

RULES

1. NAME

The name of the Federation shall be "The Australian Building and Construction Workers' Federation".

2. HEADQUARTERS

The headquarters of the Federation shall be situated at 240 Franklin Street, Adelaide in the State of South Australia or such other location in the said State as the Executive may determine.

3. REGISTERED OFFICE

The registered office of the Federation shall be at the headquarters of the Federation.

4. CONSTITUTION

- (A) The Federation shall consist of an unlimited number of persons employed or usually employed as builders' labourers throughout Australia on or about any building or assisting any bricklayer mason, plasterer, carpenter, plumber or any tradesman engaged in building operations, or employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to building construction, and any labourer engaged in the construction, repair, demolition or removal of buildings, or as scaffolder, rigger, gear hand, gantry hand or crane hand or as dogman, or as a drainer on all building contracts, any labourer excavating ground for foundations and basements of buildings, or levelling ground on a proposed building site, or doing concrete work, tar paving or asphalt work, or mortar or concrete mixing in connection with, or incidental to the foregoing operations, and employees (other than

motor truck drivers and clerks} engaged in the operation of concrete hatching plants where such plants are used principally for the production of concrete for supply to building construction operations, together with such other persons whether employees in the industry or not, as have been appointed officers of the Association and admitted as members thereof.

(B) Further provided that without limiting the generality of the foregoing, the Federation shall also consist of:-

(1) workers (other than tradesmen) , on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purpose of this sub-Rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

(2) Without limiting the generality of the foregoing, persons eligible for membership of the Federation shall include any worker:-

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in paragraph (1) of this sub-Rule; or

(ii) employed on any making or contracting job in wood stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in paragraph (1) of this sub-Rule, and in particular as

Bricklayers Labourer
Plasters Labourer
Concrete Finisher
Dump Cart Operator

Scaffolder
 Powder Monkey
 Foundation Shaftsman
 Steel Fixer (including Tack Welder)
 Assistant Powder Monkey
 Demolition Worker
 Gear Hand
 Jackhammerman
 Mixer Driver (Concrete)
 Steel Erector
 Aluminium Alloy Worker
 Structural Erectors (whether prefabricated or otherwise)
 Cement Gun Operator
 Concrete Cutting and Sawing Machine Operator
 Concrete Gang Worker (including Concrete Floater)
 Roof Layer (Malthoid or similar material)
 Underpinner
 Concrete Formwork
 Stripper
 Builders Labourer
 Tackle Hand
 Floor Sanding and/or
 Smoothing Machine Operators
 Leading Hand Labourer
 Labourer on Refractory work
 Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
 Rigger performing rigging work that is an integral part of, or is incidental to a tradesman's work
 Assistant Rigger assisting a rigger specified in immediate preceding classifications
 Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

Provided that, nothing in this sub-Rule (B) shall render eligible to join the Federation any person who is thus excluded by any demarcation agreement between the Federation and the Australian Workers Union, the Federated Ironworkers Association or the Amalgamated Construction, Mining and Energy Union.

(C) (A) (A) Further provided that without limiting the generality of the foregoing, the following unlimited number of persons, whether male or female, are eligible to be members of the Union

(1) employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations and/or industrial pursuits of

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) carpenters or joiners (including foremen and sub-foremen) or stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions, or bricklayers, tuckpointers, or in a

trade or calling of a slater, roof tiler, shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibro, fibrolite or cement mixtures and accessories, malthoid sisalkraft or bituminous roofing materials and all accessories made of the same materials and without limiting the meaning of the above they shall be deemed to include terra cotta, glazed, semi-glazed roofing tiles, cement tiles, slates, fibro slates, tiles, asbestos, fibro fibrolite, fibrous mixtures, cement and any mixtures that may replace or be used in conjunction with the foregoing or any materials incidental thereto or in place thereof, or apprentices or trainees to or in any of the foregoing trades together with such other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof PROVIDED however that notwithstanding the foregoing:-

- (a) nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in tilelaying as defined in this sub-rule;
- (b) nothing in paragraph (A)(i) of this rule shall render eligible for membership, any employee engaged in tilelaying as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trade Society of Australasia;
- (d) Nothing in paragraph (A)(i) of this rule shall render eligible for membership any person who is a member of or eligible for membership of The Plumbers and Gasfitters Employees' Union of Australia;
- (e) nothing in paragraph (A)(i) of this rule shall

render eligible for membership any employee engaged in the plate, sheet and ornamental glass industries as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trades Society of Australasia.

- (ii) the process or trade or business as a: plasterer, fixer, shophand, and caster, or employed in internal and/or external plastering, and/or cementing, including rendering with all forms of plaster, asbestos fibre, and including the performance of the aforementioned duties or processes by manual or mechanical means, (excepting employees engaged in manufacture of cement and/or concrete, and/or fibrolite articles) including wood, paper and metal lathing and/or top dressing of all concrete work finished in cement, and/or fibrous plaster fixing work, including sackett board and similar substances, defined as being fixing and finishing of fibrous work, as done by plasterers or fibrous plaster fixers, or employed in underground sewer or tunnel plastering, granolithic floor laying, i.e., floors laid with material or aggregate consisting of granite chips, blue stone toppings, crushed slag, cement floors, including magnesite and/or composition floors, marble mosaic paving, terrazzo and similar work, and/or press cement work, including shophands' work, being defined to include the interpretation of plans and details, and to work from them in the preparation of the ground work for the modeller, and also the cutting and mounting of moulds and casters' work, which shall include cornice and moulding and other plaster castings, and the casting of plain or ornamental plaster sheets by mechanical or manual means, the laying or fixing to floors or walls, tiles of terra cotta or pottery ware, faience, ceramic (excepting where such work is done in connection with bricklaying work) opalite tiles not exceeding in measurement .093 square metres, tiles made of plastic

substances or other materials in substitution thereof, excepting metal, together with all persons as have been appointed officers of the Federation, and admitted members thereof. All persons employed assisting shophands, casters and/or fixers. All junior shophands, casters and fixers and all persons apprenticed to any such branch of the plastering trades. Apprentices to the tilelaying trade.

- (C) (A) (b) Without limiting the generality of any other subrule or paragraph or being limited thereby an unlimited number of persons employed in or seeking to be employed in or in connexion with all or any of the industry and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, shall be eligible to be members of the Union including the following:
- (a) on ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind;
 - (b) the painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;
 - (c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment,

(commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;

- (d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;
- (e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars (but excepting any person who is eligible for membership of the Federated Furnishing Trade Society of Australasia);
- (f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;
- (g) signwriting, designing and/or lettering of price tickets and showcards;
- (h) pictorial or scenic painting or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering;

- (k) employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 2, Constitution hereof, (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, water colour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools, or by grit, shot, or other abrasives or by any other means;
- (l) persons engaged in preparing the work and materials required in any of the aforementioned branches of the

trade; together with such other persons whether engaged in any industrial pursuit or not who have been appointed officers of the Union and admitted as members thereof but shall not include persons employed in connexion with the production or preparation of manufactured goods, plant, machinery, equipment, packages or containers for sale or purposes of distribution.

(2) For the purposes of this Rule a person shall be deemed to be employed in one or more of the specified industries, occupations, callings, vocations or industrial pursuits if:

(i) his usual occupation is that of an employee in one or more of the specified industries, occupations, callings, vocations or industrial pursuits, or

(ii) he is a person employed in one or more of the specified industries, or engaged in one or more of the specified industrial pursuits in the State of South Australia who -

(c) in the case of a person so employed or engaged in South Australia - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1972-1975 of that State or that Act as amended from time to time;

(3) A person who is a member of or who is eligible for membership of The Printing and Kindred Industries Union, shall not be eligible to be or be a member of The Operative Painters and Decorators Union of Australia.

(C) (B) Without limiting the generality of the foregoing, or being limited thereby the Union shall also consist of:-

(1) workers (other than tradesperson), on any work in or in connection with or incidental to the erection, repair,

renovation, maintenance, ornamentation, alteration, removal or demolition of any building.

For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.

- (2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:
 - (i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or
 - (ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as
 - Bricklayers Labourer
 - Plasterers Labourer
 - Concrete Finisher
 - Dump Cart Operator
 - Scaffolder
 - Powder Monkey
 - Foundation Shaftsmen
 - Steel Fixer (including Tack Welder)
 - Assistant Powder Monkey
 - Demolition Worker
 - Gear Hand
 - Jackhammerman

Mixer Driver (Concrete)
 Steel Erector
 Aluminium Alloy Worker Structural Erectors
 (whether prefabricated or otherwise)
 Cement Gun Operator
 Concrete Cutting and Sawing Machine Operator
 Concrete Gang worker (including Concrete Floater)
 Roof Layer (Malthoid or similar material)
 Underpinner
 Concrete Formwork Stripper
 Builders Labourer
 Tackle Hand
 Floor Sanding and/or Smoothing Machine
 Operators
 Leading Hand Labourer
 Labourer on Refractory work
 Labourer excavating ground for foundations
 or basements of building or levelling
 ground on a proposed building site
 or doing concrete work, tar paving or
 asphalt work or mortar or concrete mixing
 in connection with or incidental to the
 construction, repair, demolition or removal of
 buildings
 Rigger performing rigging work that is an
 integral part of, or is incidental to, a
 tradesman's work
 Assistant Rigger assisting a rigger
 specified in immediate preceding
 classifications
 Drilling Machine Operator except in the
 mining or mineral exploration or
 hydrocarbon industries

Provided that, nothing in this sub-rule (B) shall render eligible to join the Union any person employed:-

- (4) A drainer or person employed as a plumber's labourer;
 - (5) On a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a Civil or Mechanical Engineering Site;
 - (6) In the installation, repair or maintenance of lifts, escalators or air-conditioning plant;
- (C) (D) Without limiting the generality of the foregoing and without being limited thereby an unlimited number of employees engaged in or in connection with the coal and shale industries together with such other persons whether employees in the industries or not as have been appointed officers and admitted as members are eligible to be members of the Union.
- (C) (E) Without limiting the generality of the foregoing and without being limited thereby the following are eligible to be members of the Union:-
- (a) An unlimited number of all classes of engine drivers, firemen, crane drivers, mobile crane drivers, forklift drivers, tow motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery connected with the production or utilisation of power on land or any harbour or river, and boiler attendants attending boilers not generating steam for power purposes and such persons as have been elected or appointed as paid officers of the Union or a branch of the Union or whilst financial members of the Union are elected as representatives of any working-class

organisation to which the Union or a branch thereof is affiliated, or as a working-class member of Parliament.

Provided that mobile crane drivers, operators of fork lifts and/or tow motors engaged on the waterfront upon such work being that of a waterside worker or engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership.

- (b) Further, provided that, without limiting the generality of the foregoing the following classes of workers engaged in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building are eligible to be members of the Union. For the purposes of this sub-rule (b) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

Dogman

Hoist or Winch Driver

Gantry Hand or Crane Hand

Crane Chaser

Dogman/Crane Hand

Trainee Dogman/Crane Hand

Pile Driver

Pile Driver Assistant

Rigger performing rigging work that is an integral part of, or is incidental to,

crane operations

Assistant Rigger

Drilling Machine Operator

Provided that, nothing in sub-rule (b) shall render eligible to join the Union any person employed:

- (1) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site.
- (3) in the mining or exploration or hydro-carbons industries.

