

SECTION 1 - GENERAL

1 - NAME

The name of the Division is the Communication Workers Union Division, known as the Communications Division or the CWU Division.

2 - CONSTITUTION

The Division shall consist of those persons eligible for membership of the union as defined in Rule 2.5 to 2.21 inclusive of Section A to these rules.

3 - OBJECTS

The objects for which the Division is established are:

- (a) By the provision and distribution of funds and by all other lawful means:
- (i) to improve and protect the economic conditions, job security, working conditions, the quality of life and other industrial concerns of members;
 - (ii) to improve and protect the relations between employees and employer and between employee and employee;
 - (iii) to promote the general and material welfare of members;
 - (iv) to pursue and assist kindred organisations by affiliation and other means in upholding the rights and privileges of workers by industrial, political and municipal action and to bring about the socialisation of production, distribution and exchange and the development and protection of effective enterprises;
 - (v) to provide legal assistance where deemed necessary, in the defence of the rights of members or in pursuance of the aspirations of members;
 - (vi) to endeavour by political and industrial action to secure social justice, and to establish and maintain journals and other publications containing matters of interest and information for members;
 - (vii) to achieve the establishment of one amalgamated union covering all workers in the communications industry;
 - (viii) to promote the policy of equality of status and opportunity for all members;
 - (ix) to acquire property of all kinds;
 - (x) to assist and permit branches in establishing incidental funds to assist members or their families when in distressed circumstances;
 - (xi) to assist in the establishment and/or maintenance of labour newspapers and other media;
 - (xii) to do all other things necessary for the proper functioning of the Union in accordance with the Rules;
 - (xiii) to promote and pursue equal opportunities and affirmative action.

- (b) Payments made in furtherance of any of the objects shall be deemed to be part of the ordinary expenses of the Union and made in accordance with the provisions of the Industrial Relations Act or any Act replacing it.

4 - DEFINITIONS

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

- (a) "Conference" means the Conference constituted by Rule 5.
- (b) "Special Conference" means the Conference constituted by Rule 6.
- (c) "Divisional Executive" means the Executive constituted by Rule 11.
- (d) "The Act" means the Workplace Relations Act 1996, the Regulations and Rules made thereunder, or any Act, Regulations or Rules replacing or amending such Act, Regulations or Rules.
- (e) "Branch" means a Branch of the Division constituted by Rule 44.
- (f) "Committee of Management" means the Committee of Management of a Branch constituted by either Rule 75 or 76.
- (g) "Division" shall mean the Communications Division.
- (h) "Sub-Branch" means a Sub-Branch constituted in accordance with Rule 78.
- (i) "Re-election" means the election to an office or position of a person who, at the time of nominations for the election, was the holder of that office or position.
- (j) "APTU" means the Australian Postal and Telecommunications Union immediately before the commencing date.
- (k) "ATEA/ATPOA" means the Australian Telecommunications Employees' Association/Australian Telephone and Phonogram Operators' Association immediately before the commencing date.
- (l) 'TOA' means the Telecommunications Officers Association as at the day prior to the amalgamation date of the union and the Association.
- (m) Reference to "these Rules" means section D- Rules of the Communications Division, unless otherwise specified.
- (n) 'Divisional Councils' shall mean the Postal Divisional Council and the Telecommunications Divisional Council as constituted by Rule 43.
- (o) In these Rules references to Divisional President, Divisional Secretary, Divisional Vice President/s, Divisional Assistant Secretary/ies, Divisional Officers shall mean the Divisional President, Divisional Secretary, Divisional Vice President/s, Divisional Assistant Secretary/ies, Divisional Officers of the Communications Division.
- (p) "Head Office" means the Head Office of the Communications Division.
- (q) "Optus" means the first licensed carrier as defined in Rule 2.18 of Section A being the Rules of the Union.

