persons who are eligible for membership of the TCF Sector resident in the State of Queensland;

(f) the PPW District consisting of all members eligible for membership of the Union pursuant to Sub Rule 2 (C) (ii) of Rule 2 Constitution of the Rules of the Union.

(g) the Greater Green Triangle District consisting of all members in the State of South Australia whose place of employment is located in any of the following municipalities: Mt Gambier, Grant, Robe, Kingston, Naracoorte-Lucindale, Southern Mallee, Tatiara, Coorong or Wattle Range: and in the State of Victoria all members whose place of employment is located in one of the following municipalities: Ararat, Colac Otway, Corangamite, Glenelg, Horsham, Moyne, Northern Grampians, Southern Grampians, Warnambool or West Wimmera: other than those persons who are eligible for membership of the PPW Branch pursuant to (f) of this Sub Rule.

ii. The Divisional Conference or Divisional Executive shall have power to constitute such other Districts and allocate members thereto as it may determine appropriate from time to time.

iii. The Divisional Executive shall determine the location of each District Office.

## 19 - SUBMISSION OF INDUSTRIAL DISPUTES

An industrial dispute may be submitted to the appropriate industrial Tribunal, Court or Commission, upon a resolution in favour of so submitting such dispute carried by a majority of the members of the Divisional Executive.

The Divisional Executive and the Divisional Secretary shall have full power to transact all business and do or authorise all acts and things in connection with such submission.

In the case of an emergency or necessity however, such proceedings may be initiated and matters may be submitted by the authority of the Divisional Secretary, who may also authorise the TCF National Secretary or a District Secretary to initiate such proceedings and submit such matters on behalf of the Division.

The aforesaid power shall extend to cases of defending and/or responding to any proceedings or matters instituted or submitted by any other person, corporation, association or organisation. The Divisional Secretary, the TCF National Secretary or District Secretary shall be subject to the control of the Divisional Executive on all matters connected with such legal proceedings and matters.

## 20 - INDUSTRIAL AGREEMENTS

Industrial agreements and other related instruments required to be signed or executed on behalf of the Division shall be signed or executed by the Divisional Secretary provided that the Divisional Secretary may delegate this power to a Divisional Officer or relevant District Secretary.

## 21 - INDUSTRIAL DISPUTES

(i) In the event of an Industrial dispute taking place in any District the officers of such District shall try, by conciliation to settle the dispute. In the event of the District officers concerned being unable to secure a satisfactory settlement the matter may be referred to the Divisional Executive who shall seek to resolve the dispute.

(ii) In the event of no satisfactory settlement of such dispute being secured the District Secretary shall immediately report the matter to the Divisional Secretary who shall on behalf of the Division take charge of such dispute and shall if necessary convene a meeting of the Divisional Executive to deal with the matter.

(iii) (a) The Divisional Secretary or a person authorised to act on behalf of the Divisional Secretary shall make any submission to a tribunal.

The Divisional Secretary or a person authorised to act on behalf of the Divisional Secretary shall be the person to sign or issue any document necessary for such submission.

(b) The Division may be represented in any proceedings before any Commonwealth or State Industrial Tribunal by the Divisional Secretary or by such other officers or persons authorised by the Divisional Secretary and subject to any authorisation vested by State Legislation.

(iv) Notwithstanding anything contained elsewhere in this Rule, PPW District shall have autonomy in industrial matters affecting its members only and no action will be taken in relation to such matters by the Divisional Conference or Divisional Executive unless authorised and requested by the PPW District Management Committee.

(v) Notwithstanding the other provisions of this rule, where industrial disputes relate to matters affecting the TCF Sector only the TCF Sector Council and the TCF National Secretary will perform the same functions as the District Executive and the District Secretary as provided for in (i) and (ii).

## 22 - DIVISIONAL OFFICE

The office of the Division shall be the office of the Divisional Secretary and shall be at 165 Bouverie Street, Carlton, or such other place as the Divisional Executive shall decide.

## 23 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members of the Division may be sued for in the name of the Union by the Divisional Secretary or by any person or body authorised by these rules.

## 24 – LEVIES

(i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Division or body having objects similar in whole or in part to those of this Division.

(ii) The amount of any levy may be decided by a majority of the Divisional Executive and shall not exceed $10.00 per week and when so decided shall be binding on all members or sections of members as the Divisional Executive may decide.

(iii) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by a member of the Division.

(v) In no circumstances shall any levy or levies amounting to more than $10.00 per week in any calendar year be imposed on any member or members.

## 25 - LIFE MEMBERSHIP AND OTHER RECOGNITION FOR SERVICE

(a) The Divisional Conference or Divisional Executive may award life membership of the Union to any member who has retired from, or left the industry, and who, in the opinion of the Divisional Conference or Divisional Executive has contributed special or outstanding service to the Union. Life members shall not be liable to pay dues of any kind to the Division, and shall not be entitled to nominate for or to hold any office, or vote in the Union elections.

(b) The Divisional Conference or Divisional Executive may award a Certificate of Outstanding Service to any member who in the opinion of the Divisional Conference or Divisional Executive has contributed special or outstanding service to the Union.

## 26 - VOTING OTHER THAN AT MEETINGS

(a) If the Divisional Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration, rescission or making of rules to a vote of Divisional Executive members at any time the Divisional Secretary may submit a resolution dealing with such matter to the members by letter, facsimile, email, telephone, telegram, verbally and/or any other means of communications or any combination thereof.

(b) A copy of such resolution shall be sent at the same time to each member of the Divisional Executive and each District Secretary.

(c) The votes on such resolution shall be returnable to the Divisional Secretary at such time as the Divisional Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(d) No amendment shall be allowed on any such resolution, but if it is negative any member may request the Divisional Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the Divisional Secretary being requested to submit more than one such resolution the order in which same shall be submitted shall be in the Divisional Secretary's absolute discretion.

## 27 - BRANCH INFORMATION

It shall be the duty of the District Secretary to transmit to the Divisional Secretary, on written request from the Divisional Secretary, a true copy of the minutes of each meeting of the District Management Committee or Executive of such District or of any special meeting thereof.

## 28 - UNEMPLOYED MEMBERS

(i) When, in the opinion of the Divisional Executive, a condition of unemployment in the industry exists the following conditions may be applied:

(ii) Members becoming unemployed, ie, being employed under the terms of the Award or Agreement covered by this Division for less than one month in any quarter, may apply to be placed on an unemployed members list if any.

(iii) This list shall be kept at the Divisional office under the control and supervision of the Divisional Executive.

(iv) Members wishing to be placed on the unemployed list may apply in writing to the Divisional Secretary.

(v) All applications for inclusion on the unemployed members' list shall be dealt with by the Divisional Executive or other authorised committee who shall, if satisfied that the application is genuine, include them on the list.

(vi) Members placed on the list shall be exempt from the payment of contributions for the period specified in this Rule. They shall be entitled to all rights under these rules, but shall only qualify for funeral benefit applicable at the discretion, or upon conditions determined by the Divisional Executive and shall not be eligible to hold office.

(vii) Exemption from payment of contributions shall operate for a period of twelve months from the date of inclusion on the unemployed members' list, or until again employed, whichever is the lesser.

(viii) On expiration of the 12 months' period, unemployed members may make further application to be again placed on the unemployed list. Each further application may be approved by the Divisional Executive who may require payment of such amount of contributions as may be considered reasonable.

(ix) Any member commencing employment without notifying the Divisional Secretary and continuing to receive the benefits of this unemployed clause while in employment shall be deemed to have committed a breach of the Rules. Such member(s) shall be required to pay full contributions for the period of employment and in addition, may be dealt with under the provisions relating to misconduct.

## 29 - DUTIES OF ORGANISERS

The Divisional Executive may determine the number (if any) of Organisers of a District and the number (if any) to be appointed by it or elected pursuant to Rule 32 and shall determine the duties to be performed by any such Organisers.

## 30 - DISTRICT GOVERNANCE

A. District Management Committee:

(i) Each District shall have a Management Committee that shall consist of a President, Secretary, a Vice President, elected Organisers (if any) and no less than three Management Committee members, provided that:

the President of the Queensland Northern Territory Western Australian District will be a member assigned to that District and who resides in Queensland;

on and from no later than 2 January 2019, the Victorian District shall additionally have a TCF Full Time Officer.

Prior to the calling of nominations the Divisional Executive may determine after considering any recommendations from a District Management Committee that that District Management Committee shall also consist of any of the following further members:

a. up to two (2) further Vice-Presidents, one of which will be a designated affirmative action position;

b. Assistant Secretary/s; and

c. no more than fourteen (14) further Committee members, one of which will be a designated affirmative action position.

Nominations for the designated affirmative action positions will be called from female members only, although this does not preclude female members from holding any other District Management Committee positions.

The failure to fill a designated affirmative action position shall not prevent a District carrying out or conducting the business of the District.

(ii) (a) If, prior to the immediately preceding quadrennial elections, nominations were not determined to be called by the Divisional Executive for any of the positions of:

(i) 2 further Vice Presidents (one of which will be a designated affirmative action position), or

(ii) District Assistant Secretary/s, or

(iii) Committee members up to 18 (one of which will be a designated affirmative action position); and

at any time in the period between quadrennial elections the circumstances of a District change such that the creation of one or any of those positions would enhance the democratic or operational functions of a District, the District Committee of Management may recommend to the Divisional Executive that one or any of those positions should be created.

(b) The Divisional Executive may determine that the position/s recommended by the District Committee of Management be created, provided that the number of positions after the new position is created must not exceed the total numbers allowed above taking into account the need for affirmative action positions.

(c) If a position is created by the Divisional Executive pursuant to this clause it shall be subject to election as if it were a casual vacancy pursuant to clause 33 of these Rules.