(C) (I) Without limiting the generality of sub-rules (C) (A), (C) (B), and (C) (D) above and without being limited thereby, nothing in sub-rule (C) (E) above shall make eligible for membership of the Union any person employed by the following employers in metalliferous mining:

Aberfoyle Resources Ltd
 Beconsfield Gold Mines Ltd
 Mt Lyell Mining & Railway Co. Ltd
 Pasminco Mining
 Renison Ltd
 Tasmania Mines Ltd
 Western Mining Corporation
 Adelaide Chemical Company
 Boral Resources (SA) Pty Ltd
 Penrice Soda Products Pty Ltd
 Mt Gunson Mines Ltd
 Commercial Minerals (SA) Pty Ltd

(C) (J) Without limiting the generality of Sub-Rules (C) (A) to (C) (E) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

- (C) (N) Without limiting the generality of the foregoing and without being limited thereby, the following are eligible to be members of the Union: an unlimited number of persons throughout the Commonwealth who are employed or usually employed in the Brick, Tile and Pottery Industry and without limiting the generality of the foregoing, shall include persons employed or usually employed within the said industry in the manufacture of Abrasive wheels and stones (otherwise than at Australian Abrasives Pty. Ltd., Auburn and at Carborundum Pty. Ltd., Thomastown), Architectural terracotta facing materials, Building bricks of every description (including sand and lime bricks), Bristolware, Ceramics, Chinaware, Conduits and Insulators, Earthenware, Ceramic flooring tiles, Pottery and porcelain ware, Refractory materials, Roofing tiles and accessories, Stoneware pipes and sanitary fittings, Terracotta ware and wall tiles, together with such persons, whether engaged in the industry or not, who have been elected full time paid officers of the Clay and Ceramics Industry Divisional Branch pursuant to the relevant rules relating to the election of officers.

5. OBJECTS

The objects of the Federation are:

- (a) To uphold the rights of combination of labour, and to improve, protect and foster the best interests of its members, and to regulate the hours of labour;
- (b) To propagate the principle of Industrial Unionism, and to secure the establishment of same;
- (c) To assist in the Movement of the socialisation of the means of production, distribution and exchange;
- (d) To obtain and maintain just wages and conditions;
- {e) To assist by Federation or otherwise in upholding the rights

and privileges of workers;

- (f) To provide legal assistance in defence of members;
- (g) To establish and maintain a newspaper and any other publications which might assist the Union;
- (h) To assist members who are in distress through sickness or accident or unemployment;
- (i) To subscribe to testimonials or otherwise recognise services rendered to the Union;
- (j) To make gifts for bona fide charitable purpose or other Labour organisations;
- (k) To affiliate with, co-operate with, or assist any person or body which has any object similar to any of the objects of the Union;
- (l) To register the Union and/or any of its branches or sub-branches under any Commonwealth or State Trade Union, Industrial Arbitration, Co-Operative or like Act;
- (m) To exercise all available powers, privileges and, advantages provided under any Commonwealth or State Trade Union, Industrial Arbitration, Co-operation, Real Property or other Act;
- (n) To acquire property of all kinds;
- (o) To raise funds for members by entrance fees contributions, levies or fines;
- (p) To enrol in the Union all persons eligible to become members;
- (q) To do all such other acts and things as are incidental to or in any way relate to the carrying out of the above objects.

6. MEMBERSHIP

- (a) A candidate for membership of the Federation shall forward or cause to be forwarded to the Secretary of the Branch of the State or Territory in which he resides an application, on the form prescribed by the Federation for that purpose, signed by such candidate, and stating his address, and such application form shall be witnessed and accompanied by the entrance fee.
- (b) Subject to Clause (c) of this Rule upon receipt by the Branch Secretary of the application he shall sign and date same, and the person applying shall thereupon be deemed to be a member of the Federation as from the date of the receipt of such application by the Branch Secretary, and shall be liable from that date for payment of entrance fee, membership fee and/or levy (subject to exceptions hereinafter contained).
- (c) Notwithstanding anything hereinbefore contained the Branch Secretary shall have and is hereby given the power to refer any application for membership to the Management Committee for consideration and decision, in which case such person shall not become a member until notified to that effect in writing by the Branch Secretary.

In the case of the decision of the Management Committee being against the admission of the person applying such person shall have the right to appeal to the Federal Council.

The date of such decision of the Federal Council where favourable to the applicant, shall be deemed to be the date of admission to membership.
- (d) Every member shall be deemed to be attached to the Branch of the Federation established in the State or Territory in which he resides.

- (e) Every member shall pay such other fines, fees, levies and membership fees as may be prescribed by the Rules for the time being of the Federation. Any fine so imposed shall not exceed \$20.00.
 - (f) A member (other than an honorary member) shall cease to be a member if he accepts employment in any industry not represented by the Federation and the continuous period of such employment exceed ninety days.
 - (g) A member may resign his membership of the Union by notice in writing if:
 - (i) he ceases to be employed in or in connection with the industry of the Union; or
 - (ii) the notice is given not less than three months before the resignation is to take effect;
- and all dues are paid to the date on which the resignation is to take effect.
- Notice in writing of resignation shall be addressed to the Secretary of the Union (or the Secretary of the Branch to which such member belongs) and delivered to that officer.
- (h) All subscriptions, fines, fees, levies or membership fees shall be paid by any member to any of the authorised collectors, or to the Secretary of the Branch to which the member is attached, but to no other person or member.
 - (i) Upon payment of an entrance fee, membership fee or any fine or levy that has been imposed, a member shall receive a half yearly ticket. A new member shall receive a copy of these Rules upon request.
 - (j) Any member misplacing or losing his ticket shall, upon application to the Branch Secretary, be granted a duplicate ticket

and a payment of \$0.50 shall be charged for such ticket.

- (k) (i) Contributions shall be based on one percent of the average Weekly Rate in all industries. Contributions shall be payable in advance in March and September of each year. Federal Council shall decide each year annually in the month of July the amount of Union contributions to be paid.
- (ii) Each new member of the Federation shall be liable to contribute immediately on admission to membership, his contributions (in addition to the joining fee) for the unexpired portion of the half year in which his application for membership is made and thereafter shall pay in the same way as existing members.

Provided that any person admitted to membership during the last six weeks of any half year ending on the 31st March or the 30th September may at the discretion of the Secretary of the Branch to which he is admitted be relieved of his liability to pay contributions for that half year.

- (iii) Any member of the Federation not making his payment in accordance with this Rule shall be deemed unfinancial and shall lose all privileges of membership, and shall be liable to be sued for his arrears without notice. He shall not again become financial and entitled to any privilege or membership until all arrears have been paid. Any member is entitled, if he so desires, to pay for two half years at the same time. Notwithstanding any provision of this Rule, every member of the Branch who is financial as at the closing date of nominations shall be eligible to vote.
- (l) (i) The entrance fee to the Federation payable by the applicants for membership at the Federation's headquarters shall be \$20.00 such entrance fee to be paid upon presentation of a signed application form.
- (ii) All other applicants for membership shall pay \$30.00 entrance fee.

- (m) No Branch of the Federation shall be permitted to amalgamate or affiliate with any other body without first placing the basis of such amalgamation or affiliation before the Federal Council for their approval or consent.
- (n) The Branch Management Committee shall have power, upon the case being properly presented to them, to cancel the whole or any part of a member's subscription or arrears caused through unavoidable distress or sickness.
- (o) Any member leaving one State or Territory, and being in arrears, to reside in another State or Territory, shall be liable to a fine not exceeding one year's contributions.
- (p) Any member of the Federation working on any job where a non-Unionist is employed, and not reporting same to office of the Federation, shall be fined a sum not exceeding \$2.00.
- (q) Members who have been enrolled continuously for a period of not less than twenty years and who are over the age of sixty years may be exempt from payment of contributions, and be granted an honourary membership.
- (r) The names of members who for a period of three years previously have not paid their subscriptions may be removed from the Federation's records, whereupon their membership shall lapse.
- (s) Notwithstanding any other provision of these rules, if a member of the SA Branch of the CFMEU Construction and General Division has paid all monies they are required to pay to be a full financial member of the SA Branch of the CFMEU Construction and General Division for a particular period, those payments to the SA Branch of the CFMEU Construction and General Division are deemed to satisfy all requirements to pay entrance or membership fees to the Federation for the same period.

7. FEDERAL COUNCIL

(1) Branch Quotas

- (a) The Federal Council shall subject to Rule 30(1) (d) be composed of a delegate or delegates from each Branch of the Federation, together with the members of the Federal Executive, elected as hereinafter provided.
- (b)
 - (i) Each branch having a financial membership of up to and including five hundred financial members shall be entitled to one delegate.
 - (ii) Each branch having a financial membership of five hundred and one and up to and including one thousand five hundred financial members, two delegates.
 - (iii) Each Branch having one thousand five hundred and up to and including three thousand financial members, three delegates.
 - (iv) Each Branch having in excess of 3,000 financial members, four delegates and thereafter one delegate for each additional 6,000 members or greater part thereof. The method of computing the financial membership shall be by dividing the total amount of contributions (i.e. free of entrance fees, fines and levies), collected by the Branch during the previous half year by the amount of contributions per member for the half year.
- (c) Each Branch shall elect its delegate or delegates to the Federal Council by ballot, and each Branch shall hold its election during August or September, 1985 and from yearly thereafter.
- (d) Delegates to the Federal Council shall retire at the expiration of four (4) years from the date of their election

but shall be eligible for re-election.

- (e) At least three Branches must be represented at every meeting of the Federal Council.
- (f) The Federal Council shall fix the salaries (if any) to be paid to all Federal and Branch officers and organisers.
- (g) Should any delegate die, or resign, or otherwise cease to be a delegate the Branch which elected him shall forthwith elect another member to be the delegate of the Branch in place of the delegate so dying or resigning or otherwise ceasing to be a delegate. The election shall be conducted according to the provisions of Rule 7(1) of these Rules.
- (h) Voting at Federal Council meeting shall be by show of hands, except when a division is demanded and the chairman of any meeting of the Council shall have a deliberative vote, and the rules of Parliamentary debate shall be the ordinary rules of procedure.
- (i) When voting at Federal Council is equal the vote shall be declared in the negative.
- (j) The Federal Council shall be convened every year in the month of November and at such other time as the Federal Management Committee, hereinafter mentioned, may decide or upon written request signed by delegates representing at least two (2) Branches, or upon resolution carried by a two-thirds (2-3rds) majority of members voting at a special summoned meeting of any Branch, and thereupon on (1) officer of the Federal Council shall, but any officer may, convene the Federal Council.

If in the opinion of the Council, the Council has been convened without good grounds, the Branch upon whose resolution the Council was convened, as aforesaid, shall pay the costs of and incidental to the meeting of the Council.

- (k) The Federal Council shall fix the amount of expenses to be allowed to delegates and officers attending Council or Federal Management Committee meetings, or when engaged on business thereof.

(2) Elections

- (a) Each Branch shall elect in August or September 1985 and four yearly thereafter the number of delegates to the Federal Council to which it is entitled pursuant to Rule 7 above.
- (b) Each Branch Returning Officer appointed pursuant to Branch Rule 4 shall in July or August 1985 and four yearly thereafter call for nominations for election as Branch Delegates from financial members of his Branch of the Federation who shall have been bona fide financial members of the Federation continuously for not less than one year immediately prior to their nomination and who shall have been bona fide financial members of his Branch of the Federation continuously for not less than six months immediately prior to their nomination. Each nomination shall be in writing and signed by the candidate and a proposer and seconder who shall each have the same qualifications as are required by this Rule for a candidate.
- (c) If there are more nominations for election as the delegates to the Federal Council of any Branch than there are vacancies for such delegates the Branch Returning Officer appointed pursuant to Branch Rule 4 shall conduct the election in the manner prescribed by Rule 30(4)(e)(f) and(g).
- (d) The Branch Returning Officer shall declare the result of the election within fourteen days of the completion of the count of votes or of the close of nominations if there are no more nominations than there are vacancies. In the event of two candidates receiving the same number of votes the Branch Returning Officer shall exercise a casting vote.