5 - DIVISIONAL CONFERENCE

- (a) There shall be a Divisional Conference, which, except on matters decided by plebiscite of the membership, shall be the supreme governing body of the Division, and which shall be held biennially at a place and on a date to be fixed by the Divisional Executive.
- (b) Conference shall be constituted by delegates elected by the several Branches of the Division together with the Divisional Officers as provided by Rule 20.
- (c) The Divisional Officers referred to in sub-rule (b) above shall be entitled to move or second and to vote on any proposal.
- (d) Representation at the Divisional Conference shall be on the basis of:
 - (i) one delegate for each 2,000 members or part thereof for each Divisional Section within each Branch; and
 - (ii) in respect of the TOA Branch - one delegate for each 2,000 members or part thereof.

For the purposes of this Rule the number of members for a Divisional Section or Branch shall be the actual number of financial members at the end of the financial year in the year preceding the year of elections.

- (e) In and during the unavoidable absence of a delegate from the whole or part of the meeting of Divisional Conference his or her place may be taken by a duly elected Alternate Delegate from the same Branch or Divisional Section and the Alternate Delegate shall then have all the powers, rights and duties conferred by the Rules upon a delegate and shall receive such expenses as he/she would have received had he/she been a delegate.

Alternate Delegates shall be elected, (equal in number) to the number of delegates each Divisional Section and the TOA Branch is entitled to under this Rule.

If the Alternate Delegates are unavailable then the voting power of the remaining delegates from the same electorate shall be calculated under sub-rule (f), by reducing the "number of delegates representing the same electorate" by one in the mathematical calculation required under that sub-rule.

- (f) The voting power of Officers and delegates upon all questions shall be as follows:
 - (i) For delegates the voting power shall be calculated by reference to the number of financial members represented, divided by one hundred, rounded up to the next whole number, and further divided by the number of delegates representing the same electorate. Where the number of delegates votes calculated, do not divide amongst the number of delegates to produce a whole number for each delegate in an electorate, the votes remaining after equal apportionment to delegates are to be distributed in the manner determined by the Branch Committee of Management in that electorate, or in the absence of such determination, in the manner determined by the majority of delegates representing that electorate.
 - (ii) For the purposes of determining the number of financial members as set out in sub-rule 5(f)(i) it shall be the number of financial members as at 31st March in each year. In determining the voting power for a Divisional Section or Branch, each Branch Secretary shall forward to the Divisional President, no later than one (1) month after the end of the financial year the number of financial members for a Divisional Section or Branch as at 31st March in that year.

The Divisional President will notify the Branch Secretary and Divisional Executive of the voting power of the Divisional Section or Branch. The voting power determined under this sub-rule will apply from 1st June in that same year. Provided that any question which may be in the course of decision by postal voting at the 1st June, the voting power shall be that applying at the time the question was moved.

- (iii) The Divisional Officers shall have five votes each. Provided that where a Divisional Officer is also a Branch Delegate the Divisional Officer shall only exercise the voting power he or she has as a Branch Delegate.
- (g) A proposal is decided in the affirmative if:
 - (i) a majority of votes are recorded in favour; and
 - (ii) at least 40% of the combined votes cast by the Postal and Lines and General-Delegates are in favour; and
 - (iii) at least 40% of the combined votes cast by the Technical and Operator-Delegates are in favour; and
 - (iv) at least six Branches record their vote in favour. A Branch is determined to be in favour if more than 50% of the voting power of Branch delegates is cast in favour.
- (h) No Branch shall be entitled to be represented at Conference until all monies due under these rules to the Divisional Conference shall have been fully paid up to the end of the quarter last preceding the opening date of Conference. In the case of members contributions to Divisional Conference, a Branch shall be entitled to be so represented if it has complied with the provisions of Rule 47.

Each Branch shall supply a membership return and a statement of accounts by a date nominated by the Divisional Executive of which notice shall be given to each Branch by the Divisional Executive.

Provided that Divisional Conference, constituted without the members of the Conference from the Branch and/or Divisional Section in default, may decide that in special circumstances the provision of this sub-rule shall not apply subject to any time limit or any other condition specified by Conference so constituted.