(iii) The District Management Committee shall, subject to these Rules, be the highest deliberative body of the District and shall subject to the Rules, policies and decisions of the Divisional Conference and/or Divisional Executive, manage and superintend the affairs of the District and perform all the duties allotted to them by the Rules. The District Management Committee shall, subject to these Rules, have the following responsibilities, functions, powers and duties:

(a) to take such steps as it shall consider necessary to carry out all or any of the objects of the Union in a manner consistent with the decisions of Divisional Conference and the Divisional Executive;

(b) to maintain close liaison with the Divisional Executive;

(c) to ascertain and identify the concerns, ideas and interests of members allocated to that District;

(d) to actively contribute to the development, implementation of the strategies and plans of the Division;

(e) to ensure that the Divisional Conference, and Divisional Executive, are fully informed of the concerns, ideas and interests of the members in its District;

(f) to establish such Committees or sub committees as it may from time to time determine;

(iv) The District Management Committee shall meet as required and at least twice per annum. A quorum for any meeting shall be a majority of its members.

B. District Executive:

There shall be a District Executive. The District Executive shall include the President/s, Vice-President/s and Secretary and such other members of the District Management Committee as it may determine appropriate, provided that from no later than 2 January 2019, the Victorian District Executive shall include the TCF Assistant Secretary and the TCF Full Time Officer.

The District Executive shall carry out any duties which they have been directed to perform by the District Management Committee and shall meet as frequently as is necessary to do so.

C. District Officers:

(v) Duties of District Officers shall be as follows:

(a) The District President shall preside at all meetings of the District Management Committee, carry out such duties as may be assigned from time to time by the District Management Committee, and shall have a deliberative vote only, shall sign the minutes of proceedings of all meetings convened by the District Management Committee.

(b) The District Vice President/s shall attend all meetings of the District Management Committee, and assist the District President in the conduct of the duties of that office, shall officiate in the absence of the District President with all of the powers of the District President.

(c) The District Secretary shall:

1. be under the control of the District Management Committee and shall conduct correspondence in connection with all matters relating to the business of the District;

2. be responsible for the enforcement of all Awards and Industrial Agreements and shall supervise the conduct of all wages claims, compensation matters and legal matters coming within the jurisdiction of the Divisional Branch Management Committee in the District;

3. ensure the keeping of minute books in which are recorded proceedings and resolutions of meetings of the District Management Committee; prepare the agenda for each District Management Committee meeting; and attend meetings of the District Management Committee and other meetings of members of the District;

4. be in charge of the District Office/s and subject to the directions of the District Management Committee and the Divisional Executive shall direct those activities carried out on behalf of the District by any officials or employees including organisers through the District office/s;

5. when vacating office, deliver to the successor in office, in the presence of the District Management Committee, all books, documents and other property of the District in the District Secretary's possession;

6. forward to the Divisional Secretary when requested a true copy of the minutes of each meeting of the District Management Committee or any special meeting thereof;

7. summon all meetings of the District Management Committee, issue all necessary notices to members of the District Management Committee in connection with such meetings. In consultation with the District President the District Secretary shall be authorised to convene any extraordinary meeting as deemed necessary;

8. attend and participate in any meeting of members of the District;

9. be a member of Divisional Conference pursuant to Rule 8;

10. be responsible for the implementation of and compliance with of the decisions, rules and policies determined by the Divisional Conference or Divisional Executive by the District of which the District Secretary was elected.

(d) The District Assistant Secretary/ies shall:

1. be under the control of the District Management Committee and be under the direction and authority of the District Secretary~~;~~

2. in the absence of the District Secretary fulfil the office and perform the duties of the District Secretary; and

3. attend meetings of the District Management Committee and other meetings of members of the District.

(e) The Officers of the PPW District and of the PPW Sub Branches shall have the duties and carry out the functions as provided for in Rule 42 of these Rules.

(f) District Management Committee members shall have the powers of a Shop Steward.

## 31 - FULL TIME PAID OFFICERS

(a) A member who has been elected to any position in a full-time capacity shall be employed full time in the service of the Division and be paid such weekly wages and conditions as shall be determined by the Divisional Executive.

(b) Full-time officers including any full time paid District or PPW sub branch officers shall be paid from the Divisional Fund.

(c) Full-time paid officers shall be under the control of the Divisional Secretary, subject to the directions and powers of the Divisional Executive.

(d) Should a full-time paid officer desire to resign they shall give one (1) month's notice in writing of the intention so to do to the Divisional Executive.

(e) A full-time paid officer shall not work for any other person, body or corporation for profit or reward, or at all, during their term of office without the sanction of the Divisional Executive first being obtained.

(f) Should any full-time officer through illness or any other physical disability be unable to carry out the duties as prescribed by the Rules, the officer shall furnish a medical certificate to the Divisional Executive within seven days of becoming unable to carry out the duties setting out the nature of the disability, and the duration of such incapacity so far as the same can be estimated, and before resuming duties the officer shall furnish to the Divisional Executive a medical certificate setting out that the officer has recovered and is capable to carry out the duties in accordance with the Rules.

(g) Notwithstanding anything otherwise provided for in these Rules, the following shall be full time paid officers commencing on and from either the TCF Amalgamation Date or the establishment of the office pursuant to these rules, whichever is the later:

TCF National Secretary

Additional Divisional Assistant Secretary established pursuant to Rule 44

NSW District Secretary

NSW District Assistant Secretary

Victoria District TCF Assistant Secretary

Victoria District TCF Full Time Officer

## 32 - ELECTIONS

(a) (i) Any member of the Division who is financial as provided for in Rule 6, at the time of nominations and has continuously been a financial member of the Division for a period of at least three years immediately prior to the closing date of nominations, may nominate for the following positions:

Divisional Secretary

Divisional President

Divisional Senior Assistant Secretary

Divisional Assistant Secretary

(ii) Any member of the TCF Sector of the Division who is financial as provided for in rule 6 at the time of nominations and has continuously been a financial member of the TCF Sector of the Division for a period of at least three years immediately prior to the closing date of nominations may nominate for the following position:

TCF National Secretary

(ii)(a) Any member of the TCF Sector of the Division who is financial as provided for in rule 6 at the time of nominations and has continuously been a financial member of the TCF Sector of the Division for a period of at least one year immediately prior to the closing date of nominations may nominate for the following position/s, where such position/s are to be elected pursuant to rule 9 A (vi):

Ordinary TCF Sector Council member

Where the position of ordinary TCF Sector Council member is required pursuant to rule 9 A (vi) to be from the Victoria District or from the NSW District, a member nominating for the position must also be a member of that District.

(iii) No member shall be entitled to nominate for more than one Divisional full time office.

Where a member nominates for more than one Divisional full time office the Divisional Returning Officer shall seek from the member a decision as to which position the member wishes to contest.

(iv) The Divisional Assistant Secretary (PPW) position will be held by the District Secretary of the PPW District. If the PPW District Secretary is elected to the position of Divisional President, then the Divisional Assistant Secretary (PPW) position ceases to exist. If the PPW District Secretary vacates the position of Divisional President then the Divisional Assistant Secretary (PPW) position is re-established.

(v) In respect of the above positions, other than the position of ordinary TCF Sector Council member:

(A) the term of office shall be four (4) years such term commencing from 2 January following the elections or when the election of the office has been declared, whichever is the later.

(B) the existing officeholders shall hold the positions until 1 January 2026 or until the election of the office has been declared, whichever is the later.

The term of office for the position/s of ordinary TCF Sector Council Member is as provided for in Sub Rule (c)(xxiii) of this rule.

(vi) A member who is an elected or appointed officer or employee of:

(a) a Division, or part thereof, other than the Manufacturing Division; or

(b) any other Union;

shall not be eligible to nominate for, nor hold, any of the above positions within the Manufacturing Division.

(b) District position

(i) The Divisional Executive shall determine prior to the calling of nominations whether a position of District Secretary in any District is to be a full time paid Office.

(ii) No member shall be entitled to nominate for both the position of District Secretary and District Assistant Secretary (if any)

(iii) (A) The membership qualifications necessary for members to nominate for the following District positions is as follows:

District Secretary : –

- a financial member of the Division at the time of nomination;

- continuous financial membership of the Division for a period of 3 continuous years immediately preceding the person’s nomination; and

- attachment to the District to which the position pertains for a period of 3 continuous years immediately preceding the person’s nomination.

District President: –- a financial member of the Division at the time of nomination;

- continuous financial membership of the Division for a period of 1 continuous year immediately preceding the person’s nomination; and

- attachment to the District to which the position pertains for a period of 1 continuous year immediately preceding the person’s nomination.

District Vice President: -

- a financial member of the Division at the time of nomination;

- continuous financial membership of the Division for a period of 1 continuous year immediately preceding the person’s nomination; and

- attachment to the District to which the position pertains for a period of 1 continuous year immediately preceding the person’s nomination.

District Assistant Secretary/ies:

- a financial member of the Division at the time of nomination;

- continuous financial membership of the Division for a period of 1 continuous year immediately preceding the person’s nomination; and

- attachment to the District to which the position pertains for a period of 1 continuous year immediately preceding the person’s nomination.

Victoria District TCF Full Time Officer:

- a financial member of the Division at the time of nomination;

- continuous financial membership of the Division for a period of 1 continuous year immediately preceding the person’s nomination; and - attachment to both the TCF Sector and the Victorian District for a period of 1 continuous year immediately preceding the person’s nomination.

District Management Committee Members:

- a financial member of the Division at the time of nomination;

- continuous financial membership of the Division for a period of 1 continuous year immediately preceding the person’s nomination; and

- attachment to the District to which the position pertains for a period of 1 continuous year immediately preceding the person’s nomination.

PPW Sub Branch Secretary:

- a financial member of the Division at the time of nomination;

- continuous financial membership of the Division for a period of 1 continuous year immediately preceding the person’s nomination; and

- attachment to both the PPW District and the Sub-Branch to which the position pertains for a period of 1 continuous year immediately preceding the person’s nomination.

PPW Sub Branch Senior Vice President:

- a financial member of the Division at the time of nomination;

- continuous financial membership of the Division for a period of 1 continuous year immediately preceding the person’s nomination; and

- attachment to both the PPW District and the Sub-Branch to which the position pertains for a period of 1 continuous year immediately preceding the person’s nomination.

PPW Sub Branch Junior Vice President:

- a financial member of the Division at the time of nomination;

- continuous financial membership of the Division for a period of 1 continuous year immediately preceding the person’s nomination; and

- attachment to both the PPW District and the Sub-Branch to which the position pertains for a period of 1 continuous year immediately preceding the person’s nomination.