- (e) The names of successful candidates shall be notified to the General Secretary within fourteen days of the declaration of the result of the election, whereupon the successful candidates shall assume forthwith office.

8. POWERS AND DUTIES OF FEDERAL COUNCIL

- (a) The supreme control of the Federation is vested in the members of the Federation. Subject thereto, the supreme control vested in the members shall be exercised on their behalf by the Federal Council which shall have the general control and conduct of the members of the Federation and without limiting the foregoing the powers and duties of the Federal Council shall include the following:
 - (i) To direct the policy of the Federation in all matters affecting the interests of the members;
 - (ii) To repeal, alter or add to the Rules;
 - (iii) To hear and decide any appeal from any Branch or any member thereof;
 - (iv) To establish any special fund to achieve any of the object of the Federation;
 - (v) To determine any matter or report referred to it by the Federal Management Committee or by any Branch;
 - (vi) To settle all disputes between Branches;
 - (vii) To suspend or remove from office any officer of the Federal Council;
 - (viii) To generally advance the objects of the Federation and for these purposes to vote and expend such money as may, in the opinion of the Council, be necessary;

- (ix) To submit any matter to the members for decision by referendum;
- (x) To have printed up to date copies of books of the Rules of the Federation;
- (xi) To impose levies upon any one or more Branches or upon the members, or any specified category of the members, or any one or more Branches of the Federation, provided that no member shall be liable to pay levies to an amount of more than \$20.00 in any one year and provided further that a levy imposed upon a Branch or category of members shall be referable to expenditure incurred or to be incurred for or on behalf of that Branch or category of members;
- (xii) To call any meeting of any Branch, Branch Executive, Committee or of the members of any Branch, or of any body or of any members or category of members of the Federation;
- (xiii) To appoint an official or employee of the Federation or any other person to investigate any complaint about the affairs or management of any Branch or Branch Executive Committee or about the conduct of any member of the Federation;
- (xiv) To forthwith demand or cause to be made an audit of the books and accounts of any Branch and for that purpose take or direct any person to take possession of and impound all property, books, bank books, documents and correspondence from any Branch or premises or official, member or employee thereof;
- (xv) To appoint employees or agents and to assign to such employees or agents any duties including working in any Branch, but such employees or agents shall be under the control of the Federal Council or Federal Management Committee;
- (xvi) In furtherance of the powers conferred by the last three preceding paragraphs of this sub-rule, to suspend pending

the completion of any investigation or audit and the hearing of any charge arising therefrom for a period of not more than thirty days any officer, organiser or employee of the Federation for exercising all or any of his powers and duties;

(xvii) To do anything which might be done by any Committee or body or meeting or officer of the Federation or any part thereof.

- (b) An agenda paper for the annual November meeting of Federal Council shall be prepared and submitted to Council. The General Secretary hereinafter mentioned shall notify each Branch of the Federation in the first week in July in each year that matters for the agenda paper must be sent forward on or before the last day of August for inclusion in the agenda paper.
- (c) An agenda paper for the annual November meeting of Federal Council shall be printed and a copy shall be sent to each Branch of the Federation not later than the 14th day of September.

Delegates to the Federal Council must vote in accordance with the instructions of their Branch on all matters contained in the agenda paper.

- (d) An agenda paper need not be distributed to Branches before any meeting of Federal Council other than its annual November meeting and a resolution may be taken by Federal Council at its annual November meeting in respect of a matter which is not on the agenda paper, but where a resolution is so taken at the annual November meeting in respect of a matter not on the agenda paper or is taken at an extraordinary meeting convened pursuant to Rule 7 (1) (j) hereof, such resolution shall be put to the next monthly meeting of each Branch of the Federation and shall cease to have any force or effect unless it is ratified at a majority of Branches at such monthly meetings.

9. FEDERAL EXECUTIVE

The Federal Executive shall consist of the following officers elected every four years as if the Federal Executive were elected in November, 1985 as hereinafter provided:

- (a) Federal President;
- (b) General Secretary;
- (c) Federal Vice-President;
- (d) Four trustees.

10. ELECTION OF FEDERAL EXECUTIVE

- (a) The Federal Executive shall not later than the 30th day of April in each election year appoint a Federal Returning Officer and one Branch Returning Officer for each Branch of the Federation. Neither the Federal Returning Officer nor any Branch Returning Officer shall be the holder of any other office in, or an employee of, the Federation or a Branch thereof.
- (b) The Federal Returning Officer shall call for nominations for election to each of the offices referred to in Rule 9 hereof from financial members of the Federation who shall have been bona fide financial members of the Federation continuously for not less than two years immediately prior to their nomination. Each nomination shall be in writing and signed by the candidate and a proposer and seconder each of whom shall have the same qualifications as are required by this Rule for a candidate.
- (c) The Federal Returning Officer shall call for nominations pursuant to this Rule by an advertisement in a daily newspaper circulating in each State.
- (d) No person shall nominate for more than one of the offices referred to in Rule 9 hereof.
- (e) The Federal Returning Officer shall determine in respect of each nomination whether it should be accepted or rejected.
- (f) If the Federal Returning Officer finds a nomination to be defective he shall, before rejecting such nomination, notify the

person concerned of the defect and, where it is practicable to do so give him the opportunity of remedying the defect within not less than seven days after is being so notified.

- (g) (i) If no more nominations for election to any office are received than the number of vacancies in such office the Federal Returning Officer shall forthwith declare the person or persons nominated to have been elected to such office.
- (ii) If more nominations for election to any office are received than the number of vacancies in such office the Federal Returning Officer shall fix dates when the ballot shall open and close. The period between the opening and closing dates of the ballot shall be not less than ten days nor more than twenty-eight days.
- (h) The election shall be by means of a secret postal ballot and the Federation shall provide the Federal Returning Officer with a post office box address for the return of the ballot papers.
- (i) The Federal Returning Officer together with a Branch Returning Officer shall obtain the keys of a box at the G.P.O. Adelaide and deposit such keys at a bank approved by the Federal Council with instructions to the bank manager that such keys are only to be delivered to the Federal Returning Officer together with a Branch Returning Officer.
- (j) Each Branch Returning Officer shall compile a list of all members of his Branch who were financial for the half year ending immediately prior to the election and shall forward a copy of such list to the Federal Returning Officer.
- (k) The election shall be conducted under the "first past the post" voting system. The Federal Returning Officer shall place all candidates' names on the ballot paper in alphabetical order. After the name of each candidate shall be placed the name of the Branch of which he is a member and the name of each retiring officer (if any) shall be indicated by an asterisk. In an election for the office of trustees no vote shall be declared informal merely

because a cross has been placed beside the names of less than four candidates.

- (1) The Federal Returning Officer shall forward to each Branch Returning Officer sufficient ballot papers which shall not be numbered or otherwise marked except with the Federal Returning Officer's initials, together with a pre-paid envelope addressed to the box number at the G.P.O. Adelaide. The ballot paper shall contain in a prominent position the date and time of the closing of the ballot and ballot papers received after that date shall not be included in the ballot.
- (m) The Branch Returning Officer shall on receipt of the ballot papers and other material post them in the presence of the Branch scrutineers (on a date to be determined by the Federal Returning Officer, which date shall be at least twenty-one days prior to the close of the ballot) to each voter entitled to vote within their respective Branches in accordance with the respective voters' lists.
- (n) A candidate may authorise a scrutineer to watch his interests at any stage of the conduct of a ballot, but such scrutineer shall not in any way obstruct a Branch Returning Officer in the performance of his duties nor shall he in any way interfere with the conduct of the ballot.
- (o) A scrutineer shall be subject to the control of the Federal Returning Officer and the appropriate Branch Returning Officer, but subject thereto shall have the right to be present when the ballot papers are opened and counted and to watch the interests of the candidate whom he represents. He shall have the right to examine any ballot paper after it has been opened, but shall not be entitled to handle the same without the express authority of the Federal Returning Officer. He shall have the right to object to the inclusion of any vote in the count, but decision of the Federal Returning Officer on any objection shall, subject to the provisions of the Industrial Conciliation and Arbitration Act 1972, be final.

- (p) At the close of the ballot, the Federal Returning Officer, in the presence of a Branch Returning Officer and the scrutineers of all candidates (if available) shall count all ballot papers and shall within fourteen days of the close of the ballot declare the ballot by advising the Federal President, the General Secretary and each State Secretary of the result of the ballot including the number of ballot papers printed, the number of ballot papers posted and the number of ballot papers unused.
- (q) The officers declared elected unopposed pursuant to clause (g) (i) of this Rule or declared elected pursuant to clause (p) of this Rule shall assume office at the expiration of fourteen days from such declaration of the result of the election.

11. PROCEDURE AND POWERS OF FEDERAL EXECUTIVE

- (a) The quorum of any meeting of the Federal Executive shall be formed by the presence of the President, General Secretary and one other member of the Federal Executive.
- (b) The General Secretary or President or Vice-President and one trustee shall be empowered to convene a meeting of the Federal Executive at any time.
- (c) Voting at Federal Executive meetings shall be by a show of hands. The Chairman of any meeting of the Federal Executive shall have one vote, namely a deliberate vote.
- (d) The Federal Executive shall, subject to the confirmation or otherwise of its actions by the next ensuing meeting of the Federal Council, have the following powers:
 - (i) To suspend or expel or impose a fine not exceeding \$100.00 on any member of the Federation if it is satisfied that such member:

- (1) Has committed any breach of the Rules of the Federation or of a Branch;
 - (2) Has knowingly failed to comply with any decision of the Federal Executive or the Federal Council or of a Branch meeting or of the Executive Committee of a Branch;
 - (3) Has misapplied any of the funds or property of the Federation or of a Branch;
 - (4) Has behaved in an insulting or offensive manner at any meeting of the Federation or of a Branch;
 - (5) Has made any wilful false statement concerning the administration of its affairs.
- (ii) To initiate, manage and control all actions, proceedings, submissions of industrial disputes to conciliation and arbitration and other matters and to appoint solicitors or counsel to represent the Federation or any of its members in any Court or proceeding legal or otherwise.
- (iii) To demand and collect all subscriptions, fines, fees and levies payable by members to the Federation.
- (iv) To demand or cause to be made an audit of the books and accounts of the Federation or any of the Branches thereof and to demand and recover any or all books or property of the Federation from any person, employee or officer.
- (v) To engage clerks and other employees for the proper carrying on of the business of the Federation and to pay such wages, salaries and allowances as to it shall seem proper not less than the award rate.

- (vi) To submit such matters as may seem proper and of sufficient importance to the members of the Federation for decision by ballot.
- (vii) To appoint any officer of the Branch or Federation in each of the States to sue on behalf of the Federation.
- (viii) To appoint any official or employee of the Federation or other person to investigate any complaint about the conduct of any member of the Federation, record the evidence and statements and submit the same with his report thereon to the Federal Executive. The Federal Executive shall read and hear such record and report and may thereon determine whether any charge should be laid against any member pursuant to Rule 24 provided that the investigating officer shall not vote in such determination.
- (ix) To appoint an officer of the Federation to visit any Branch and confer on such person or persons all the powers conferred on the General Secretary.

All acts of the Federal Executive in pursuance of the powers granted by these Rules shall have full force and effect and be of full validity until such acts shall be confirmed or otherwise dealt with by the next ensuing meeting of the Federal Council.

DUTIES OF OFFICERS

12. PRESIDENT AND VICE-PRESIDENT

- (a) The President shall preside at all meetings of the Federal Council and of the Federal Executive and will preserve good order so that the business may be properly conducted.