- (i) The Divisional Executive shall defray all expenses connected with the organisation and holding of the Divisional Conference from the funds of Divisional Conference unless specifically excluded by this sub-rule.

Delegates shall be entitled to receive payment from the Divisional Executive for expenses incurred in attending Divisional Conference. The amount to be paid by the Divisional Executive shall be determined by Divisional Conference but shall not include payment for loss of pay incurred by delegates attending Divisional Conference.

The Divisional Executive shall pay the transportation costs of delegates attending Divisional Conference. Transportation costs shall be the cost of an economy class return airfare from the delegates home station.

Each Branch of the Union shall reimburse delegates representing that Branch at Divisional Conference for any loss of pay incurred in attending Divisional Conference.

- (j) The order of business at Divisional Conference shall be:
 - (i) Hours of Sitting.

6 - SPECIAL CONFERENCE

- (ii) Credentiailling of delegates and voting rights.
 - (iii) Reading and Confirmation of Minutes.
 - (iv) Divisional Executive and Branch Financial Statements and Union Finances.
 - (v) Divisional Secretary's Report and Divisional President's Report.
 - (vi) Divisional Executive Annual Report and Business Arising.
 - (vii) Branch Reports and Business Arising.
 - (viii) Agenda Items.
 - (ix) Fixing of Salaries and Entitlements.
 - (x) Urgent Late Business.
- (k) Conference shall be properly constituted when at least fifty percent of Officers and fifty percent of delegates (including delegates from at least six Branches) are present.

6 - SPECIAL CONFERENCE

- (a) A Special Conference may be called at any time by the Divisional Secretary and Divisional President or by resolution of the Divisional Conference and/or Divisional Executive, or when called for by requisition signed by Delegates to Divisional Conference representing a majority of votes eligible to be cast in five Branches or signed by at least six Branch Secretaries. Where the Conference is called for by such Delegates or Branch Secretaries, the Divisional Secretary shall arrange for the Conference to be held within one month of receipt of the requisition. Seven days notice of the date or dates of the Conference shall be given to each Branch and to the Officers and delegates to the Special Conference.
- (b) A Special Conference shall be constituted in the same manner as provided for the Divisional Conference in rule 5 and the Officers and Delegates who constitute the Divisional Conference shall be the Officers and Delegates to constitute the Special Conference.
- (c) A Special Conference shall be properly constituted if at least fifty percent of Officers and fifty percent of Delegates (including Delegates from at least six Branches) are present.
- (d) Business for consideration of a Special Conference shall be included in the notice to Branches relating to the holding of the Conference, and it shall be competent for the Conference to make new Rules or to rescind or amend any of the existing Rules, regarding which no notice was given until after the dispatch of the notice to Branches relating to the holding of the Conference, further provided that any alteration and/or addition to the Rules as decided upon shall have no force or effect unless and until ratified by Branches after the close of the Conference.

Provided further that the question of the admission of any business for consideration under the provisions of this Rule shall be determined by the method of voting prescribed in Rule 6 in relation to questions which have appeared on the business agenda.

- (e) At a Special Conference -
- (i) the voting power of Officers and Delegates on all questions; and
 - (ii) the entitlement of Branches and Divisional Sections to be represented at the Special Conference; and
 - (iii) the expenses of Delegates and all other expenses connected with the Special Conference;
- Shall be as provided for in Rule 5.
- (f) Subject to the provisions of paragraph (d) of this Rule, all or any of the powers of the Divisional Conference may be exercised by the Special Conference, and the decisions of the Special Conference shall have the same force and effect as if made by the Divisional Conference.