PPW Sub Branch Committee of Management Members:

- a financial member of the Division at the time of nomination;

- continuous financial membership of the Division for a period of 1 continuous year immediately preceding the person’s nomination; and

- attachment to both the PPW District and the Sub-Branch to which the position pertains for a period of 1 continuous year immediately preceding the person’s nomination.

District Organiser:

- a financial member of the Division at the time of nomination;

- continuous financial membership of the Division for a period of 1 continuous year immediately preceding the person’s nomination; and

- attachment to the District to which the position pertains for a period of 1 continuous year immediately preceding the person’s nomination.

(iv) In respect of the above positions:

(A) the term of office shall be four (4) years such term commencing from 2 January following the elections or when the election of the office has been declared, whichever is the later.

(B) the existing officeholders shall hold the positions until 1 January 2026 or until the election of the office has been declared, whichever is the later.

(v) A member who is an elected or appointed officer or employee of:

(a) a Division, or part thereof, other than the Manufacturing Division; or

(b) any other Union;

shall not be eligible to nominate for, nor hold, any District positions within the Manufacturing Division.

(c) (i) Nominations for the above positions, shall be called by the Divisional Returning Officer by notification on the union website on 11 August 2025 and each four years thereafter following that date.

(ii) Nominations shall open on 18 August 2025 and each four years thereafter following that date, other than in respect of the position of ordinary TCF Sector Council member. Any member desiring to nominate for the above positions shall apply either personally or in writing to the Divisional Returning Officer for a nomination form. Such forms shall be signed by the candidate and:

1. if nominating for any of the positions listed in paragraph (a)(i) of this rule – signed by at least ten financial members of the Manufacturing Division;

(B) if nominating for the position listed in paragraph (a)(ii) of this rule – signed by at least ten financial members of the TCF Sector;

(C) if nominating for the position of District Secretary – signed by at least ten financial members of that District;

(D) if nominating for any other position listed above – signed by at least five financial members of the Manufacturing Division;

and forwarded by certified post to the Divisional Returning Officer or handed personally at the Divisional Office or, in the case of an election conducted by the Australian Electoral Commission at the office nominated by it and a receipt thereupon obtained.

(iii) Nominations shall be closed at noon on 1 September 2025 and each four years thereafter following that date, other than in respect of the position of ordinary TCF Sector Council member. Nominations must be received by the Divisional Returning Officer by that time on the date to be eligible.

(iv) A member having nominated for any office in accordance with these Rules may withdraw the nomination by notifying the returning officer in writing of an intention to do so at any time up to 14 days after the closing of nominations. The returning officer on receipt of a notification from a member wishing to withdraw a nomination shall immediately take the appropriate steps to withdraw the members name from the ballot papers prior to their distribution.

(v) Candidates may include with their nomination form, a statement not exceeding 200 words and in respect of District Management Committee member 50 words, containing only the candidate's personal history and only the candidate's policy statement.

(vi) The Divisional Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective, the Divisional Returning Officer, before rejecting the nominations, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven days after being so notified.

(vii) If at the closing date for nominations only sufficient nominations have been received by the Divisional Returning Officer to fill any vacancy or vacancies the Divisional Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the candidates by submitting a Divisional Returning Officers report to the Divisional Secretary.

(viii) If all nominations are received and there are more nominations than there are vacancies the Divisional Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or a nominee to attend the draw; such attendance shall be at the candidate's own costs and expense.

(ix) The Divisional Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable the supply of a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.

(x) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall, be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.

(xi) Where a ballot is required, the Divisional Secretary shall provide, within thirty five days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Returning Officer.

(xii) The Divisional Returning Officer shall, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by prepaid post to each member eligible to vote in the election an envelope addressed to such member at their address appearing on the list of members eligible to vote supplied to the Divisional Returning Officer by the Divisional Secretary and that envelope shall contain only the following documents -

(a) a ballot paper initialled by the Divisional Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote;

(b) a declaration envelope and an empty unsealed pre-paid post envelope addressed to the Divisional Returning Officer, c/- the numbered mail box referred to in this rule;

(c) such printed instructions necessary for the completion of each of the ballot papers enclosed in the said envelope and any other instructions that the Divisional Returning Officer may consider necessary;

(d) the candidates statement provided for in accordance with sub-rule (c)(v) of this rule.

(e) provided that the Divisional Returning Officer shall post to each member eligible to vote by mail each relevant ballot paper.

(xiii) For the purpose of the election the books of the Division shall be deemed to have closed as at 1 August in the year of the election. Only members who are shown in the records at the office of the Division as having paid all contributions, levies and fines prior to 1 August shall be entitled to vote. Provided that any member who at any time prior to the closing of the ballot satisfies the Divisional Returning Officer that they have paid all contributions, levies and fines prior to the 1 August in the year of the election shall be entitled to receive a ballot paper and the Divisional Returning Officer shall send by post, a ballot paper in accordance with sub-rule (c)(xii)(a) of this rule. Provided that for the purpose of the position of ordinary TCF Sector Council member, a reference to 1 August in this Sub Rule does not apply.

(xiv) The opening date of the ballot shall be 1 October and the closing date shall be noon 15 October in each year in which the ballot is held, other than in respect of the position of ordinary TCF Sector Council member. All ballot papers shall be returned to the Divisional Returning Officer, c/- the post office box named on the reply envelope. The post office box to which the ballot papers are returned shall be hired by the Divisional Returning Officer prior to the dispatch of the ballot papers or if a box has been previously used by the union, they shall cause the lock to be changed.

(xv) The Divisional Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box until the commencement of the count of the ballot which will take place no later than the first working day following the closing of the ballot and shall be completed as soon as is practicable.

(xvi) Any candidate at their own expense may appoint a financial member of the union to act as their Scrutineer by notification in writing to the Divisional Returning Officer. Any Scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Returning Officer is also present.

(xvii) The Divisional Returning Officer shall proceed to count the ballot on the preferential system provided for in Rule 4, Definitions, and the candidate or candidates receiving the necessary votes shall be deemed elected.

(xviii) In the case of equality of votes for any 2 or more candidates the Divisional Returning Officer shall determine the result by declaring the candidate who currently holds the office being contested elected. Should no candidate hold the office which is being contested the Returning Officer shall determine the result by casting lots.

(xix) The Divisional Returning Officer shall declare the successful candidates elected and notify the Divisional Secretary of the result of the ballot and the result shall be notified to the members. The Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Divisional area.

(xx) The Divisional Returning Officer's report to the Divisional Secretary shall contain all relevant information including the number of ballot papers printed, the number posted, the number returned, the number unused, the number of votes received by each candidate, the names of those nominated for each office and their proposers.

(xxi) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(xxii) In any election the Divisional Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Returning Officer may proceed nonetheless.

(xxiii) Election of ordinary TCF Sector Council members

The provisions of Sub Rule (c) apply to the election of ordinary TCF Sector Council members, other than where provided, and other than to the extent of any inconsistency between Sub Rule (c)(xxiii) and the remainder of Sub Rule (c), in which case the provisions of Sub Rule (c)(xxiii) prevail.

Where required by rule 9 A, an election for the position of ordinary TCF Sector Council member must take place subsequent to, but in the same calendar year in which, the Divisional Conference election of Divisional Executive members pursuant to rule 9.

The date on which the roll of voters for any such election is to be closed is to be 14 days prior to the date on which nominations for the election open.

The period in which nominations for any such position shall be received closes at 4pm on the 18th day after the date on which nominations for the position opened.

The ballot for any such position shall commence 5 weeks after the closing of nominations for the position, and shall close at noon on the 14th day after the ballot commences.

The term of office of a person elected to the position of ordinary TCF Sector Council member will commence upon the declaration of election for the position, and conclude upon the election of Divisional Executive members by the Divisional Conference pursuant to rule 9 in the calendar year four years subsequent to the commencement of the term.

## 33 - CASUAL VACANCIES

(i) A casual vacancy shall occur in any office of the Division when the holder of the office dies, resigns, is removed from office or otherwise ceases to hold office in accordance with the rules.

(ii) Where a casual vacancy occurs and the unexpired portion of the term of office is more than 12 months or three quarters of the term of office whichever is the greater, the vacancy shall be filled by election in accordance with Rule 32.

(iii) Where a casual vacancy occurs in the office of a Divisional Officer and the unexpired term of the office is less than 12 months or three quarters of the term of office, such vacancy may be filled by appointment by the Divisional Executive of an eligible member of the Division for the balance of the term of that office.

(iv) Where a casual vacancy occurs in the office of a District Officer or a member of a District Management Committee or an officer of a PPW sub-branch of the PPW District, such vacancy may be filled by appointment by the District Management Committee of the relevant District of an eligible member of the District for the balance of the term of that office.

(v) Where a casual vacancy occurs in the office of TCF National Secretary or Senior Vice-President (TCF) and the unexpired term of the office is less than twelve months or three quarters of the term of office such vacancy may be filled by appointment by the TCF Sector Council of an eligible member of the Division for the balance of the term of that office.

## 34 - REMOVAL OF DISTRICT OFFICERS AND DISTRICT MANAGEMENT COMMITTEE MEMBERS

(a) Any officer/member of a District Management Committee may be removed from office by a two-thirds majority of the Divisional Executive at a special meeting of the Divisional Executive called for the purpose where the officer has been charged and found guilty in accordance with the rules of the Division of misappropriation of the funds of the Division or a substantial breach of the rules of the Division or gross misbehaviour or gross neglect of duty or has ceased, according to these rules to be eligible to hold office.

(b) Any officer/member of the District Management Committee charged may be suspended immediately by decision of the Divisional Executive pending hearing of the charges against that officer.

Charges must be laid in writing setting out the particulars of the alleged violation of the rules. The officer or District Management Committee member charged shall be given reasonable opportunity to attend the meeting at which the charges are heard and of being heard in their defence, or if the officer prefers, may answer the charges in writing.