He shall see that the minutes of the meeting are read and confirmed and upon such reading and confirmation sign same and

shall endorse all accounts marked for payment.

- (b) The Vice-President shall assist the President and in his absence shall exercise the powers of the President.

13. GENERAL SECRETARY

- (a) The General Secretary shall:
- (i) Prepare all necessary documents for the Federal Council, Federal Executive, auditors and trustees;
 - (ii) Prepare and forward the annual returns to the Industrial Registrar in due time;
 - (iii) Attend all meetings of the Federal Council and Federal Executive;
 - (iv) Conduct and file all correspondence, make minutes of all resolutions passed and other business transacted at any meeting;
 - (v) Summon members of the Federal Council and Federal Executive to meetings;
 - (vi) Draw up a balance sheet and report to be submitted to the Federal Council half yearly and submit his books and accounts in the month of October to the auditor;
 - (vii) Submit to the President any urgent information he may officially receive and the President, together with the General Secretary, shall decide on the best course to be pursued until the next meeting of the Federal Executive;
 - (viii) Receive all moneys payable to the Federation and shall bank the same with the exception of petty cash not exceeding \$600.00 at any one time;
 - (ix) Keep a distinct and intelligible account of all moneys

received and expended, with vouchers detailed thereof;

- (x) Submit a statement of his receipts and expenditures every six months to the President, Vice-President and trustees;
 - (xi) Keep a register of the names and addresses of the officers of the Federation;
 - (xii) Together with a trustee sign all cheques;
 - (xiii) Not make any payments exceeding \$300.00 except by cheque;
 - (xiv) Have the right to attend all Branch Executive Committee meetings and Branch meetings.
- (b) The General Secretary may and wherever directed to do so by the Federal President, Federal Executive or Federal Council or requested to do so by any Executive Committee shall submit any question to a postal vote of the Federal Council or Federal Executive as the case may be. The decision of the majority of delegates to Federal Council or members of the voting in such postal vote shall have the like force as a decision in meeting assembled.
- (c) The General Secretary shall be paid such sum as the Federal Council may determine.
- (d) The General Secretary is hereby empowered to sue in any Court on behalf of and in the name of the Federation.
- (e) The General Secretary after verbal consultation with the President may between meetings of the Federal Executive exercise and perform all or any of the powers and duties of the Federal Executive (other than the power to suspend, expel, remove from office or fine a member of the Federation) as may be necessary to ensure the continued effective functioning of the Federation or to promote the interest of its members. Save, however, such verbal consultation must be confirmed by letter from the President to the General Secretary sent by pre-paid post within

three days of such consultation and that letter must be tabled at the next meeting of the Federal Executive and Federal Council next ensuing.

14. AUDITOR

- (a) The auditor (who shall not be a member of the Federation) appointed by the Federal Council shall audit the accounts in October and April in each year and see that the same are correctly kept in accordance with these Rules and the law affecting organisations of a like nature.
- (b) He shall have power at any time to call for all books, papers, vouchers and documents belonging to the Federation or any delegate, officer or Committee thereof.
- (c) He shall make a report of each audit to the Federal Council and shall sign the necessary papers certifying to the audit and to the financial position of the Federation.
- (d) The auditor must be a qualified accountant and member of an accountancy institute in South Australia.

15. TRUSTEES

- (a) There shall be four trustees elected in accordance with Rule 10 above. No trustee shall be eligible for appointment as an auditor.
- (b) The trustees shall receive the statement of receipts and expenditure from the General Secretary pursuant to Rule 13 (a) (xi) and (x) and shall ensure that the property comprised in the Federal Fund is properly administered.

16. PROPERTY OF THE FEDERATION

- (a) The property of the Federation shall consist of the Federal Fund and the Branch Funds for which provision is respectively made by Rules 17 and 18 below. All of such funds shall at all times be and remain the property of the Federation.

- (b) Branch Secretaries are hereby empowered to act for and on behalf of the Federation in any proceedings legal or otherwise instituted within their Area, State or Territory, to prosecute any employer for breaches of a State award or determination and pursuant to the powers conferred by this Sub-Rule to demand, sue for, recover and receive any money that may be due and payable to the Federation by any person.

17. FEDERAL FUND

- (a) The Federal Fund shall consist of:
- (i) Any real or personal property of which the Federal Council has or is entitled to have the right of custody, control or management;
 - (ii) Each Branch Secretary shall pay to the Federal Council by way of sustentation fees an amount equal to 20% of the contributions payable for the immediately preceding half year by the members of his Branch. Such sustentation fees shall be a first charge on all contributions received from members. Each delegate of any Branch which allows its sustentation fees to remain unpaid for a period of over six months shall not be entitled while such sustentation fees remain in arrears to vote on any question affecting the Federation unless reasons satisfactory to the Federal Council are given;
 - (iii) Moneys raised by special levy on members for the purposes of the Federal Council;
 - (iv) Any interest, rents, dividends or other income derived from the investment or use of the Federal Fund;
 - (v) Any fund established by the Federal Council for the payment of superannuation, retiring allowance or long service leave to paid officials or office staff;

- (vi) Any property acquired wholly or mainly by expenditure of the moneys of the Federal Fund or derived from other assets of the Federal Fund;
- (vii) The proceeds of any disposal of parts of the Federal Fund.
- (b) Subject to the control of the Federal Council the Federal Fund shall be under the control of the Federal Executive.
- (c) Such part of the Federal Fund as from time to time consists of money shall be invested in the name of the Federation in such bank as the Federal Council may from time to time decide.

18. BRANCH FUNDS

- (a) Each Branch shall have a Branch Fund which shall be managed and controlled in accordance with the Rules of that Branch and which shall consist of:
 - (i) Any real or personal property of which the Branch has or is entitled to have the right of custody, control or management;
 - (ii) The amounts of entrance fees, subscriptions, fines, fees or levies received by the Branch, less so much of those amounts as is payable by the Branch to the Federal Council pursuant to Rule 17 (a) (ii) above;
 - (iii) Any interest, rents or dividends derived from the investment of the Branch fund;
 - (iv) Any superannuation or long service leave or retiring allowance fund operated or controlled by the Branch for the benefit of its officials or office staff;
 - (v) Any property acquired wholly or mainly by expenditure of the moneys of the Branch fund or derived from other assets of the Branch Fund;

(vi) The proceeds of any disposal of parts of the Branch Fund.

(b) Branch Funds may be applied for the following purposes:

(i) Paying the necessary expenses of management of the Branch;

(ii) Paying subscriptions or affiliation fees to any organisation or association with which the Branch, with the consent of the Federal Council, has or may become affiliated;

(iii) Rendering assistance to members who may suffer loss through lawfully taking an active part in the affairs of the Federation.

(c) Rules relating to a Branch Fund shall not be altered except with the consent of the Branch concerned.

19. BRANCH ACCOUNTS

Each Branch Secretary shall forward to the General Secretary a balance sheet showing the financial position of his Branch as at 31st March and 30th September of each year. Should he fail to do so within twenty-eight days of the dates mentioned, the General Secretary may proceed to fully investigate the reason for such delay and shall have power without limiting the generality of his other powers under these Rules to engage a chartered accountant for the purpose of auditing the books of the Branch. Each Branch Secretary shall forward on a form prescribed the numerical strength of his Branch together with percentage payments to the Federal Council at the end of each half year.

20. INDUSTRIAL AGREEMENTS

(a) Subject to Rule 13 (e) industrial agreements may be made, entered into and executed and may from time to time be altered, varied, modified or cancelled by or on behalf of the Federation

by the Federal Executive or, where such agreement operates in the area covered by a single Branch, by the Branch Executive Committee of that Branch.

Any industrial agreement within the meaning of the Industrial Conciliation and Arbitration Act 1972 (as amended) entered into or executed or any alteration, variation or cancellation thereof shall be signed by the General Secretary.

- (b) Every member of the Federation shall be directly, jointly and severally bound by each and every industrial agreement and every alteration, variation, modification or cancellation thereof made by them on behalf of the Federation and all and every such members shall be deemed to be a party or parties thereto as the case may be. Each member shall be supplied with a copy of such industrial agreement on application to the General Secretary.

21. BRANCHES

- (a) Subject to Rule 30(a) Federal Council or the Federal Executive may form Branches. The members of such Branches shall consist of such members of the Federation as shall be resident within the area specified for each Branch.
- (b) A Branch shall only come into being at the commencement of a half yearly fee paying period
- (c) No member shall be attached to more than one Branch.
- (d) Branches shall be subject to these Rules and any additional Rules made by the Branch.
- (e) In all matters of internal dispute the Branches shall have the right to appeal to the Federal Council.
- (f) Any Branch may settle any dispute not extending beyond the limits of the Branch boundary.

- (g) Branches shall conduct their own elections and shall notify the General Secretary within twenty-eight days of the holding of such election.
- (h) Each Branch shall retain out of the subscriptions received from members such an amount as may be necessary to defray expenses of local management and for other purposes not inconsistent with these Rules and the Rules of the Branches, provided always that the Branch must remit to the General Secretary out of the said contributions a sum equal to 20% of the contributions, or as otherwise defined by Council hereinbefore provided, and such remittances must be made at the time hereinbefore appointed for sending lists of financial members.
- (i) Any financial member may be transferred from one Branch to another and on being so transferred shall be accepted as a member of the Branch to which he has been removed on production of a letter from the Secretary of the Branch to which he belonged stating his membership and his financial status.

The member so transferred shall be entitled to all the benefits granted by the Branch to which he is transferred.
- (j) Any Branch desirous of bringing any matter before the Federal Council must forward through the Branch Secretary a notice thereof to the General Secretary not later than fourteen days before the next ensuing Federal Council meeting.
- (k) Branches shall have the right to impose domestic or charitable levies on their members in the manner and to the extent prescribed by the Branch Rules.
- (l) Any Branch may, if it so desires, establish an Accident Fund and/or Funeral Benefit Fund.
- (m) All contributions, levies, fines or liabilities of any kind due

or payable to the Branch by any member may be sued for and recovered in the name of the Branch by the Branch President or Branch Secretary and all expenses incurred in any proceedings for such recovery shall be a charge against the members concerned.

22. SEAL

The seal of the Federation shall be held by the General Secretary and shall be used by him for all purposes of the Federation in the presence of a member of the Federal Executive for which it may be required. The seal may be altered from time to time, as the General Secretary and one other Federal Executive officer thinks fit.

The affixing of the seal to any instrument shall be under the hand of the General Secretary and such other member of the Federal Executive as the Federal Executive Committee may decide.

23. NEW RULES AND ALTERATION TO RULES

Subject to Rule 30(1) hereof:

- (a) No new Rules shall be made nor shall any of the Rules for the time being of the Federation be altered, amended or rescinded except by and at a meeting of the Federal Council, or by members of the Federal Council voting by post or telegram.
- (b) Notice of any proposed new Rule or alteration, amendment or rescission shall be sent to each Branch at least one month prior to the meeting of the Federal Council at which the proposed new Rule or Rules are to be discussed. Where the vote is taken by post or telegram the notice referred to shall be sent to each Branch at least one month prior to the sending out of the letters or telegrams.
- (c) The Branches may instruct their delegates as to how they shall vote on the proposal, but in the absence of such instruction delegates shall have a free hand.
- (d) Any new Rules or alteration, amendment or rescission of Rules decided upon by the Federal Council shall be binding on all

Branches.

24. DISSOLUTION

Without limiting the effect of Rule 40, the Federation shall be dissolved when a four-fifths majority of financial members voting by ballot shall so decide.