7 - POWERS OF CONFERENCE

The Divisional Conference shall be the highest deliberative body of the Division, shall manage the affairs of the Division subject to control by members as provided in the Rules and shall have power to:

- (a) lay down the industrial and political policy of the Division;
- (b) submit to members for decision such matters as the Divisional Conference may deem proper;
- (c) implement the policy of the Division in matters both industrial and political affecting the interests of the members;
- (d) initiate, manage and control any action, proceeding or submission in respect of any industrial dispute in accordance with current industrial action policy;
- (e) on behalf of the Division, enter into, make or vary industrial agreements, awards or determinations;
- (f) incur all expenses necessary for the proper conduct of the business of the Division and pay all accounts so incurred, provided that a loan, grant or donation of an amount exceeding \$1,000 shall not be made by the Division, unless Conference has:
 - (i) satisfied itself that the making of the loan, grant or donation would be in accordance with the Rules of the Union;
 - (ii) in relation to a loan - has satisfied itself that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and
 - (iii) approved the making of the loan, grant or donation;
- (g) subject to (f) above, advance generally the objects of the Division and for that purpose vote and expend money for political and industrial affiliations that are made following decisions ratified by members under the Rules;
- (h) endorse or otherwise Branch industrial affiliations under the Rules;
- (i) impose and collect all levies, fines, fees, subscriptions and dues payable by members provided that before any levy is struck a complete current financial statement shall be submitted to each Branch;
- (j) receive, consider and determine any matter or report arising under these Rules which has been submitted to Conference by any Branch;
- (k) determine the number of Branches and the number of elected offices at Divisional and Branch level;
- (l) determine the number of Divisional Industrial Research Officer positions and determine the number of Branch Industrial Officer positions (in the generic sense) where the direct cost is borne by the Divisional Conference;
- (m) in the event of casual vacancies appoint holders of Divisional offices in accordance with the Rules;
- (n) appoint a Divisional Returning Officer and Deputy Divisional Returning Officers and such scrutineers as may be required for the exercise of its powers;

9 - PROPOSALS FOR DIVISIONAL CONFERENCE

- (o) fix salaries and allowances for Divisional Officers and Branch Officers;
- (p) fix honoraria for Divisional Officers, Divisional Executive members and Divisional Conference members;
- (q) determine the level and method of payment of monies from Branches to Conference;
- (r) settle disputes arising between Branches;
- (s) hear and determine any appeal from a Branch or member thereof;
- (t) hear and determine disciplinary charges laid under the Rules and impose penalties as provided for in the Rules;
- (u) take disciplinary action against the holders of Divisional and Branch offices as provided for in the Rules;
- (v) remove from office the holders of Divisional and Branch offices as provided for in the Rules;
- (w) determine matters referred to it by a meeting of members of Conference representing a Divisional Section/s;
- (x) allocate funds for meetings of members of Conference representing a Divisional Section/s;
- (y) refer to a Divisional Council or members of Conference representing a Divisional Section matters exclusively affecting the Divisional Council or Divisional Section;
- (z) establish any social or other fund to achieve any of the objects of the Division;
- (aa) receive and adopt or otherwise deal with the annual report and balance sheet of the Division;
- (bb) summon General Meetings or Special General Meetings of members of Branches, any Divisional Section or any defined section of the membership of the Division in all or any States at any time and from time to time for any purpose which Conference shall think fit, giving not less than three days notice to members of such meetings, and stating the time and place in each State when and where such meetings shall be held;
- (cc) generally to do all acts, matters and things that may appear to Conference to be in the best interests of members;
- (dd) without limiting the generality of its powers under (cc) above, exercise all or any of the powers conferred on the Divisional Executive.

8 - ALTERNATE DIVISIONAL CONFERENCE DELEGATES CREDENTIALS

Branch Alternate Delegates shall present a certificate signed by the Branch President and Secretary to the Divisional President that due to unavoidable absence of the Delegate the Alternate Delegate will be in attendance at the Conference.

9 - PROPOSALS FOR DIVISIONAL CONFERENCE

- (a) The Divisional Secretary and Divisional President shall have forwarded to all Divisional Conference Delegates and, if necessary Alternate Delegates, a copy of the Divisional Executive

10 - DIVISIONAL CONFERENCE - OUT OF SESSION DECISION

Annual Report to be submitted to the Divisional Conference, not less than fourteen days before the date fixed for the opening of the Divisional Conference.