In the case of an appeal against any suspension or penalty or dismissal the grounds for such suspension or penalty or dismissal together with the appeal of the officer suspended, shall be fully set out and submitted to the Divisional Conference whichever is appropriate as soon as it is conveniently possible from the date of the decision. Rule 41 - Appeals of Members shall apply.

## 35 - DUTIES OF MEMBERS AND OFFENCES

A. DUTIES

(a) To adhere strictly to the Rules of the Union and Division including any Rules relating to its Districts.

(b) To promote the industrial welfare of every other member.

(c) To attend the meetings of the District as often as possible and to assist the Officers to the best of the members' ability.

(d) To supply the District Secretary with information as to where work is procurable for members.

(e) Not to knowingly divulge any portion of the Union's business to any non-member or to discuss it with members in the presence or within the hearing of non-members.

(f) When joining the Union to furnish the District Secretary with an address and notify any change of address within fourteen (14) days of such change.

(g) Not to defraud other members.

(h) To render every assistance to Shop Stewards/Job Delegates in their respective work places in the carrying out of their duties.

(i) To answer or cause to answer any correspondence received from the District Secretary and to supply any information that may be required.

(j) To report to the Divisional Secretary or the District Secretary any member believed to be guilty of a breach of the Rules.

B. OFFENCES

(1) Any member may charge any other member with;

(a) Committing any breach of the Rules.

1. Failing to comply with any lawful resolution or direction passed or given under any Rule of the Union after having been given notice thereof.
2. Committing any fraudulent act or unlawful act in relation to funds or property of the Union or in relation to any election held under its Rules.

(d) Wrongfully holding themselves out as occupying any office or position in the Union or any District thereof, as being entitled to represent the Union or any District in any capacity.

(e) Behaving in a drunken, disorderly or offensive manner towards an officer of the union or at any meeting held under the Rules of the Union or in any of the offices of the Union.

(f) Knowingly giving false information to any officer, representative or employee of the Union or any person acting as or on behalf of a Returning Officer conducting any election under its Rules relating to any Union business or election or any matter affecting the interest of the Union or its members, or refusing to give information to such persons when reasonably requested to do so.

(g) Aiding or encouraging any other member in any offence under these Rules.

(h) Doing any act calculated to injure or destroy the Union or making any wilful false statement concerning the administration of its affairs.

(i) Failing to report to the Divisional Secretary or the District Secretary a member believed to be guilty of a breach of the Rules.

(j) any of the following, the member so charged being the holder of any office within the Union:

(i) misappropriation of the funds of the Union;

(ii) a substantial breach of the Rules of the Union; or

(iii) gross misbehaviour or gross neglect of duty.

(2) Any charge must be made in writing and shall be made to the Divisional Secretary or the District Secretary. Such Officer shall, if directed by the Divisional Executive, summon the member charged. Such summons shall be in writing and shall state the time and place of the hearing and the substance of the charge. The member's fares to and from the place of the meeting shall be paid. The member shall on written request, be supplied with such further particulars as may be necessary to indicate the precise matters with which the member is charged.

(3) At the appointed time and place (or any time and place to which the meeting is adjourned or postponed and of which the member charged is notified) the charge may be investigated, whether or not the person charged is present, unless a satisfactory explanation of the absence has been received.

(4) At the hearing the member charged must be given a reasonable opportunity to present a defence to the charges including a reasonable opportunity to call any witness upon whose evidence the member wishes to rely, and if necessary to tender a written submission.

(5) If the Divisional Executive finds the member concerned so charged guilty it may:

(a) Impose a fine of a sum not exceeding $100.00, and/or

(b) Suspend the member from membership; and/or

(c) Remove the member from any office or position; and/or

(d) Expel the member from membership of the Union.

(6) Suspension from membership shall deprive a member of the rights and benefits of membership, but shall not relieve the member of the obligations of membership and shall not exceed six months for any one offence.

(7) An appeal under this Rule shall lie in respect of any decision from the Divisional Executive to the Divisional Conference, provided that Notice of Appeal shall be given in writing to the Divisional Secretary within twenty-one days from the date of the member being notified of the Divisional Executive decision and shall set forth in full all matters which the appellant desires to be considered.

(8) The Divisional Conference shall decide the appeal at a meeting specially conducted for that purpose and the appellant shall have the right to attend the meeting and state a case on the appeal.

(9) Notwithstanding anything to the contrary in these Rules a person elected to any office within the Union shall not be dismissed from office unless found guilty of misappropriation of the funds of the Union a substantial breach of the Rules of the Union or of gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold the office.

## 36 - PAYMENT OF FINES

A member who is fined for any offence under these Rules shall pay such fine within 21 days following the date of the imposition of the fine. Should the fine not be paid, the amount due shall be added to the member's union subscriptions.

## 37 - SHOP STEWARDS AND JOB DELEGATES

(1) (a) A majority of the members employed in a workplace may elect from among the members so employed a person or persons to be shop steward or shop stewards of the workplace. The method of electing the shop steward shall be as follows:

(i) the District Secretary or the organiser of the relevant workplace shall be notified of the time and place of the meeting of members to be held to elect a shop steward;

(ii) the District Secretary or the organiser of the relevant workplace shall attend the meeting of the relevant members and shall call for nominations;

(iii) if more than one nomination is received, a vote shall be taken and the successful candidate shall apply to the District by submitting their name, roll number and postal address to the District Secretary for consideration by the District Management Committee;

(iv) The District Management Committee and/or Divisional Executive may accept or refuse the application to become a shop steward.

(b) (deleted)

(c) The Divisional Secretary or District Secretary may appoint a member of a workplace to be the shop steward in that workplace.

(d) A Shop Steward shall at all times be a financial member of the union.

(e) The Divisional Secretary shall be advised by the relevant District Secretary of the appointment of shop stewards.

(2) A shop steward elected or appointed under this rule, shall as far as possible perform the following duties, subject to the direction of the District and the Division:

(a) Discuss with, and endeavour to join workers in their workplace into the Union and advise the relevant District Secretary or organiser of the outcome of these attempts;

(b) To see that these Rules are adhered to;

(c) To assist in the resolution of any complaints or disputes at the workplace, and if unsuccessful to refer any such matters to the District Secretary or organiser;

(d) To report as soon as possible to the relevant District Secretary or organiser any breach or suspected breach of an agreement or award which is occurring or is suspected to have occurred at their workplace or any other workplace affecting the Union;

(e) To notify the relevant District Secretary or organiser, when possible within twenty-four hours, of all occupational health and safety incidents affecting members of the Union;

(f) To take an interest in the welfare of new employees in the workplace, including those workers on probation, apprentices and trainees;

(g) to attend Union training; and

(h) On direction of the District Secretary or at the request of one third of the members in the workplace, call a meeting of such members as soon as convenient;

(2) (deleted)

(3) Where no alternative arrangements for the payment of Union contributions have been determined by the Union, the Shop Steward shall collect all contributions, fines and levies due to the Union by members in the workplace where the Shop Steward is employed, and will pay all money collected to the District Secretary within 14 days. At the entire discretion of the Divisional Executive, the Shop Steward may be paid a Commission on all monies (except levies) collected.

(4) If the Divisional Secretary or District Secretary is advised by members in any work place of their dissatisfaction with the performance of a Shop Steward then a meeting of members will be convened to consider the complaints.

(5) The position of a Shop Steward shall be terminated in any of the following events:

(a) if the Shop Steward resigns from membership of the organisation or is expelled therefrom in accordance with these Rules;

(b) if the Shop Steward dies;

(c) if the Shop Steward fails to account for moneys received by him or her as a shop steward/Job Delegate in accordance with these Rules within the time fixed by these Rules for him or her to account thereof;

(d) if the Shop Steward is found guilty of a breach of any of these Rules;

(e) if the Shop Steward ceases to be employed in a trade, occupation or calling covered by the constitution of the organisation;

(f) if the Shop Steward ceases to be employed by an employer in the establishment or part thereof where he or she was appointed a Shop Steward/Job Delegate;

(g) if a majority of the members employed in the workplace or part thereof where he or she is a shop steward attend and vote at a meeting duly convened for that purpose of deciding whether he or she should continue to be a shop steward thereat decides that he or she shall cease to be shop steward at such establishment or part thereof.

(6) In this Rule reference to a workplace can also mean part of a workplace such as a shift or crew or other work group. Shop Stewards can also be known as Job Delegates and reference to one is also a reference to the other.

## 38 - VICTIMISATION

Should any Shop Steward or Job Delegate be victimised or reasonably supposed to be victimised for carrying out any duties of the Union, the District Management Committee/Executive Committee shall take all necessary steps to see that the Shop Steward/Job Delegate interests are protected.

## 39 - ALLOWANCES

The Divisional Executive may determine in any year the allowances, if any, to be paid to persons representing the District for attending meetings at the request of the District or for its purposes.

## 40 - CHANGE OF RESIDENCE

Members are required to advise the Divisional Secretary or the District Secretary within fourteen days of any change of residence.

## 41 - APPEALS OF MEMBERS

(a) Any member or members finding themselves aggrieved or having any complaint against the officers or members of the Division including any District may make a written appeal to the Divisional Branch Executive for redress.

(b) Any member dissatisfied with the decision of the Divisional Executive may appeal to the Divisional Conference within one month of the decision being given.

(c) An appeal shall be in writing and shall be lodged with the Divisional Secretary. The appeal shall set forth concisely the grounds on which it is based and the Divisional Conference may confirm, annul or modify the penalty or finding. The appellant member may appear in person.

## 

## 42 - SPECIAL RULE – THE PULP AND PAPER WORKERS DISTRICT

The following provisions shall apply in respect of the Pulp and Paper Workers' District of the Division (in this Rule called "the PPW District")

(1) Nothing in this Rule shall affect the application of the Rules to the PPW District and to the holders of offices within and to the members of that District except insofar as this Rule may be inconsistent with another rule in which event the provisions of this Rule shall prevail to the extent of such inconsistency.

PPW DISTRICT PROVISIONS

(2) The business of the PPW District shall be conducted by the District Management Committee which shall consist of the District Secretary, Sub-Branch Delegates, and any Affirmative Action delegates elected by the members of the District in accordance with Rule 42(10)A.