25. OFFENCES AND PENALTIES

(a) Any member may charge any member with:

- (i) Failing to observe the Rules of the Federation or any of them;
- (ii) Knowingly failing to observe any resolution of the Federal Council, Federal Executive, Branch or Branch Executive Committee;
- (iii) Giving false or misleading information to the Federal Council, Federal Executive, Branch, Branch Executive Committee or to any officer of the Federation on a matter which is the concern of the Federation;
- (iv) Obstructing the Federal Council, Federal Executive, Branch, Branch Executive Committee or any other lawful Committee or body of the Federation in any way in the performance of any of its functions;
- (v) Obstructing any officer, employee or agent in the course of his duties;
- (vi) Wrongfully holding himself out as occupying any office or position in the Federation of any Branch thereof or as being entitled to represent the Federation or any Branch in any capacity (to which charge it shall be a defence that the member believed bona fide and on reasonable grounds that he was entitled so to act);
- (vii) Behaving in a drunken, disorderly or offensive manner at

any meeting held under the Rules of the Federation or in the office of the Federation or any Branch;

(viii) Lending or selling his pence card, badge, O.K. card or other document used to identify a member or financial member;

(ix) Misappropriating or misapplying any property or funds of the Federation or a Branch thereof or falsifying any records of the Federation or a Branch thereof;

(x) Aiding or encouraging any other member in any offence under this Rule.

(b) Any charge shall be made in writing to the General Secretary or a Branch Secretary and shall be accompanied by the sum of \$2.00. Such officer may if he thinks fit and shall, if directed by the Federal Council or the Federal Executive (or in the case of the Branch Secretary by the Branch Executive Committee), summon the member charged before one of those bodies. Such summons shall be in writing and shall set out the time and place of the hearing, the name of the person laying the charge and the substance of the charge. The person charged shall be given such notice of the hearing as may be reasonable having regard to all the circumstances and if required to attend at a place more than fifty miles from his address as shown in the books of the Federation, shall be given his return fare. He shall, on request, be supplied with such further particulars as may be necessary to indicate the precise matters with which he is charged.

(c) The Federal Council, the Federal Executive and Branch Executive Committee (each of which, as the case may be, is hereinafter referred to as "the tribunal") shall have power to hear and determine charges under this Rule.

(d) At the appointed time and place (or any time and place to which the meeting is adjourned or postponed and of which the person

charged is notified) the charge may be investigated, whether or not the person charged is present unless a satisfactory explanation of his absence has been received.

- (e) If the person charged attends he shall be informed of the substance and source of any information adverse to him on which the tribunal relies. He shall be given a reasonable opportunity to defend himself and may, if he wishes, tender written submissions, written statements or call witnesses.
- (f) If the tribunal finds him guilty it may do one or more of the following:
 - (i) Impose no penalty;
 - (ii) Fine him any sum not exceeding \$20.00;
 - (iii) Suspend him from membership of the Federation or expel him.
- (g) If upon investigation the charge is found to be frivolous the \$2.00 shall be forfeited by way of fine upon the member who laid the charge and shall be paid, into the funds of the Federation.
- (h) An appeal shall lie at the instance of the member charged from any decision under this Rule from the Branch Executive Committee to the Federal Executive and from the Federal Executive to the Federal Council. Notice of appeal shall be given in writing within two weeks of any decision being communicated to him and shall set forth in full all matters that the appellant desires to be considered. The appeal may be dealt with in meeting or by postal vote. The notice of appeal shall be given to the General Secretary in the case of an appeal to the Federal Executive or Federal Council.
- (i) It shall be the duty of a member charged and found guilty under

this Rule who claims that any tribunal (except the Federal Council) which dealt with the charges against him acted in bad faith or was constituted or proceeded irregularly in dealing with the charge to appeal as provided in this Rule.

26. CONTROL OF FEDERAL COUNCIL AND
FEDERAL EXECUTIVE BY MEMBERS

In addition to any other method of control of the Federal Council and the Federal Executive Committee by members the following provisions shall be observed:

- (a) Federal Council and the Federal Executive shall report their activities and proceedings to members by:
 - (i) Publishing reports of the activities and proceedings at each Branch office;
 - (ii) Publishing reports of their activities and proceedings in any paper issued regularly by the Federation or any Branch to members;
 - (iii) Reporting to Branch meeting following Federal Council. The General Secretary shall take such steps as are necessary to see that this is done.
- (b) Federal Council and the Federal Executive shall take all reasonable steps to ensure that members are informed of changes in the Rules. The General Secretary shall at all times have available and provide for Branches and members at reasonable prices up to date copies of the Rules of the Federation and the Branch Rules.
- (c) Federal Council and/or the Federal Executive shall consider and deal with any business submitted at any time in accordance with the Rules by:
 - (i) Any three or more Branches of the Federation acting in

the case of any Branch through the Branch Executive Committee or a special meeting of the Branch; or

- (ii) A requisition signed by any one thousand members of the Federation.

If such business is submitted in a form requiring the Federal Council and/or Federal Executive to do or to refrain from doing something the Federal Council and the Federal Executive shall respectively act or refrain from acting in accordance with the requirement until the requirement is reversed by the members as ascertained by:

- (d) A vote of members of the Federation at Special Branch meetings held in every Branch as a result of which the aggregate of the number of members voting against the requirement exceeds the number voting for it; or
- (e) A postal referendum of the members of the Federation.

27. INSPECTION OF BOOKS

- (a) Without prejudice to the powers conferred by Rule 8(xii) and (xiii) the General Secretary or any Federal Officer specially credentialled by the Federal Council or the Federal Executive and the auditor of the Federation shall have the right on demand to inspect and take possession of all or any documents and books of any Branch.
- (b) Any member of the Branch shall be entitled at a reasonable hour and on reasonable notice to the Secretary of the Branch to inspect the register or cards showing the names, addresses and financial status of the members of the Branch.
- (c) Any member of the Federation shall on reasonable grounds be entitled on reasonable notice to the General Secretary of the Federation to inspect the books of the Federation held by him.

28. NOTICE TO MEMBERS

A register shall be kept at each Branch office of the name of every member and job delegate attached to their Branch and of an address for service. Sending of any notice or account to the member or job delegate at such address shall be deemed sufficient service of any notice on the member or job delegate whether it reached him or not and shall be deemed to have been served on him at the time when it would have reached such address in the ordinary course. Service in any other manner sufficient to reach the member or job delegate shall be sufficient on such member or job delegate.

Service of a summons, charge or document shall be deemed to have been effected if forwarded by registered post.

29. INCAPACITY OF FEDERAL COUNCIL DELEGATEE AND OFFICERS

- (a) In the event of a Branch delegate being unable to attend a meeting of Federal Council the Branch Committee Executive of the Branch concerned may appoint another member of the Branch to attend in his place.
- (b) If a Branch delegate to Federal Council dies, resigns or for any other reason ceases to hold office of the Federal Council the Branch concerned in general meeting shall forthwith appoint a member of such Branch to take the place of such delegate for a period not exceeding twelve months. If the unexpired portion of the term of office of the delegate who so ceased to hold office exceeds twelve months nominations for election as his successor shall be called for and if necessary an election conducted in accordance with Rule 7 (2).
- (c) If an officer dies or resigns his office or for any reason ceases to be entitled to hold his office or the Federal Executive by resolution declares that such officer is unable to perform his duties by reason of illness or incapacity or has been granted leave of absence, the Federal Executive shall forthwith appoint a member of the Federation to take the place

of such officer for a period not exceeding twelve months. If the unexpired portion of the term of the officer who so ceased to hold office exceeds twelve months, nominations for election as his successor shall be called for and if necessary an election conducted in accordance with these Rules, but the successful candidate shall only hold office for the remainder of the term of office of his predecessor.

- (d) (i) The Federal Council may remove from office any officer or member of the Federal Council or Federal Executive at a meeting of the Federal Council to which the person concerned has been summoned in writing signed by the General Secretary or Federal President to show cause why he should not be so removed. Provided that no such person shall be removed from office unless he has been found guilty of misappropriation of the funds of the Federation, a substantial breach of the Rules of the Federation or gross misbehaviour or gross neglect of duty or has ceased, according to these Rules, to be eligible to hold office.
- (ii) A person summoned to show cause pursuant to paragraph(i) of Sub-Rule (d) of this Rule shall be given at least fourteen days notice of the time and place of the meeting of the Federal Council to which he is summoned. The notice summoning him shall also specify the ground or grounds upon which it is proposed to consider his removal. The Federal Council may proceed to hear and determine a matter under this Sub-Rule notwithstanding the absence of the person summoned if the notice of the hearing has been given in accordance with this Sub-Rule.

30. THE BRANCHES

(1) GOVERNMENT OF BRANCHES

Upon the creation of a Branch all members of the Federation resident within the territorial area of that Branch under these Rules shall be members of that Branch. Subject to these Rules and where appropriate the decision of the Federal Council and the Federal

Executive, the meetings of a Branch shall have the general control and conduct of the business of the Branch and decisions of the meetings shall bind all members of the Branch.

(2) FORMATION OF BRANCHES

- (a) The Federation may form two or more Branches at Adelaide, Mount Gambier, Port Pirie and/or else here in the said State and it shall define the territorial areas covered by such Branches.
- (b) Notwithstanding the provisions of Rules 8 and 9 respectively the Federal Council and Federal Executive shall not be brought into being and Rules 7 to 29 inclusive shall have no effect pending the appropriate action under paragraph (c) hereof.
- (c) The provisions of Rules 7 to 29 inclusive shall take effect upon the Committee of Management of the Federation making a recommendation to a General Meeting of the Federation that two or more Branches be created at specific locations covering particular areas and the General Meeting of the Federation endorses such recommendation.
- (d) The Branches referred to in paragraph (c) will be initially organised and administered by the Secretary of the Federation until the holding of their first Branch General Meetings following upon the election of their officers. Federal Council elections shall be held within twelve calendar months of the creation of the second such Branch.

(3) BEFORE THE CREATION OF BRANCHES

For the purposes of this Rule until Rules 7 to 29 take full effect upon the creation of two or more Branches pursuant to Sub-Rule (2)

(d):-

- (a) A reference in these Rules to the Federal Council shall be taken to mean the General Meeting of the Federation and a reference to the Federal Executive shall be taken to mean the Committee of Management of the Federation.

(b) A reference in these Rules to:

- (i) Branch General Meeting or meeting of the Branch shall mean the General Meeting of the Federation.
- (ii) Branch Executive shall mean the Committee of Management of the Federation.
- (iii) Branch President, Vice President, Treasurer, Secretary, Trustees or Guardian shall mean President, Vice President, Treasurer, Secretary Trustees and Guardian of the Federation.

(c) Pending the creation of Branches the Federation shall be governed mutatis mutandis by Rules 1 to 6 inclusive and 30 to 42 inclusive respectively and any reference in those Rules to the Federal Council or Federal Executive shall have no effect and those Rules shall operate as if such references did not occur.

(4) BRANCH OFFICERS

The officers of the Branch shall consist of a President, Vice-President, Treasurer, Secretary, two Trustees and a Guardian to be elected as hereinafter provided.

(5) BRANCH EXECUTIVE COMMITTEE

The administrative business of the Branch shall be conducted by a Branch Executive Committee consisting of the following:

- (a) President, Vice-President, Treasurer, Branch Secretary, two Trustees, Guardian and four Federal Delegates (if any) elected in accordance with Rule 43.
- (b) The Branch Executive Committee shall meet at least once a fortnight and a quorum shall consist in all cases of five members.