- (b) Proposals for the making of new Rules, or the amendment or rescission of existing Rules, or proposals relating to any other matter of business to be considered by the Divisional Conference, may be submitted by members of Divisional Executive, members of Divisional Conference or Branches.
- (c) Branch Reports and all proposals submitted to the Divisional Conference shall be forwarded to reach the Divisional Secretary seven weeks before the date fixed for the opening of the Conference. The whole of the proposal shall then be forwarded by the Divisional Secretary to members of Divisional Executive, members of Divisional Conference and Branches not later than five weeks prior to the date fixed for the opening of the Conference. Any proposal relating to matters which are already receiving attention by the Divisional Executive or which accords with Union policy, as determined by an earlier conference, may be excluded from the Conference business paper.
- (d) (i) Notwithstanding anything contained in these Rules, Divisional Conference shall have the power to consider any matter of urgent late business or to make new rules, or to rescind or amend any of the existing rules regarding which the required notice has not been given to the Divisional Secretary provided that:
 - (1) apart from matters arising out of the written report of the Divisional Executive or proposals already on the Conference Agenda proposals of an urgent nature which are received after the closing date of the agenda shall only be considered where notice in writing has been given to the Divisional Secretary at least twenty four hours before the matter is discussed;
 - (2) the question of the admission of any business for consideration under the provisions of this rule shall be determined by the method of voting in rules 5(f) and (g);
 - (3) any decision on an item of urgent late business shall have no force and effect unless and until ratified pursuant to rule 36.5.
- (e) The requirements as to notice and the circulation of agenda papers in this Rule shall be directory and not mandatory and the accidental or inadvertent omission to give the full notice required to any person entitled to such a notice shall not of itself invalidate the proceedings of the Divisional Conference meeting at which such matter is considered.

10 - DIVISIONAL CONFERENCE - OUT OF SESSION DECISION

- (a) When the Divisional Conference is not in session the Divisional Secretary and Divisional President jointly may, or when so directed by the Divisional Executive, or when called for by requisition signed by Delegates to Divisional Conference representing a majority of votes eligible to be cast in five Branches or signed by at least six Branch Secretaries, shall, submit to Conference for decision any matter which the Conference may deal with in accordance with Rule 5.
- (b) The Divisional Secretary may submit any matter to be decided pursuant to this sub-rule to the members of Divisional Conference to be determined by a vote communicated to the Divisional Secretary by letter, electronic mail, facsimile machine or telephone. The minutes of any meeting where a vote has been taken by letter, electronic mail, , facsimile machine or telephone shall be forwarded forthwith to each member of Divisional Conference and Branch Secretaries.

13 - DIVISIONAL EXECUTIVE MEETINGS

- (c) Each member of Conference shall, as soon as practicable but no later than fourteen (14) days after the receipt of the submission, return his/her vote to the Divisional Secretary.
- (d) If at any time after the submission of a matter to members of Conference under this Rule and before a decision has been obtained a request has been made in accordance with the provisions of Rule 6 for a special meeting of the Divisional Conference to discuss the matter, the question shall be deferred to that meeting.
- (e) A decision given under this Rule shall have the same effect as if made under Rule 5.

11 - DIVISIONAL EXECUTIVE - CONSTITUTION

- (a) There shall be a Divisional Executive which shall consist of the Divisional Officers, one Divisional Executive Member elected from each Divisional Section in each Branch, except in the case of the Telecommunications Officers Association, South Australian/Northern Territory, Western Australian and Tasmanian Telecommunications and Services Branches where only one Divisional Executive Member will be elected to represent the Branch.

There shall be one Alternate Divisional Executive Member elected from each Divisional Section in each Branch except in the case of the Telecommunications Officers Association, South Australian/Northern Territory, Western Australian and Tasmanian Telecommunications and Services Branches where only one Alternate Divisional Executive Member will be elected to represent the Branch.

- (b) The Divisional Executive shall be responsible for the full and proper carrying out of the directions of the Divisional Conference and plebiscite decisions of the membership.