(3) The powers of the District Management Committee shall include the following powers:-

(a) To establish new Sub-Branches and amalgamate existing Sub-Branches, to close or disband Sub-Branches in accordance with the Rules, and generally to control Sub-Branches and the members thereof including the power to disallow By-Laws made by any Sub-Branch in conflict with the Rules.

(b) When establishing a new Sub-Branch to make Rules providing for the admission of members to that new Sub-Branch, the establishment of a Management Committee of that new Sub-Branch, the election of officers of that new Sub-Branch and all such matters as may be necessary.

(4A) The District shall hold an Annual General Meeting and such other meetings as may be necessary. Such meetings shall consist of a series of meetings of the members of each Sub-Branch held at times, places and dates to be decided by the District Management Committee. Members entitled to attend the meetings shall be notified thereof by circular or advertisement, or by printed notices or by such other similar means as the District Management Committee may deem reasonable. Any proposed resolution put to the series of meetings shall have been passed if it receives on the aggregate of all meetings held in the series, the majority of votes.

(5) The Divisional Conference or District Management Committee shall have the power to suspend any Sub-Branch Management Committee and/or all or any officers, committee members and delegates of a Sub-Branch if it is satisfied after due enquiry and after giving it or them the opportunity of being heard:-

(a) That the Rules of the District or Sub-Branch have not been bona fide observed or enforced by the Sub-Branch.

(b) That any lawful decision of the District Management Committee has not, after notification, been bona fide observed and enforced by the Sub-Branch.

(c) That the Sub-Branch is wilfully neglecting to provide for the collection of fees, levies, fines or contributions.

(d) That for any reason the Sub-Branch cannot or fails to meet in accordance with the Rules.

(e) That the officers of the Management Committee of the Sub-Branch refuse to disclose to the District Management Committee information concerning the Sub-Branch or the Management Committee.

(6) If a Sub-Branch or a Sub-Branch Management Committee fails to comply with any lawful direction of the District Management Committee and incurs legal costs or has imposed upon it a fine and/or legal costs arising from the conduct of the Sub-Branch, the Sub-Branch Management Committee or members of the Sub-Branch, which conduct is in contravention of the lawful direction of the District Management Committee then the District Management Committee shall have the power to direct that the amount of legal costs, fine and/or legal costs so incurred by and/or imposed upon the Sub Branch or Sub-Branch Management Committee shall be paid to the Division from the funds of the Sub-Branch.

(7) The District Management Committee shall call a meeting upon the requisition of three (3) Sub-Branches.

(8) The Sub-Branch Delegates to the District Management Committee shall be the Sub-Branch Secretary together with the additional Delegates who shall be elected quadrennially by the

membership of each Sub-Branch in accordance with Rule 32. The additional Delegates shall be elected on the following basis:-

(a) Each Sub-Branch with a membership of less than 100 members - the Sub-Branch Secretary only.

(b) Each Sub-Branch with a membership of 100 members or more but less than 400 members - the Sub-Branch Secretary together with one (1) additional Delegate.

(c) Each Sub-Branch with a membership of 400 members or more but less than 1,000 members - the Sub-Branch Secretary together with two (2) additional Delegates.

(9) The Sub-Branch Management Committee may appoint a proxy delegate to any meeting of the District Management Committee when the delegate or delegates of the Sub-Branch to the District Management Committee (being either the Sub-Branch Secretary or additional Delegate or Delegates) is or are unable to attend that meeting: Provided that such proxy delegate shall be entitled to speak and vote on any matter except that such proxy delegate shall not participate in any step in any election for an office conducted amongst members of the District Management Committee.

(10A) In addition to the Sub-Branch Delegates to the District Management Committee there may be up to two further delegates to the District Management Committee who shall be designated Affirmative Action Delegates to the District Management Committee. Affirmative Action Delegates shall be elected quadrennially by the members of the District in accordance with the provisions of Rule 32. Failure to fill a designated affirmative action position shall not prevent a District carrying out or conducting the business of the District.

(10B) The District Secretary and Divisional Conference Delegates shall be elected quadrennially by the members of the District in accordance with the provisions of Rule 32.

(11) The District President, Senior District Vice President and Junior District Vice President shall be elected by secret ballot after nominations have been called for by the Returning Officer at the meeting of the District Management Committee held next after the declaration of the quadrennial elections by and from the members of the District Management Committee in accordance with the provisions of Rule 32 with the necessary changes.

(12) In the event of a member being elected to the office of District Secretary and as an Additional Delegate of a Sub-Branch to the District Management Committee such position of Additional Delegate shall be deemed vacant and shall be filled by an election in accordance with the provisions of Rule 32 with the necessary changes.

(13) In the event of a member being elected to the offices of District Secretary and Sub-Branch Secretary the office of Sub-Branch Secretary shall be deemed vacant and shall be filled by an election in accordance with the provisions of Rule 32.

(14) (a) In the event of an industrial dispute taking place in any Sub-Branch the officers of such Sub-Branch shall try, by conciliation, to settle the dispute. In the event of the Sub-Branch officers concerned being unable to secure a satisfactory settlement the matter shall be referred to the District Secretary who shall, on behalf of the District Management Committee take charge of such dispute and shall consult with the District President and shall, if necessary, convene a meeting of the District Management Committee to deal with the matter.

(b) (i) A majority of the Sub-Branches shall, at special meetings of the Sub-Branch Management Committees called for that purpose, decide whether an industrial dispute affecting members of the District is to be submitted by the District to the appropriate tribunal established under the Fair Work Act 2009.

(ii) The District President and District Secretary or such other person or persons as the District Management Committee may decide shall be empowered to make submissions on behalf of and represent the District before a Federal or State Industrial Tribunal and to sign or issue any document including any agreement for the District which is necessary in respect of any such submission or presentation.

(15) Any delegates representing the District or a Sub-Branch on the Australian Labor Party shall be a member of that party.

(15A) The District Secretary shall be ex-officio a member of all committees of the Sub-Branches but shall not be entitled to exercise a vote on matters appertaining exclusively to only one Sub-Branch.

PPW SUB-BRANCH PROVISIONS

(16) (a) The following Sub-Branches are and shall be deemed to have been established as from the several dates on which they began to function:-

Melbourne, Maryvale, Millicent, Sydney, Tasmania, and Tumut.

(b) The Sub-Branches shall consist of members of the District as follows:-

(i) The Melbourne Sub-Branch shall consist of members who are employed within a radius of forty (40) kilometres of the General Post Office.

(ii) The Maryvale Sub-Branch shall consist of members employed within a radius of forty (40) kilometres from either the Traralgon or the Morwell Post Office.

(iii) the Millicent Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Millicent Post Office.

(iv) The Sydney Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Sydney Post Office.

(v) The Tumut Sub-Branch shall consist of members employed within a radius of forty (40) kilometres of the Tumut Post Office.

(vi) The Tasmanian Sub-Branch shall consist of members employed in the State of Tasmania.

(17) (a) Additional Sub-Branches may be established by resolution of the District of Management.

(b) Any member not employed within a Sub-Branch area shall be attached to the Sub-Branch nearest to where they are employed.

(18) (a) Officers of the Sub-Branches shall be the President, two (2) Vice-Presidents (a Senior and Junior Vice President) and a Secretary. Such officers shall also be officers of the Union. These officers together with such number of other members which shall not be less than three (3) or exceed ten (10) as the Sub-Branch shall determine shall form the Sub-Branch Committee of Management.

(b) Delegates to the District Committee of Management shall be ex-officio members of all Committees and Sub-Committees of the Sub-Branch to which they belong.

(c) The Officers of the Sub-Branch together with the other members of the Sub-Branch Management Committee shall be elected quadrennially by the members of the Sub-Branch in accordance with the provisions of Rule 32.

(19) (a) No member shall hold more than one of the offices of Sub-Branch President, Sub-Branch Senior Vice-President, Sub-Branch Junior Vice-President, Sub-Branch Committee member, or Sub-Branch Secretary. If a member is elected to any two or more of the said offices, such person shall not later than 5 days after the declaration of the result of the election by notice in writing delivered to the Sub-Branch Secretary signify which one of the said offices such member elects to hold. The member shall thereupon be deemed to have resigned from the other office or offices and the vacancy shall be filled in accordance with the provisions of Rule 32 mutatis mutandis.

(b) No member shall hold the office of Sub-Branch Secretary and Sub-Branch Additional Delegate from the Sub-Branch to the District Management Committee. If a member is elected to each of the said offices, such person shall not later than 5 days after the declaration of the result of the election by notice in writing delivered to the Sub-Branch President signify which one of the said offices such member elects to hold and shall thereupon be deemed to have resigned from the other office. The vacancy so occurring in the other office shall be filled in accordance with the provisions of Rule 32 mutatis mutandis.

(20) Each Sub-Branch shall elect delegates to represent it on any body with which the Sub-Branch is affiliated. The election shall be conducted amongst members of the Sub-Branch

Management Committee and be held at the next Sub-Branch Management Committee meeting following Sub-Branch elections. Nominees are required to be a member of the Sub-Branch Management Committee.

(21) Times and places of meetings of a Sub-Branch shall be fixed by the Sub-Branch Management Committee and shall be notified to members by being posted on work place notice boards at least three (3) days prior to the date of such meetings. At least one meeting shall be carried quarterly.

(22) Each Sub-Branch shall decide the starting and finishing times of its meetings and no extension shall exceed thirty (30) minutes beyond the time of normal finishing.

(23) The Sub-Branch President and Sub-Branch Secretary may call a meeting of the Sub-Branch Management Committee at any time by giving the membership of such Committee three (3) days notice in writing of the date, time and place of such meeting. The Sub-Branch President and Sub-Branch Secretary shall call a meeting of the Sub-Branch Management Committee. The Sub-Branch Management Committee if required to do so, by a written request of a majority of members of the Sub-Branch Management Committee may, at any meeting held of such Management Committee, decide the date, time and place of future meetings.