- (c) A Branch Executive Committee report shall be submitted to each Branch meeting.
- (d) In all matters between meetings of the Branch and subject to the control of the meetings of the Branch, the Branch Executive Committee shall have the control and conduct of the business of the Branch and shall act on its behalf in all matters. It shall have the daily management of the business of the Branch. It shall be bound to observe the decisions of the meetings of the Branch.
- (e) No power shall be delegated to the Branch Executive Committee to cancel any meeting authorised by the members, or to expend any portion of the Branch funds, or to dispose of any property of the Federation unless the approval of the Branch has been sought and obtained.
- (f) In regard to the disposal of money other than for administrative expenses and current wages, a two-thirds majority of financial members voting at a Branch meeting is necessary.

(6) ELECTION OF OFFICERS AND DELEGATES

- (a) All candidates for election to any office or position as delegate shall be bona fide financial members of the Federation continuously for one year immediately preceding the next closing date for nomination. All candidates must also be bona fide financial members of the Branch concerned continuously for six months immediately preceding the next closing date of nomination. The Branch Returning Officer shall call for nominations by advertising in at least one daily newspaper in July or August of each election year not less than fourteen days before the date fixed by the Branch Returning Officer for the close of nominations.
- (b) All persons desiring to nominate a candidate for office to act as officers, organisers or delegates must comply with the required qualifications that the said candidate, officer, organiser or delegate must possess.

- (c) Nominations of all Branch officers and delegates shall be sent to the Branch Returning Officer not later than the closing time of normal office hours on the date fixed by the Branch Returning Officer for the close of nominations which shall be not later than the 31st day of August in 1985 and each four years thereafter.
- (d) Nominations must be in writing, signed by the candidate and endorsed by two financial members of the Branch and Federation upon the prescribed form of the organisation.
- (e) The Branch Executive Committee shall not later than the 31st day of July in each election year appoint a Returning Officer and two Branch scrutineers (none of whom shall be the holder of any office in and not being an employee of the Federation or a Branch thereof, but all of whom shall have the qualifications for nomination required by part (a) of this Rule) for the purpose of conducting the election in the following manner:
 - (i) The Returning Officer shall determine in respect of each nomination whether it should be accepted or rejected;
 - (ii) If the Returning Officer finds a nomination to be defective he shall, before rejecting such nomination, notify the person concerned of the defect and, where it is practicable to do so, give him the opportunity of remedying the defect within not less than seven days after his being so notified;
 - (iii) The Returning Officer shall fix dates when the ballot shall open and close. The period between the opening and closing dates of the ballot shall be not less than ten days nor more than twenty-eight days and the count of ballot papers shall be completed not later than the 30th day of September in each year;
 - (iv) The election shall be by means of a secret postal

ballot;

- (v) Every member of the Branch who is financial on the day on which the Branch Returning Officer calls for nominations shall be eligible to vote;
- (vi) A locked ballot box shall be placed in a safe deposit (but not in the Branch Office of the Federation);
- (vii) The Returning Officer shall obtain from the Branch Secretary a list of the persons eligible to vote. The Returning Officer and two scrutineers will check the voting list with records at the Union Branch Office. On receipt of such list the Returning Officer shall advertise in a daily newspaper a day on or before which he will receive objections to the voting list. Any candidate or member may object to the inclusion or exclusion of any person or class of persons from such list. The Returning Officer shall consider these objections and may amend the list. The list as so amended by the Returning Officer, if done bona fide, shall be binding on all candidates, members and the Branch and no member shall be entitled to complain of any error in the list which could not affect the result of the ballot;
- (viii) The Returning Officer and two scrutineers are empowered to order sufficient ballot papers to be initialled by the Returning Officer and two scrutineers before distribution;
- (ix) All ballot papers shall be printed upon water- marked paper and the Returning Officer and the Branch scrutineers shall be responsible for ensuring that every ballot paper is properly water-marked before it shall be allowed to be forwarded to the members. On a count of ballot papers, only those which bear the water-mark and the initials of the Returning Officer and Branch scrutineers as have been elected to mark ballot papers

under Sub-Rule (6) (e) above shall be counted;

- (x) The Returning Officer shall forward by post to each member entitled to vote a ballot paper containing the names of those nominated, together with a stamped or postage payable on delivery envelope addressed to him for return of the ballot paper by post;
- (xi) In all matters connected with the ballot such as the ordering, checking and distribution of ballot papers the Returning Officer and Branch scrutineers, as opposed to candidate scrutineers, shall act together and in consort and every paper, letter, order or matter otherwise connected therewith shall be signed by all three;
- (xii) Every ballot paper which is distributed to members shall bear the initials of the two Branch scrutineers as well as those of the Returning Officer;
- (xiii) In addition the Returning Officer and the Branch scrutineers shall set aside one week immediately before ballot papers are issued to members during which ballot papers are available, such notice to be by registered post to their last known address one week before the week on which ballot papers are so available;
- (xiv) During the week referred to in (xiii) above candidates scrutineers shall be at liberty to attend at their own expense and sign, initial or in some way mark all ballot papers which are to be issued and the Returning Officer and Branch scrutineers shall keep a record of the scrutineers so marking the ballot papers and shall ensure that any scrutineers taking advantage of this Rule shall sign or mark every ballot paper;
- (xv) Only ballot papers which have been returned through the post and are in the hands of the Returning Officer prior

to the time appointed for the closing of the ballot shall be counted;

(xvi) The Returning Officer shall notify the scrutineers of the closing of the ballot and accompanied by them shall remove the ballot papers from the private box or bag to the ballot box;

(xvii) The Returning Officer and scrutineers shall thereupon conduct the counting of the ballot.

(f) A candidate may authorise a scrutineer to watch his interests at any stage of the conduct of the ballot, but such scrutineer shall not in any way obstruct the Returning Officer in the performance of his duties nor shall he in any way interfere with the conduct of the ballot.

A scrutineer shall be subject to the control of the Returning Officer, but subject thereto shall have the right to be present when the ballot papers are opened and counted and to watch the interest of the candidate whom he represents. He shall have the right to examine any ballot paper after it has been opened, but shall not be entitled to handle the same without the express authority of the Returning Officer. He shall have the right to object to the inclusion of any vote in the count, but the decision of the Returning Officer on any objection shall, subject to the provisions of the Conciliation and Arbitration Act, be final. Each Branch scrutineer and candidate's scrutineer shall possess the same qualifications as are required by part (a) of this Rule for nominations for election.

(g) No candidate or officer shall assist in any way with the conduct of the election.

(h) The Returning Officer shall declare the result of the election at a general meeting of the Branch to be called not more than twenty-one days after the count is completed. In the event of

two candidates receiving the same number of votes the Returning Officer shall exercise a casting vote, but shall not otherwise vote in the election.

- (i) The names of successful candidates shall be notified to the General Secretary of the Federation within fourteen days of the declaration of the result of the election;
- (ii) The officers and delegates declared elected unopposed by the Branch Returning Officer or declared elected pursuant to this Sub-Rule shall assume office on the first general meeting night after the declaration of the result of the election.

(7) INCAPACITY AND REMOVAL OF BRANCH OFFICERS AND DELEGATES

- (a) Should a Branch Officer (other than the Branch Secretary) organiser or delegate die, resign or for any other reason cease to be a member of the Branch Executive Committee, the vacancy shall be filled by election in the following manner:
 - (i) A Returning Officer shall be appointed by the Branch Executive Committee to conduct the election;
 - (ii) At any time within four weeks after the vacancy occurs the Returning Officer shall call for nominations to fill the vacancy by advertising in at least one daily newspaper. Nominations shall close fourteen days after they have been called for. Nominations shall be in accordance with Sub-Rule(6) (a), (b) and(d);
 - (iii) Within fourteen days after the closing of nominations the Branch Executive Committee shall call a special meeting of the Branch to be held at the usual meeting place at a date and time to be fixed by the Branch Executive, but such special meeting to be held within thirty days after the said meeting of the Branch Executive and at which special meeting the election to fill the vacancy will be conducted. On entering the special meeting each member shall sign an

attendance book;

- (iv) Any member who possesses the qualifications to vote in accordance with Sub-Rule (6) (e) (iv) may at any time after the closing of nominations apply in writing or in person to the Returning Officer for an absentee vote and the Returning Officer on satisfying himself that the member has the appropriate qualifications as provided in Sub-Rule (4) shall post to that member a ballot paper. Such ballot papers shall be returned by members by post to reach the Returning Officer before 7.00 p.m. on the night of the special meeting to fill the vacancy. The Returning Officer shall keep a record of the name of each person to whom he issues an absentee vote;
- (v) Each candidate may appoint a scrutineer as in Sub-Rule (4) (e) (vii) and such scrutineer shall have the rights and duties set out in Sub-Rule (6) (e) (viii);
- (vi) If for any reason the Returning Officer appointed pursuant to Sub-Rule (7) (a) (i) is unavailable or unwilling to act or prevented in any way from acting or if for any reason there is no such Returning Officer the Branch Executive shall appoint another Returning Officer to conduct the ballot;
- (vii) The ballot shall be conducted at the special meeting by secret ballot by the Returning Officer assisted by such scrutineers he may think necessary issuing to every member present and eligible to vote under Rule 4 a ballot paper and ensuring that members have facilities for secret voting. The ballot papers after being marked by the members shall be placed by the Returning Officer in a locked ballot box along with the absentee votes which shall already have been placed there as they are received by the Returning Officer and on the night of the meeting not later than 3.00 p.m. The ballot box shall be placed by the Returning Officer in a safe deposit (not in the

Branch office of the Federation) until the night of the special meeting and absentee votes shall be placed by him in the ballot box as they are received;

(viii) The President or Chairman for the time being as the case may be shall ensure that the meeting is properly conducted to permit of the ballot being taken;

(ix) At the close of the ballot the ballot papers shall thereupon be counted by the Returning Officer and scrutineers (if any) and shall be declared by the Returning Officer at the next meeting of the Branch;

(x) The person declared elected shall take office immediately;

(xi) At the special meeting any ordinary or special business may be transacted, but the conduct of the ballot shall be the first business;

(xii) If only one nomination is received the person who was nominated shall be declared by the Returning Officer to be elected.

(b) If the Branch Secretary dies or resigns his office or for any reason ceases to be entitled to hold his office or the Executive Committee of the Branch by resolution declares that such Branch Secretary is unable to perform his duties by reason of illness or incapacity or has been granted leave of absence, the Executive Committee of the Branch shall forthwith appoint a member of the Branch as Acting Branch Secretary for a period not exceeding six months. If the unexpired portion of the term of office of the Branch Secretary who so ceased to hold office exceeds twelve months, nominations for election as his successor shall be called for and if necessary an election conducted in accordance with Sub-Rule (6), but the successful candidate shall only hold office for the remainder of the term of office of his predecessor.

- (c) The Executive Committee of the Branch may pending the investigation of charge or complaint against any officer organiser or Branch delegate, suspend such officer organiser or Branch delegate from performing all or any of his duties for a period not exceeding one month.
- (d) (i) The Branch Executive Committee may remove from office any officer or member of the Branch Executive Committee or organiser at a meeting of the Branch Executive Committee to which the person concerned has been summoned in writing signed by the Branch Secretary or Branch President to show cause why he should not be so removed. Provided that no such person shall be removed from office unless he has been found guilty of misappropriation of the funds of the Federation, a substantial breach of the Rules of the Federation or gross misbehaviour or gross neglect of duty or has ceased, according to these Rules, to be eligible to hold the office. Failure by any officer or delegate to attend three consecutive meetings of the Branch Executive Committee without leave of absence shall constitute gross neglect of duty for the purpose of this Rule.
- (ii) A person summoned to show cause pursuant to paragraph (i) of Sub-Rule (d) of this Rule shall be given at least fourteen days notice of the time and place of the meeting of the Branch Executive Committee to which he is summoned. The notice summoning him shall also specify the ground or grounds upon which it is proposed to consider his removal. The Branch Executive Committee may proceed to hear and determine a matter under this Sub-Rule notwithstanding the absence of the person summoned if due notice of the hearing has been given in accordance with this Sub-Rule.