12 - POWERS OF DIVISIONAL EXECUTIVE

- (a) When Divisional Conference is not sitting the Divisional Executive shall, subject to paragraph (b) hereof, exercise all powers of the Divisional Conference and shall be responsible for the management of the Division's affairs, property and funds.
- (b) The Divisional Executive shall not exercise any of the powers of the Divisional Conference described in Rules 7(g), (h), (i), (k), (n), (o), (p), and (q).
- (c) Except as provided in paragraph (b) of this Rule, unless the contrary intention appears, for the purpose of exercising any power a reference in these Rules to the Divisional Conference shall be deemed to include the Divisional Executive and a decision of Divisional Executive so taken shall have the same force and effect as if made by the Divisional Conference.

13 - DIVISIONAL EXECUTIVE MEETINGS

- (a) The Divisional Executive shall meet when determined by the Divisional President and Divisional Secretary or as provided in sub-rule (b). The Divisional Secretary shall give reasonable notice of all meetings to all members of Divisional Executive and Branches. Not more than four calendar months shall elapse between any two meetings of the Executive, provided that a meeting of the Divisional Conference shall be regarded as taking the place of a meeting of the Executive in determining the maximum period between any two meetings.
- (b) (i) On the joint decision of the Divisional Secretary and Divisional President or receipt of a request in writing specifying a matter of importance to the Union, signed by six Branch Secretaries or a request by five Branch Committees of Management, the Divisional Secretary shall, no later than 7 days after receipt of the request, convene a special meeting of the Divisional Executive to be held no later than 28 days after the receipt of the request.

- (ii) At a special meeting of Divisional Executive convened under paragraph (i) the business of the meeting shall be the matter of importance to the Union specified in the request.
- (c) In and during the unavoidable absence of a Divisional Executive Member, the duly elected Alternate Divisional Executive Member from the same Branch shall take the place of the Divisional Executive Member and shall then have all the powers, rights and duties conferred by these Rules and be entitled to receive such salary and expenses that the Divisional Executive Member would have received in the performance of the office. Provided that before taking the place of the Divisional Executive member, the Alternate Divisional Executive Member shall present to the Divisional Secretary a certificate signed by the Branch President and Secretary that, due to the unavoidable absence of the Divisional Executive Member for a specified period, the Alternate Divisional Executive Member will take the place of the Divisional Executive Member during this period. Alternate Divisional Executive Members shall be elected equal in number to the number of Executive members each Divisional Section or Branch is entitled to under Rule 11. In the event of the unavailability of the Alternate Divisional Executive Member the Divisional Conference Member may act in his/her stead as determined by Branch Committee of Management and subject to this Rule.
- (d) No Branch shall be entitled to be represented at a meeting of the Divisional Executive until all monies due to the Divisional Executive shall have been fully paid up to the end of the quarter last preceding the opening date of the meeting of the Divisional Executive. In the case of members contributions to Divisional Conference, a Branch shall be entitled to be so represented if it has complied with the provisions of Rule 47.
- (e) The expenses of Officers attending meetings of the Divisional Executive shall be defrayed by the Divisional Executive out of the funds of the Divisional Executive. The expenses, except in salary, of Executive members attending meetings of the Divisional Executive shall be defrayed by the Divisional Executive out of the funds of the Divisional Executive. The salary of the Executive members shall be paid by their respective Branch.
- (f) The Divisional Executive will control and authorise the use of any emblem, logo or identification illustration or mark which is adopted by the Division as its identifying emblem.
- (g) The order of business at Divisional Executive will be:
 - (i) Reading and confirmation of minutes;
 - (ii) Business arising out of minutes;
 - (iii) Divisional Secretary and Divisional President's Report and business arising;
 - (iv) Questions without discussion for fifteen minutes;
 - (v) Reports from each Branch and other reports including Divisional Council Reports and minutes and business arising;
 - (vi) Passing of working expenses, financial statements and Division finances;
 - (vii) Correspondence;
 - (viii) Adjourned business;
 - (ix) Business submitted by Branches;
 - (x) General Business.