(24) A quorum for a Sub-Branch meeting shall consist of five (5) members (not including officers or members of the Management Committee) where the Sub-Branch has a membership of 100 or less members; a quorum for a Sub-Branch meeting shall consist of ten (10) members (not including officers or members of the Sub-Branch Management Committee) where the Sub-Branch has a membership of over 100 members. If no such quorum is present at a meeting of a Sub-Branch thirty (30) minutes after the normal starting time of such meeting that meeting shall lapse.

(25) If due to the absence of a quorum at a meeting, a Sub-Branch is unable to conduct its business, the Sub-Branch Management Committee shall conduct such business with the full authority of a properly constituted Sub-Branch meeting.

**43 - TRANSITIONAL PROVISIONS**

(i) The purpose of this Rule is to provide for the commencement of the operation of amendments made to the Rules of the Division in 2012 which provide for the substantial restructure of the Division including the abolition of Divisional Branches and the restructure of Districts, and of new Offices (the new Offices) and for various other additions, amendments, rescissions and other alterations (the 2012 Rule changes).

(ii) The provisions of this Rule and of all the Rules referred to in sub rule (i) (the new Rules or new sub rules) shall take effect on and from the day the General Manager certifies them (the Rule 43 commencement date). The Division and its members shall comply with them severally as provided for in this Rule.

(iii) Subject to the provisions of this Rule and after the Rule 43 commencement date, the Division and its members shall continue to comply with the Rules in operation immediately prior to that date (the unamended Rules).

(iv) As soon as practicably possible after the Rule 43 commencement date, after receiving advice from the Divisional Secretary, the Divisional Executive in office in accordance with the unamended Rules, shall in accordance with the relevant provisions of the new Rules

determine to which District of the Division each member of the Division is to be attached and to which PPW sub branch to which each member is to be attached.

(v) On or before the last day of August 2012 or as soon as practicable thereafter the Divisional Returning Officer shall conduct an election for each of the following new offices in accordance with the new Rule 32:

**District Offices**:

District Secretary

District Assistant Secretary (if any)

District President/s

District Vice-President/s

District Organisers (if any)

District Management Committee Members

(vi) The persons elected to the new Offices as set out in sub rule (v) hereof shall assume office on 2 January 2013. Until the declaration of the ballot in the election to be conducted by the members of the Divisional Conference as provided for in this Rule the Divisional Executive shall consist of the following officers:

Divisional Offices

The District Secretaries of each District

(vii) As soon as is practicable after the declaration of the ballot as provided for in (v) the Divisional Secretary shall summon a meeting of the Divisional Executive as constituted pursuant to sub rule (vi) hereof at which meeting the Divisional Executive shall determine a time and place for meeting of the Divisional Conference to be held.

(viii) The Divisional Secretary shall give members of the Divisional Conference at least 7 days notice of the date of the Conference meeting.

(ix) The Divisional Conference called in accordance with (viii) shall elect the Divisional Executive Officers and the Divisional Executive members in the manner provided for in new Rule 9.

(x) The meeting of Divisional Conference shall be conducted in accordance with the provisions of the new Rules.

(xi) Upon the declaration of the ballot in the election conducted at the Divisional Conference as provided for in (x) the Divisional Executive shall be constituted in accordance with the new Rules. As soon as is practicable thereafter the Divisional Secretary shall call a meeting of the Divisional Executive.

(xii) The terms of office of each of the offices elected in accordance with sub rules (v) and (ix) shall be 4 years commencing on 2 January 2013, thereafter elections shall be conducted for all offices in accordance with the new Rules.

(xiii) At the election to be conducted in accordance with this Rule 43 the following offices as provided for in Sub Rule 43(v) shall be full time paid offices:

NSW District Secretary, Victorian District Secretary, Greater Green Triangle District Secretary, South Australian District Secretary, PPW District Secretary and Victorian District Assistant Secretary.

(xiv) Upon the declaration of the ballot in the election for the new offices as set out in Sub Rule (v) hereof the unamended Rules shall cease to have any further operation.

(xv) On or before the last day of September 2012 or as soon as practicable thereafter the Divisional Returning Officer shall conduct an election for each of the new offices of Affirmative Action Delegate to the PPW District Management Committee in accordance with the new Rule 32. The persons elected to the new Offices as set out in this rule shall assume office on 2 January 2013.

## 44 - TRANSITIONAL PROVISIONS – TCFUA AMALGAMATION

The purpose of this Rule is to provide for the Amalgamation of the Union with the TCFUA, the allocation of its members to the Division and to the Districts in the Division, the manner in which its members will be represented in the Division, the allocation of offices and provision for transitional terms of office, elections and associated matters.

The provisions of this Rule will apply notwithstanding any other provisions of the Rules of the Division.

**(i) DEFINITIONS**

“TCF Amalgamation Day” means the day fixed by the Fair Work Commission for the amalgamation between the Union and the TCFUA to take effect.

“TCF Amalgamation Rules” means the amendments to the rules of the Division in order to put into effect the amalgamation of the Union with the TCFUA

“TCF Sector” means the members of the Union and the Division eligible in accordance with National Rule 2 (R) and Rule 3 (K).

“TCF Sector Council” means the body constituted pursuant to Rule 9 A of the TCF Amalgamation Rules.

“TCFUA” means the Textile, Clothing and Footwear Union of Australia, a registered organisation of employees.

“TCF Special Fund” means a fund established on TCF Amalgamation Day from the funds and assets of the TCFUA immediately prior to TCF Amalgamation Day as provided for in Sub-Rule 14 (EE)

“Transitional Period” means the period from the TCF Amalgamation Day until the completion of each of the terms of office as provided for in this rule.

**(ii) COMMENCEMENT**

The provisions of this Rule and the other TCF Amalgamation Rules shall take effect on TCF Amalgamation Day.

**(iii) ALLOCATION OF MEMBERS**

On and from TCF Amalgamation Day the members of the TCFUA and all members of the Union eligible pursuant to National Rules 2 (P) and Rule 3 (K) will be allocated to the Division as provided for in this Rule.

**(iv) CONTINUITY OF MEMBERSHIP**

Membership of the TCFUA prior to TCF Amalgamation Day shall on and from TCF Amalgamation Day be for all purposes of these Rules membership of the Union, the Division and the TCF Sector.

**(v) TRANSITIONAL OFFICE-HOLDERS**

On and from TCF Amalgamation Day the offices set out in Column B will be held by the persons holding the corresponding office set out in Column A on the day immediately preceding TCF Amalgamation Day, until the date set out or described in Column C.

| **Column A** | **Column B** | | **Column C** | |
| --- | --- | --- | --- | --- |
| **1. National Office** | | | | |
| TCFUA National Secretary | TCF National Secretary | | 20/12/2020 | |
| **2. Divisional Officers** | | | | |
| TCFUA National Secretary | TCF National Secretary | 20/12/2020 | | |
| TCFUA National President | Divisional Senior Vice President (TCF) | Until elections for this position are held at the February 2019 Divisional Conference. | | |
| FFPD NSW District Secretary | Divisional Assistant Secretary | 1/1/2021 | | |
| **3. Divisional Executive** | | | | |
| TCFUA National Secretary | TCF National Secretary | | 20/12/2020 | |
| TCFUA National President | Divisional Senior Vice President (TCF) | | Until elections for this position are held at the February 2019 Divisional Conference. | |
| FFPD NSW District Secretary | Divisional Assistant Secretary | | 1/1/2021 | |
| TCFUA National Vice President | Transitional TCF Divisional Executive Position [1] | | Until elections for this position are held at the February 2019 Divisional Conference. | |
| TCFUA National Trustee [1] | Transitional TCF Divisional Executive Position [2] | | Until elections for this position are held at the February 2019 Divisional Conference. | |
| TCFUA National Trustee [2] | Transitional TCF Divisional Executive Position [3] | | Until elections for this position are held at the February 2019 Divisional Conference. | |
| **4. TCF Sector Council** | | | | |
| TCFUA National Secretary | TCF National Secretary | | 20/12/2020 | |
| TCFUA National President | Divisional Senior Vice President (TCF) | | Until elections for this position are held at the February 2019 Divisional Conference. | |
| FFPD South Australia District Secretary | South Australia District Secretary | | 1/1/2021 | |
| TCFUA National Vice President | Ordinary TCF Sector Council member [1] | | Until elections for Transitional TCF Divisional Executive positions are held at the February 2019 Divisional Conference. | |
| TCFUA National Trustee [1] | Ordinary TCF Sector Council member [2] | | Until elections for Transitional TCF Divisional Executive positions are held at the February 2019 Divisional Conference. | |
| TCFUA National Trustee [2] | Ordinary TCF Sector Council member [3] | | Until elections for Transitional TCF Divisional Executive positions are held at the February 2019 Divisional Conference. | |
| **5. Divisional Conference** | | | | |
| TCFUA National Secretary | TCF National Secretary | | 20/12/2020 | |
| TCFUA National President | Divisional Senior Vice President (TCF) | | Until elections for this position are held at the February 2019 Divisional Conference. | |
| TCFUA National Vice President | Transitional TCF Sector Delegate [1] | | 1/1/2019 | |
| TCFUA National Trustee [1] | Transitional TCF Sector Delegate [2] | | 1/1/2019 | |
| TCFUA National Trustee [2] | Transitional TCF Sector Delegate [3] | | 1/1/2019 | |
| TCFUA NSW/SA/Tas Branch President | Transitional TCF Sector Delegate [4] | | 1/1/2019 | |
| TCFUA NSW/SA/Tas Branch Trustee | Transitional TCF Sector Delegate [5] | | 1/1/2019 | |
| TCFUA Vic/Qld/WA Branch Trustee | Transitional TCF Sector Delegate [6] | | 1/1/2019 | |
| **6. TCF Victorian District** | | | | |
| TCFUA Vic/Qld/WA Branch Secretary | TCF Victorian District Secretary | | | 1/1/2019 |
| TCFUA Vic/Qld/WA Branch Assistant Secretary | TCF Victorian District Assistant Secretary | | | 1/1/2019 |
| TCFUA Vic/Qld/WA Branch President | TCF Victorian District President | | | 1/1/2019 |
| TCFUA Vic/Qld/WA Branch Vice President | TCF Victorian District Vice President | | | 1/1/2019 |
| TCFUA Vic/Qld/WA Branch Trustee [1] | TCF Victorian District Committee of Management Member [1] | | | 1/1/2019 |
| TCFUA Vic/Qld/WA Branch Trustee [2] | TCF Victorian District Committee of Management Member [2] | | | 1/1/2019 |
| TCFUA Vic/Qld/WA Branch Committee of Management Member (Victoria) [1] | TCF Victorian District Committee of Management Member [3] | | | 1/1/2019 |
| TCFUA Vic/Qld/WA Branch Committee of Management Member (Victoria) [2] | TCF Victorian District Committee of Management Member [4] | | | 1/1/2019 |
| TCFUA Vic/Qld/WA Branch Committee of Management Member (Victoria) [3] | TCF Victorian District Committee of Management Member [5] | | | 1/1/2019 |
| TCFUA Vic/Qld/WA Branch Committee of Management Member (Victoria) [4] | TCF Victorian District Committee of Management Member [6] | | | 1/1/2019 |
| TCFUA Vic/Qld/WA Branch Committee of Management Member (Victoria) [5] | TCF Victorian District Committee of Management Member [7] | | | 1/1/2019 |
| **7. NSW District** | | | | |
| TCFUA NSW/SA/Tas Branch Secretary | NSW District Secretary | | | 1/1/2019 |
| TCFUA NSW/SA/Tas Branch Assistant Secretary | NSW District Assistant Secretary | | | 1/1/2019 |
| TCFUA NSW/SA/Tas Branch President | Transitional TCF Sector NSW District Committee of Management Member [1] | | | 1/1/2019 |
| TCFUA NSW/SA/Tas Branch Trustee [1] | Transitional TCF Sector NSW District Committee of Management Member [2] | | | 1/1/2019 |
| TCFUA NSW/SA/Tas Branch Trustee [2] | Transitional TCF Sector NSW District Committee of Management Member [3] | | | 1/1/2019 |
| TCFUA NSW/SA/Tas Branch Committee of Management Member [1] | Transitional TCF Sector NSW District Committee of Management Member [4] | | | 1/1/2019 |
| TCFUA Vic/Qld/WA Branch Committee  of Management Member (Queensland) [1] | Transitional TCF Sector NSW District Committee of Management Member [5] | | | 1/1/2019 |
| TCFUA Vic/Qld/WA Branch Committee  of Management Member (Queensland) [2] | Transitional TCF Sector NSW District Committee of Management Member [6] | | | 1/1/2019 |
| **8. South Australian District** | | | | |
| TCFUA NSW/SA/Tas Branch Vice President | Transitional TCF Sector SA District Committee of Management Member [1] | | | 1/1/2019 |
| TCFUA NSW/SA/Tas Committee of of Management Member [2] | Transitional TCF Sector SA District Committee of Management Member [1] | | | 1/1/2019 |
| TCFUA NSW/SA/Tas Committee of of Management Member [3] | Transitional TCF Sector SA District Committee of Management Member [1] | | | 1/1/2019 |
| **9. Queensland Northern Territory WA District** | | | | |
| TCFUA Vic/Qld/WA Branch Committee of Management Member (Western Australia) | Transitional TCF Sector Queensland Northern Territory WA District Committee of Management Member [1] | | | 1/1/2019 |