DUTIES OF OFFICERS

(8) PRESIDENT AND VICE-PRESIDENT

- (a) The President shall preside at all meetings conducted under the auspices of the Branch and will preserve good order so that the business may be conducted properly.

- (b) He shall see that the minutes of the meeting are read and confirmed and upon such reading and confirmation sign same and shall endorse all accounts marked for payment.
- (c) He shall have a deliberate vote only.
- (d) The Vice-President shall assist the President and shall in his absence exercise the powers of the President.

(9) SECRETARY

- (a) The Branch Secretary shall attend all meetings and prepare documents for the Branch and Branch Executive Committee meetings and for the auditors and trustees.
- (b) He shall conduct and file all correspondence, summon members to the Branch Executive Committee and members of the Branch to the monthly meeting.
- (c) He shall draw up a report and balance sheet for submission to members in the months of April and October and submit his books and accounts to the auditor half yearly.
- (d) He shall submit to the President any urgent information he may officially receive and, together with the President, shall decide on the best course to be pursued until the next meeting of the Branch Executive Committee.
- (e) He shall receive all moneys and pay the same to the Treasurer immediately, with the exception of petty cash not exceeding \$600.00 at any one time.
- (f) He shall keep a distinct and intelligible account of all moneys received and expended, with vouchers detailed therefor.
- (g) He shall submit a statement of his receipts and expenditure monthly to the members in general meeting assembled.

- (h) He shall keep a register of the names and addresses of the officers and members of the Branch as far as possible.
- (i) He shall, in conjunction with the Treasurer and one trustee, sign all cheques.
- (j) He shall not make any payment exceeding \$300.00 except by cheque.
- (k) The Branch Secretary shall, subject to the control of the Branch Executive Committee, have the following power and duties:
 - (i) He shall be the principal administrative officer and shall have control of all duties of the organisers, paid officials and office staff;
 - (ii) He shall be responsible for engaging and dismissing all staff necessary for the administration of all office duties;
 - (iii) He shall instruct all organisers and paid officials in their daily duties and have authority to suspend from duty any such organisers or paid officials who fail to carry out his instructions and shall notify any such suspension to the Branch Executive Committee for consideration at its next meeting.
- (l) He shall keep separate accounts of all moneys received or paid on account of every particular fund.
- (m) He shall keep separate accounts of the expenses of management and of all contributions on account thereof.
- (n) Any member of the Branch shall be entitled at a reasonable hour and on reasonable notice to the Secretary of the Branch to

inspect the register or cards showing the names, addresses and financial status of the members of the Branch and the books of the Branch held by him.

(10) TREASURER

- (a) The Treasurer shall be entitled at any time to inspect the financial accounts and records of the Branch.
- (b) He shall, in conjunction with the Secretary and one trustee, sign all cheques and he shall attend all meetings of the Branch and Branch Executive Committee.

(11) TRUSTEES

No member who is a trustee shall be eligible for the position of Secretary, Treasurer or auditor.

One at least of such trustees shall sign all cheques in conjunction with the Secretary and Treasurer.

(12) AUDITOR

An auditor, who shall not be a member of the Federation appointed by the Branch general meeting, shall audit the accounts each half year and see that the same are correctly kept in accordance with these Rules and with the law affecting organisations of a like nature.

He shall have power at any time to call for all books, papers, vouchers and documents belonging to the Branch or any delegate, officer or Committee thereof. He shall make a report of each audit to the Branch Executive Committee and shall sign the necessary paper certifying to the audit and to the financial position of the Branch.

He shall be paid such sum for his services as the Branch Executive Committee may approve.

He shall be appointed annually.

(13) MEMBERSHIP

All persons desiring to become members of a Branch of the Federation shall be admitted in accordance with Rule 6 by signing an application form and on payment of an entrance fee, membership fee or levies that have been imposed subject as hereinbefore provided.

Upon compliance with the foregoing provisions a person shall be deemed to become a member of the Federation as from the date of the receipt of the application form by the Branch Secretary. Contributions shall be paid as provided in Rule 6 (k).

(14) GUARDIAN

The Guardian shall examine all persons in the room before the commencement of business to ensure that only financial members of the Branch are in attendance. A stranger shall be permitted to attend only with the consent of the Chairman.

He shall prevent the admission of any intoxicated persons and allow no member to leave or enter the room whilst a member is speaking.

The Guardian shall record all names, Federation card numbers and job employed on of all members entering the meeting; this book to be open for all financial members on request to the Secretary.

(15) ORGANISERS

- (a) A Branch may have Organisers, the number of which shall be fixed by the Branch Executive Committee before nominations for election are called for pursuant to Sub-Rule (6) in 1985 and every four years thereafter.
- (b) Elections for Organisers for each Branch shall be conducted at the same time and in the same manner as the elections referred to in Sub-Rule (6) above.
- (c) A Branch Executive Committee may at any time employ one or more temporary Organisers, special assistants or agents on weekly hire or otherwise for such periods and for such purposes as it

shall determine.

(16) MEETINGS

Branches shall hold ordinary meetings for the transaction of business at such time and place as the Branch Executive Committee or failing it the Branch Secretary may fix, provided that a Branch shall hold an ordinary meeting at least once each calendar month.

All questions are to be decided by a majority of the members present, except where otherwise provided for. The Branch Executive Committee shall fix the hours of business, provided however that such meetings shall be of two hours duration only and no new business shall be conducted after the expiration of the two hour period and provided however the time of the meeting may be extended an extra fifteen minutes by a majority of members voting for the purpose of finalising the business before the chair.

Notice of such extension shall be given before the expiration of the two hour period. Notice need not be given of ordinary meetings held at a regular meeting place at a regular time if the Branch Executive Committee has fixed such time and place and notified members of such time and place.

Special meetings of the Branch may be convened on requisition delivered to the Branch Secretary by at least fifty financial members of the Branch or by resolution of the Executive of the Branch. Notice of the time and place of the meeting and of the purpose for which the meeting is summoned shall be given.

Members may be notified by notice given:

- (a) in any newspaper circulated in the State;
- (b) in any paper issued by the Branch;
- (c) to job delegates at addresses for notices kept at the office of

the Branch;

(d) by letter, circular, telegram or written notice to the members;

(e) by telephone, orally; or

(f) by any one or more of the above means.

Every meeting shall be deemed to be valid notwithstanding any informality in the notice provided that the substance is fairly given and notwithstanding that not every job delegate is notified or that not all members concerned are notified provided there is a substantial compliance with this Rule.

(17) FINANCIAL REPORT

At a general meeting of each Branch within a reasonable time after receipt of the auditor's report a financial statement including the Branch's balance sheet and the auditor's report for the preceding half year shall be presented by the Branch Secretary.

(18) PROPERTY AND FUNDS OF THE BRANCH

Subject to the control of the Branch in general meeting, the Branch Fund shall be under the control of the trustees. Such part of the Branch Fund as consists of money shall be invested in the name of the Branch on current account or fixed deposit in the Commonwealth Savings or Trading Bank or such other bank as the Branch Executive Committee may determine and notify to the General Secretary.

(19) MEETINGS

(a) ORDER OF BUSINESS

The business at ordinary meetings of the Branch shall be conducted in the following order, unless otherwise determined by the meeting in accordance with paragraph (b) of this Sub-Rule:

- (i) Reading of the minutes of the previous meeting and their confirmation or disposal of in some manner;

- (ii) Executive reports, consideration and adoption;
- (iii) Notice of motion;
- (iv) Reception of delegates (if any);
- (v) Finance report (if any);
- (vi) Reading, reception and consideration of general correspondence;
- (vii) Auditor's report (if any);
- (viii) Adjourned business;
- (ix) General reports, consideration and adoption;
- (x) Questions and replies (no discussion thereon);
- (xi) Deputations;
- (xii) General business.

(b) SUSPENSION OF THE ORDER OF BUSINESS

It shall be competent by a vote of two-thirds of the members present for the meeting to suspend the order of business provided however that the minutes of the previous meeting have been read and dealt with and provided the effect of such suspension shall not be the rescinding of any resolution previously adopted by the Branch or Executive.

(c) NOTICE OF MOTION TO TAKE PRECEDENT

Any notice of motion shall take precedence in the order in which it stands in the minute book in relation to other similar

notices, unless otherwise agreed to by the meeting in accordance with paragraphs (b) and (d) hereof and will lapse if the member or some member on his behalf be not present when the order of the day for such notice is read.

(d) MOTION OF ADJOURNMENT CANNOT BE ABROGATED

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

(e) NOTICES OF MOTION - HOW GIVEN

Any member at any meeting of the Branch or Executive give a notice of motion of a resolution to be discussed at a future meeting by handing the copy thereof to the President who shall at once read it to the meeting.

(f) ADJOURNMENT OF THE MEETING

When a motion for the adjournment of the meeting has been carried or the meeting adjourns through effluxion of time the business then undisposed of shall have precedence at the next ordinary meeting after Executive reports have been dealt with, unless otherwise agreed to in accordance with paragraphs (b) and (d) hereof.

(g) NO MEMBER TO OBTAIN A DISCUSSION ETC.

No member shall be allowed to obtain a discussion on any subject through the medium of personal correspondence. All correspondence having reference to any matter that has been remitted to the Executive or any Committee for consideration and report shall, for the time being, be deemed the property of the Executive or Committee as the case may be. Such correspondence shall, however, be read in open meeting at the time the report is presents, if any members so desire.

31. RULES OF DEBATE

(a) MEMBERS RISING TO SPEAK

Any member desiring to speak shall arise in his place and address the President. If two or more members rise at the same time the President shall call upon the member who, in his opinion, first rose to speak.

(b) MEMBER TO RESUME HIS SEAT

Any member speaking shall at once resume his seat:

- (i) If the President rises to speak; or
- (ii) If a point of order be raised and shall not resume his speech until the point of order be decided.

(c) MEMBER TO SPEAK ONLY ONCE

A member may speak only once upon any question before the meeting except:

- (i) In reply upon an original motion;
- (ii) In explanation or correction of some matter during the debate;
- (iii) Upon a point of order raised during the debate; or
- (iv) Upon a resolution being carried that "he be now heard".

(d) MEMBER NOT HELD TO HAVE SPOKEN

- (i) A member who used the words "I second the motion" or "amendment", as the case may be, shall not be deemed to have spoken to the question before the chair and may exercise his right to speak at a later stage, always provided that he is not the third consecutive speaker on the one side.
- (ii) For the general purposes of debate, however, he shall be deemed the second speaker in the affirmative.

(e) MOTION DULY PROPOSED

When a motion has been duly proposed and seconded the President shall at once proceed to take the votes thereon, unless some member arises to oppose it or to propose an amendment.

(f) MOTIONS - HOW DEALT WITH

All motions shall be:

- (i) Duly proposed and seconded;
- (ii) Of an affirmative character;
- (iii) The property of the meeting;
- (iv) May be adjourned from time to time until a decision be arrived at.

(g) MOTIONS MAY BE AMENDED

A motion may be amended at any time during a debate thereon by:

- (i) Striking out certain words;
- (ii) Adding certain words; or
- (iii) Striking out certain words and inserting other in their place.

(h) AMENDMENT BECOMES THE MOTION

Upon an amendment being carried it shall take the place of the original motion and may be further amended until a decision be arrived at.

(i) MOTIONS MAY BE SUPERSEDED

A motion may be superseded at any time:

- (i) By another motion that it be discharged from the notice paper;

- (ii) By a motion that the next business be proceeded with being resolved in the affirmative.