**(vi) ADDITIONAL TRANSITIONAL ARRANGEMENTS – DIVISIONAL OFFICERS**

**TCF National Secretary**

1. On and from TCF Amalgamation Day, the office of TCF National Secretary is established.

2. The term of office of the TCF National Secretary shall be in accordance with Rule 44(v)1 and Rule 32(a)(v)

**Divisional Senior Vice President (TCF)**

1. On and from TCF Amalgamation Day the office of Divisional Senior Vice President (TCF) is established.

2. An election for the office of Divisional Senior Vice President (TCF) is to be held at the 2019 Divisional Conference. Insofar as it is not inconsistent with anything contained in rule 44, the procedure for elections set out in rule 9 will apply to this election. To the extent of any inconsistency, the provisions of rule 44 will prevail.

3. In order to synchronise the term of office of the Divisional Senior Vice President (TCF) with that of other terms of office provided for in rule 9, the term of office for the Divisional Senior Vice President elected at the 2019 Divisional Conference shall commence upon the declaration of the election, and shall continue until the declaration of election for the position of Divisional Senior Vice President (TCF) at the 2021 Divisional Conference pursuant to rule 9.

**Divisional Assistant Secretary**

1. On and from TCF Amalgamation Day the additional position of Divisional Assistant Secretary is established. This shall be a full time position for the balance of the transitional term of office which ends as set out at Sub Rule (v) Column C.

2. The powers and duties of the person holding the office are the same as those provided for in Rule 13 (iii) for Divisional Assistant Secretaries.

**(vii) ADDITIONAL TRANSITIONAL ARRANGEMENTS – DIVISIONAL EXECUTIVE**

1. On and from TCF Amalgamation Day, three transitional TCF Divisional Executive positions are established.

2. Elections for each of the three transitional TCF Divisional Executive positions will be held at the 2019 Divisional Conference. Insofar as it is not inconsistent with anything contained in rule 44, the procedure for elections set out in rule 9 will apply to these elections. To the extent of any inconsistency, the provisions of rule 44 will prevail.

3. The term of office for each of the three transitional TCF Divisional Executive positions elected at the 2019 Divisional Conference shall commence upon the declaration of the election, and shall continue until the election of Divisional Executive members at the 2021 Divisional Conference pursuant to rule 9. Upon the expiration of these terms of office, the three transitional TCF Divisional Executive Positions cease to exist.

**(viii) ADDITIONAL TRANSITIONAL ARRANGEMENTS – DIVISIONAL CONFERENCE DELEGATES**

1. On and from TCF Amalgamation Day, six transitional TCF Sector Delegate positions are established, one of which must be from the Victorian TCF District or Victorian District, and one of which must be from the NSW District.

2. Elections for each of the six transitional TCF Sector Delegate positions will be held in 2018. Insofar as it is not inconsistent with anything contained in rule 44, the procedure for elections set out in rule 32 will apply to these elections. To the extent of any inconsistency, the provisions of rule 44 will prevail.

3. The term of office for each of the six transitional TCF Sector Delegate positions will commence on 2 January 2019 and cease on 1 January 2021. Upon the expiration of these terms of office, the six transitional TCF Sector Delegate positions cease to exist.

**(ix) ADDITIONAL TRANSITIONAL ARRANGEMENTS - TCF SECTOR COUNCIL**

1. On and from TCF Amalgamation Day the TCF Sector Council is established.

2. Notwithstanding anything to the contrary in rule 9 A, the TCF Sector Council will be constituted as follows until the declaration of elections of Divisional Executive members at the 2021 Divisional Conference:

* TCF National Secretary
* District Senior Vice President (TCF)
* District Secretary, South Australian District
* Three transitional ordinary TCF Sector Council members

3. On and from the elections for each of the three transitional TCF Divisional Executive positions at the 2019 Divisional Conference, the three transitional TCF Divisional Executive positions shall hold ex officio the three transitional ordinary TCF Sector Council member positions, until the conclusion of their terms of office as provided for in (vii) above.

**(x) ADDITIONAL TRANSITIONAL ARRANGEMENTS - DISTRICTS**

1. TCF Victorian District

(a) On and from TCF Amalgamation Day a District shall be constituted in Victoria to which all members of the TCF Sector who are a resident in the state of Victoria who are eligible for membership pursuant to National Rules 2 (P) and 3 (K) shall be allocated. This will be the TCF Victorian District.

(b) The Committee of the TCF Victorian District will consist of officers of the TCFUA prior to TCF Amalgamation Day as provided for in (v) of this Rule.

(c) On and from TCF Amalgamation Day, the positions of TCF Victorian District Assistant Secretary and TCF Victorian District President will be full time paid positions. The position of TCF Victorian District Secretary will be an honorary position.

(d) The TCF Victorian District will cease to exist on 1 January 2019 or earlier if agreement has been reached by the District Committees of that District and the Victorian District of the Division and that agreement has been approved by the Divisional Executive and the TCF Sector Council.

2. Victorian District

(a) In 2018, or earlier in the event of an agreement as referred to in 1(d) above, an election will be conducted for the following positions for representatives of the TCF Sector on the Victorian District:

* TCF Assistant Secretary
* TCF Full Time Officer

(b) From 1 January 2019 members of the TCF Sector eligible in accordance with rule 18 (i) (g) will be allocated to the Green Triangle District.

3. NSW District

(a) On and from TCF Amalgamation Day, all TCF Sector members who reside in NSW and Queensland will be allocated to the NSW District.

(b) On and from TCF Amalgamation Day, six Transitional TCF Sector NSW District Committee of Management Member positions are established.

(c) Elections for each of the six transitional TCF Sector NSW District Committee of Management Member positions will be held in 2018. Insofar as it is not inconsistent with anything contained in rule 44, the procedure for elections set out in rule 32 will apply to these elections. To the extent of any inconsistency, the provisions of rule 44 will prevail.

(d) The term of office for each of the six TCF Sector NSW District Committee of Management Member positions elected in 2018 will commence on 2 January 2019 and cease on 1 January 2021. Upon the expiration of these terms of office, the six TCF Sector NSW District Committee of Management Member positions cease to exist.

(e) In 2018, an election will be conducted for the position of NSW District Secretary. In order to synchronise the term of office of the position of NSW District Secretary with that of other terms of office provided for in rule 32, the term of office for this position elected in 2018 will commence on 2 January 2019 and cease on 1 January 2021.

4. South Australian District

(a) On and from TCF Amalgamation Day, all TCF Sector members who reside in South Australia and who are not eligible for membership of the Green Triangle District will be allocated to the South Australian District.

(b) On and from TCF Amalgamation Day, three Transitional TCF Sector SA District Committee of Management Member positions are established.

(c) Elections for each of the three transitional TCF Sector SA District Committee of Management Member positions will be held in 2018. Insofar as it is not inconsistent with anything contained in rule 44, the procedure for elections set out in rule 32 will apply to these elections. To the extent of any inconsistency, the provisions of rule 44 will prevail.

(d) The term of office for each of the three TCF Sector SA District Committee of Management Member positions elected in 2018 will commence on 2 January 2019 and cease on 1 January 2021. Upon the expiration of these terms of office, the three TCF Sector SA District Committee of Management Member positions cease to exist.

5. Tasmanian District

(a) On and from TCF Amalgamation Day, members of the TCF Sector who reside in Tasmania will be allocated to the Tasmanian District.

6. Queensland, Northern Territory and Western Australia District

(a) On and from TCF Amalgamation Day, members of the TCF Sector who reside in Northern Territory or Western Australia will be allocated to the Queensland, Northern Territory and Western Australia District.

(b) On and from TCF Amalgamation Day, a Transitional TCF Sector Queensland, Northern Territory and Western Australia District Committee of Management Member position is established.

(c) An election for the Transitional TCF Sector Queensland, Northern Territory and Western Australia District Committee of Management Member position will be held in 2018. Insofar as it is not inconsistent with anything contained in rule 44, the procedure for elections set out in rule 32 will apply to this election. To the extent of any inconsistency, the provisions of rule 44 will prevail.

(d) The term of office for the Transitional TCF Sector Queensland, Northern Territory and Western Australia District Committee of Management Member position elected in 2018 will commence on 2 January 2019 and cease on 1 January 2021. Upon the expiration of this term of office, the Transitional TCF Sector Queensland, Northern Territory and Western Australia District Committee of Management Member position ceases to exist.

7. Green Triangle District

On and from TCF Amalgamation Day, members of the TCF Sector eligible in accordance with Rule 18 (i) (g) will be allocated to the Green Triangle District other than those members allocated to the TCF Victorian District.

**(xi) ELIGIBILITY AND QUALIFICATIONS FOR OFFICE**

1. TCF National Secretary

Three years financial membership of the TCF Sector.

2. Senior Vice-President (TCF) and all other TCF Divisional and District Representatives except for Victorian District TCF Assistant Secretary, Victorian District TCF Full Time Officer, TCF Sector Queensland/Northern Territory/WA District Committee of Management member and District-specific transitional TCF Sector Divisional Conference Delegates

Twelve months financial membership of the TCF Sector

3. Victorian District TCF Assistant Secretary and the Victorian District TCF Full Time Officer

Three years financial membership of the TCF Sector, for the elections to take place in 2018. Twelve months financial membership of the TCF Sector thereafter.

4 District-specific transitional TCF Sector Divisional Conference Delegates

12 months financial membership in the TCF Sector in the District to which the position relates.

5 TCF Sector Queensland/Northern Territory/WA District Committee of Management Member

12 months financial membership in the TCF sector and a resident of WA.

**(xii) ELECTORATES**

3. TCF representatives will be elected from the membership as follows:

(a) TCF National Secretary - members of the Division.

(b) Divisional Senior Vice President (TCF) – Divisional Conference.

(c) Transitional TCF Divisional Executive positions – Divisional Conference.

(d) Transitional Divisional Conference TCF Delegate positions – members of the TCF Sector.

(e) District officers - members of the TCF Sector in the District.

**(xii) CASUAL VACANCIES**

1. In the event of a Casual Vacancy occurring in any of the offices provided for under rule 44(v) other than the additional Divisional Assistant Secretary, during any term of office provided for under rule 44, that vacancy will be filled as follows:

(a) where the Casual Vacancy occurs and the unexpired portion of the term of office is more than twelve months or three quarters of the term of office whichever is the greater the vacancy shall be filled by election in accordance with (x) of this Rule.

(b) where a Casual Vacancy occurs and the unexpired term of office is less than twelve months or three quarters of the term of the office, such vacancy may be filled by appointment by TCF Sector Council of an eligible member of the TCF Sector for the balance of the term of that office.

2. Additional Divisional Assistant Secretary

Casual Vacancy to be filled in accordance with Rule 33.

**(xiii) ALL OTHER OFFICES TO CONTINUE**

For the avoidance of doubt, other than as provided for in Rule 44(v), on and from amalgamation day all offices within the Division shall be held by the persons holding those offices immediately prior to amalgamation day, and those persons shall continue to hold office for the period that equals the unexpired part of the term of office held by the person immediately before amalgamation day.

**(xiv) SHOP STEWARDS AND JOB DELEGATES**

On and from amalgamation day, persons who were shop stewards pursuant to Rule 48 of the TCFUA Rules immediately prior to amalgamation day shall be deemed to be appointed shop stewards pursuant to Rule 37.

**(xv) FUNDS**

On and from amalgamation day a fund will be established from the funds of the TCFUA which shall become a fund of the Division in a fund entitled “TCF Special Fund” and shall be dealt with in the manner prescribed in rule 14 E.

**(xvi) ALTERATION OF RULES**

This Rule may be altered provided that it shall not be altered without the approval of the TCF Sector Council Sub-Committee as provided for in rules 9 A and 16.

## SCHEDULE 1 - SPECIAL FUNDS

The following are special funds as provided for in sub rule 14D and such funds will be managed and maintained by the Divisional Executive on behalf of and in the interest of and for the benefit of those groups of members for whom the funds were collected, as set out hereunder:

**Victorian District**

The John Curtin Fund – for members of the Victorian District.

**South Australian District:**

South Australian Glaziers Fund – Flat Glass and Glazing members in the South Australian District.

Metro and Country Fund – for members of specific Worksites in the South Australian District.

South East Welfare Fund – for members in the South East Region of the South Australian District

**PPW District:**

PPW Support Fund - for members of the PPW District

PPW Maryvale Sub Branch Fund – for members of the PPW Maryvale Sub Branch

PPW Millicent Sub Branch Fund - for members of the PPW Millicent Sub Branch

PPW Melbourne Sub Branch Fund – for members of the PPW Melbourne Branch

**NSW District**

Member Support Fund – members of NSW District

**TCF Sector**

Mortality fund

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## SCHEDULE 2 - RULES OF DEBATE

**MOTIONS, HOW DEALT WITH:**

(a) All motions shall be of an affirmative character and must be moved and seconded by members. Such motions become the property of the Union, and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless two-thirds of the members present agree to an extension of time.

(b) Unless a member opposes the motion or proposes an amendment thereto, the motion shall be immediately put to the meeting for decision.

(c) A motion may be superseded at any time by another motion "that it be discharged from the notice paper" or "that the next business be proceeded with" being resolved in the affirmative.

(d) A motion may be amended at any time during the debate thereon by -

(i) striking out certain words

(ii) adding certain words, or

(iii) striking out certain words and inserting others in their place.

Always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.

(e) Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.

(f) (i) At meetings other than meetings of the membership of a District or of a sub-branch all motions shall be put to the meeting by the chairperson in a clear manner. Any member present may demand that the vote be by ballot and the Chairperson shall thereupon conduct a ballot. In the absence of such a demand all motions shall be put to the meeting by the Chairperson by asking for the "ayes" to vote first and then the "noes". The Chairperson's decision as to which has the majority will be final unless any member present demands a show of hands. Upon such a demand being made the chairperson shall ask "those in favour" to raise one hand then "those against" to raise one hand.

(ii) At meetings of the membership of a District or of a Sub-Branch all motions shall be put to the meeting by the Chairperson in a clear manner by asking "ayes" to vote first and then the "noes".

The Chairperson's decision as to which has the majority will be final unless a member supported by one quarter of the number of members present demands a show of hands.

Upon such a demand being made the Chairperson shall appoint tellers to count the votes and shall ask "those in favour" to raise one hand then "those against" to raise one hand.

(iii) If the votes are equal the question is resolved in the negative.

(g) No member shall be allowed to vote who was not present when the question was first put.

(h) A mover of a motion to be allowed 10 minutes to introduce and 5 minutes to reply. Other speakers 5 minutes unless two-thirds of the members present agree to an extension of time.

(i) Any member desiring to move to change a decision of the Union or of a District must submit notice in writing of such intention to the Divisional Secretary or the District Secretary of the Union as the case may be fourteen (14) days prior to the date of the meeting at which they will move for such change.

(j) During the course of a meeting any resolution which has been the business of that meeting may be recommitted at the hearing.

**RIGHT TO SPEAK**

(a) Any member desiring to speak shall rise and address the chairperson. If two (2) or more delegates begin to address the chairperson at the same time, the Chairperson shall call upon the one who, in the Chairpersons opinion, began to speak first. Provided that no member can speak more than once upon any question (which shall include the original motion and all amendments thereto) before the meeting, except -

(i) In reply as the mover of the original motion.

(ii) In explanation or correction of some matter during the debate.

(iii) Upon a point of order raised during the debate.

(iv) Upon a resolution being carried "that a member be now heard".

(b) A member will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by the member.

(c) Not more than two members shall be allowed to speak in succession for or against any question. If at the conclusion of the second speaker's remarks no member speaks on the other side, the motion or amendment shall be put to the vote.

(d) Any member speaking shall at once stop:-

(i) If the chairperson begins to speak; or

(b) If a point of order is raised;

and shall not resume speaking until the point of order is decided.

(e) No member may speak to any question after it has been put by the chairperson, or during a division.

**REPORTS**

(a) A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of the Conference/Executive thereon.

(b) If the report contains any recommendation it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the meeting on the matter.

**ADJOURNMENT OF MEETING OR DEBATE**

A motion for the adjournment of the meeting may be proposed at any time or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

**ADJOURNMENT OF STATED TIME**

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of the meeting.

**SUSPENSION OF ORDER OF BUSINESS**

It shall be competent by a majority vote of the members present for the meeting to suspend the order of business.

**SITTING AS A COMMITTEE**

Divisional Conference or Executive may at any time, by a resolution agreed to by a majority of members present, resolve itself into a committee of the whole. The rules governing the business of Divisional Conference or Executive shall be observed when in Committee.

**DEFINITION**

In this rule "member" shall include any person attending a meeting.

**CHAIRPERSON'S RULING**

(a) The chairperson's rulings on all points of order shall be final, unless at the time a motion is carried that such ruling be disagreed with.

(b) When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by the meeting. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

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