(j) NO MORE THAN TWO MEMBERS TO SPEAK

Not more than two members shall speak in succession either for or against any question before the meeting and if at the conclusion of the second speaker's remarks no member rises to speak on the other side the motion or amendment shall be at once put to the meeting.

(k) TIME ALLOWED FOR SPEAKING

The mover of any original motion shall be allowed five minutes to introduce it and, notwithstanding the closure motion "That the question now be put" being carried, the member shall be allowed five minutes to reply. No member shall be allowed to speak for more than five minutes at any one time, unless a two-thirds majority of the members present (by resolution) agree to the time limit of any speaker being extended to such length as shall be specified in such resolution. The time limit for discussion on any one subject shall be half an hour.

(l) MOTIONS CANNOT AGAIN BE MOVED

Any motion agreed to or negatived by the Branch cannot again be dealt with unless a motion of recommittal is carried by a two-thirds majority of the members present.

(m) MOTIONS - HOW PUT

The President shall put all questions in a distinct and audible voice to the meeting by asking the "ayes" to vote first and afterwards the "nays" and shall declare his opinion as to which has the majority.

Any seven members rising may demand a division, when the President shall take the vote by asking the "ayes" to go to the right and the "nays" to the left.

(n) MOTION TO DISAGREE WITH CHAIRMAN'S RULING

When a motion to disagree with a ruling of the President (or Chairman for the time being) has been duly proposed and seconded the Chairman shall leave the chair until the motion has been disposed of by the Branch. In the absence of the Vice-President, the President shall call for nominations for a Chairman before vacating the chair.

(o) NO MEMBER TO SPEAK

No member may speak to any question after it has been put by the President, nor during a division, except to a point of order.

(p) NO MEMBER TO VOTE

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

(q) MEMBERS MUST VOTE ON DIVISION

Every member present during a division must vote or his vote will be counted with the side on which he is sitting.

(r) ADJOURNMENT OF DEBATE

A motion for the adjournment of the Branch may be proposed at any time or for the adjournment of the debate at any time during such debate and shall be at once put to the meeting by the President, unless time be mentioned. When time is mentioned in a resolution for adjournment of the debate, the discussion shall be strictly confined to the question of time and any amendment in connection therewith.

(s) INTERRUPTING BUSINESS

If any member strikes or threatens to strike another member or make use of obscene language or come in the room in a state of intoxication, he shall be fined not less than \$1.00 and not exceeding \$10.00. If any member refuses to be silent upon the call to order by the Chairman or make use of any insulting remarks during the business after being three times called to order by the Chairman, he shall be fined not less than \$0.25 and not exceeding

\$1.00 and such fines to be first call on that member's subscription. No member shall be admitted to any meeting until such fines are paid. The fines referred to in this Rule may be summarily imposed by the Chairman.

32. JOB DELEGATES

For the convenience of members and subject to the approval of the Branch Executive Committee, one or more job delegates may be appointed by the members in any place or area where members are employed. The duties of job delegate shall be to receive all members' entrance fees, contributions, dues, fines and levies on behalf of the Federation. Such moneys in all cases shall be paid to the Branch Secretary within seven days of receipt by the job delegate.

A written report shall also be given promptly as to:

- (a) The names of all persons employed at the place or area who are eligible to be members, but are not in fact members of the Federation.
- (b) The name of any member who has suffered any accident or sickness at work or on the way to or from work.
- (c) Any instance of breach of any award, industrial agreement or regulation.
- (d) Any unguarded or dangerous machinery or working conditions.
- (e) Any matter which concerns the Federation or its members.

A job delegate shall act as the Federation representative in his place or area and distribute to all members concerned all notices, summonses, papers and other documents which may be sent to such place by the Federation. It shall be the duty of each job delegate to notify all members concerned at the place or area of the time and place and purpose for which any special meeting of the Branch is called.

A member may be appointed to act as job delegate in respect of more than one place or area. So far as possible job delegates should be appointed in sufficient numbers to establish and permit reasonable contact between job delegates and members of the Federation.

Each job delegate shall notify the Branch Secretary immediately of his appointment.

Each job delegate shall be paid for his services half yearly an amount of five, dollars (\$5) for each financial member whose contributions are collected by him, provided such contributions are first forwarded without any deduction to the Branch Secretary within seven days of receipt by the job delegate.

33. MEMBERS TO ASSIST JOB DELEGATES

Every member shall inform the job delegate in the place or area where he is employed of:

- (a) The names of members who have suffered any accident or sickness by work or on the way to or from work.
- (b) Any instance of breach of any award or industrial agreement or regulation.
- (c) Any unguarded or dangerous machinery or working conditions.
- (d) Any matter which concerns the Federation or its members.
- (e) The location where work is to be obtained by or is being offered to members of the Federation.

34. CLEARANCES

Any member leaving the Federation upon payment of all membership fees, fines or levies owing to the Federation in accordance with these Rules may be granted a clearance.

35. TRANSFERS BETWEEN BRANCHES

Any member leaving one Area, State Territory or occupational grouping which has been constituted as a Branch to reside and work in another State or Territory shall be entitled to a transfer to an appropriate Branch. Such transfer shall be effected by the production of a clearance card signed by the Secretary of the Branch which is is leaving. Such transfer must be presented within three months from the date of issue to the Secretary of the Branch to which he seeks to transfer.

Any member leaving one Area State or Territory to reside in another or transferring from one occupational Branch to another and being in arrears with any membership fees, fines or levies shall be liable to pay all moneys due from him to the Branch which he is leaving and shall be liable to penalty not exceeding one year's contributions.

36. LEVIES AND FINES

The Branch at any special meeting called for the purpose shall have power to strike a levy on all members, provided that a resolution to strike such levy shall be carried by a majority of the members present.

Such meeting shall be summoned by the Branch Secretary at least seven days notice of such meeting by advertising the same in any metropolitan daily paper. A further advertisement of the holding of such meeting shall be inserted in the same daily paper within one week of the date fixed for the meeeting.

All fines, levies and moneys owing to the Branch shall be deducted from and be a first claim on a member's payment into the Fund.

37. RULE BOOKS

Each financial member may be supplied with a rule book upon request to the Branch Secretary.

38. NAME AND RESIDENCE

Each member of the Branch shall have his name and residence registered in a book to be kept for the purpose and should he change his place of residence he shall give notice of this change within seven days.

39. BREACH OF AWARD

Any member who works for a lower rate of pay than that prescribed by the relevant award, determination or agreement shall be guilty of a breach of these Rules and liable to a fine of not more than \$20.00.

40. DISSOLUTION

A Branch shall not be dissolved unless the membership falls below fifty financial members and two-thirds of such members vote in favour of such dissolution. The funds remaining after all liabilities have been discharged shall be divided equally amongst the financial members unless the Federal Council directs that such funds be used for the benefit of the Federation.

41. NEW RULES AND ALTERATIONS TO RULES

Subject to Rule 30 (1) no new Rules shall be made nor shall any of the Rules for the time being of the Branch be altered, amended or rescinded except by and at a special meeting of members of the Branch and endorsed by the Federal Council of the Federation voting at a meeting or by post or telegram.

Any new Rule or Rules or alteration, amendment or rescission of Rules decided upon by the Branch and the Federal Council shall be binding on all members of the Branch.

42. GENERAL DEFINITIONS CLAUSE

In the interpretation of these Rules the following definitions shall be taken as a guide:

- (a) "Federal Council" means the body constituted by Rule 7, subject to Rule 30.
- (b) "Committee of Management of the Federation" means the Committee of Management existing prior to the creation of Branches as provided for in Rule 30 as elected pursuant to the Rules during the year 1985 and has the same meaning as "Committee of Management" for the purposes of the prescribed Rules specified by

the Industrial Conciliation and Arbitration Act 1972.

- (c) "General Meeting of the Federation" means the General Meetings provided for in Rule 30 prior to the creation of Branches under that Rule.
- (d) "financial member" means a member who has paid all moneys payable under these Rules and is entitled to the full benefits of membership of the Federation.
- (e) "officers" shall include the President, Vice- President, General Secretary, members of the Federal Executive, Branch Executive Officers, Branch organisers and Branch Secretaries.
- (f) "Federation" means The Australian Building and Constructions Workers' Federation as registered pursuant to the provisions of the Industrial Conciliation and Arbitration Act 1972.
- (g) "Federal Executive" means the Federal Committee of Management and has the same meaning as "Committee of Management" for the purposes of the prescribed Rules specified by the Industrial Conciliation and Arbitration Act 1972.
- (h) The masculine gender shall include the feminine gender and the singular number shall include the plural number.

43. DUAL PURPOSE ELECTIONS

- (1) Subject to this rule, persons elected to the positions in the SA Branch of the Construction and General Division of the CFMEU set out immediately hereunder (or who fill a casual vacancy in any such position) are elected to the corresponding positions in the Federation and take office in the Federation positions when they take office in the position in the SA Branch of the Construction and General Division of the CFMEU they hold.

CFMEU C&G SA Branch	ABCWF
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Divisional Branch President	President
Divisional Branch Vice President	Vice President
Divisional Branch Secretary	Branch Secretary
Divisional Branch Assistant Secretary	Guardian
Divisional Branch Treasurer	Treasurer
Divisional Branch Trustee (two)	Trustee (two)

- (2) If:
- a. within 30 days of the result of an election of the SA Branch of the Construction and General Division of the CFMEU being declared pursuant to rule 38 of the CFMEU Construction and General Division Rules;
 - b. a petition signed by ten percent of the financial membership of the South Australian Branch of the Federation calling for the elected South Australian Branch positions to be filled by an election pursuant to rule 30(6) and not pursuant to rule 43(1) is served on the Branch Secretary;
 - c. the Branch Executive Committee shall call a special meeting of the Branch to decide whether the elected South Australian Branch positions will be filled by an election pursuant to rule 30(6) and not pursuant to rule 43(1); and
 - d. the special meeting shall be convened and conducted and the question determined as if it were a special meeting called pursuant to rule 30(7)(a) (iii); and
 - e. if the special meeting determines that the elected South Australian Branch positions be filled by an election pursuant to rule 30(6) are not pursuant to rule 43(1);
 - f. rule 30(6) applies with the following modifications;
 - g. the call for nominations pursuant to rule 30(6)(a) shall occur within 42 days of that determination; and
 - h. the close of nominations pursuant to rule 30(6)(c) shall occur not before 56 days after that determination; and
 - i. the appointment of a returning officer and two Branch scrutineers pursuant to rule 30(6)(e) shall occur within 14 days of that determination; and
 - j. the count of ballot papers pursuant to rule 30(6)(e) (iii) shall occur within 85 days after that determination.

44. DUAL PURPOSE ELECTIONS TRANSITIONAL RULE

Until the next election for positions in the SA Branch of the Construction and General Division of the CFMEU after July 2017, to give effect to the intended operation of rule 43, positions in the Federation will be filled as follows (subject only to the operation of rule 30(5)).

President	Craig Fry
Vice President	Scott Jeffs
Branch Secretary	Aaron Cartledge
Guardian	Jimmy O'Connor
Treasurer	Mark McEwen
Trustee (two)	Dave Sahlberg Anthony Priddle

COPY OF PRESCRIBED NOMINATION FORM

I.....

Membership No.....of.....

.....

agree to nominate for position of

I have been a bona fide financial member continuously of the Australian Building and Construction Workers' Federation for one year and a bona fide financial member of theBranch (if applicable) continuously for six months prior to the date of closing of nomination.

We, the undersigned, hereby nominate

.....

As a candidate for the position of

in the forthcoming elections.

We are and have been bona fide financial members continuously of the said Federation for one year and (where applicable) of the Branch for six months prior to the date of closing of nomination.

Nominated by

Membership No.

Address

Nominated by

Membership No.

Address