14 - DIVISIONAL EXECUTIVE - QUORUM

Divisional Executive shall be properly constituted if at least fifty percent of Officers and fifty percent of members (including members from at least six Branches) are present.

15 - DIVISIONAL EXECUTIVE AGENDA AND OUT OF SESSION DECISIONS

- (a) All proposals from Divisional Officers, members of Divisional Executive, members of Divisional Conference, Divisional Councils, Branch Committees of Management or Branch General Meetings for consideration by ordinary meetings of the Divisional Executive shall be forwarded to the Divisional Secretary at least two weeks prior to the meeting.
- (b) The Divisional Secretary shall forward to each member of Divisional Executive and to each Branch, a copy of the agenda at least one week prior to the meeting.
- (c) Divisional Executive may at any meeting resolve to deal with a matter notwithstanding that the requirements of sub-rules (a) and (b) have not been complied with.
- (d) The requirement of sub-rules (a) and (b) as to notice and the circulation of agenda papers shall be directory not mandatory and the accidental or inadvertent omission to give the full notice required (to any person entitled to same) shall not of itself invalidate the proceedings of the Divisional Executive meeting at which such matter is considered.
- (e) At any time when Divisional Executive is not meeting a member of Divisional Executive may move a motion for decision of the Divisional Executive by a vote communicated to the Divisional Secretary by letter, electronic mail, facsimile machine or telephone provided that any vote taken by letter, electronic mail, facsimile machine or telephone shall be confirmed in writing to the Divisional Secretary. Such motions shall be submitted to the Divisional President and may be supported by reasons for the motion. Each member of Divisional Executive shall, as soon as practicable, but no later than 14 days after circulation, return his/her vote to the Divisional Secretary.
- (f) If the Divisional President considers a motion pursuant to Sub-rule (e) to be out of order he/she shall rule accordingly and advise the originating member of Divisional Executive of his/her reasons for so ruling. The member of Divisional Executive may then move a motion of dissent from the ruling of the Divisional President, in which event such motion and all correspondence thereon shall be distributed to each member of Divisional Executive.
- (g) No Divisional Executive Member shall be entitled to vote in the telephonic, facsimile, electronic mail or postal ballot of members of the Divisional Executive until all monies due to the Divisional Conference by the Branch which that member represents shall have been fully paid up in accordance with the provisions of Rule 47
- (h) Notwithstanding the provisions of sub-rule (e) above, the Divisional Secretary and Divisional President may jointly convene a meeting of the Divisional Executive by way of a telephone hook-up.

The Divisional Secretary shall provide to Divisional Executive members reasonable notice of the proposed telephone hook-up of the Divisional Executive.

All decisions made pursuant to this sub-rule shall have the same force and effect as if made under Rule 13 or sub-rule (e) above.

16 - DIVISIONAL EXECUTIVE VOTING

- (a) The voting power of Divisional Officers and Executive members shall be as follows:
 - (i) For Executive members the voting power shall be calculated on the same basis as calculated for Delegates to Divisional Conference under Rule 5(f)(i).

18 - DIVISIONAL RETURNING OFFICER AND DEPUTY DIVISIONAL RETURNING OFFICERS

- (ii) For the purposes of this sub-rule, the number of members for a Divisional Section or Branch will be the actual number of financial members as at 31st March in each year. In determining the voting power for a Divisional Section or Branch, each Branch Secretary shall forward to the Divisional President, no later than one (1) month after the end of the financial year the number of financial members for a Divisional Section or Branch as at 31st March in that year.

The Divisional President will notify the Branch Secretary and Divisional Executive of the voting power of the Divisional Section or Branch. The voting power determined under this sub-rule will apply from 1st June in that same year. Provided that any question which may be in the course of decision by postal voting at the 1st June, the voting power shall be that applying at the time the question was moved.

- (iii) The Divisional Officers shall have five votes each. Provided that where a Divisional Officer is also an Executive member representing a Divisional Section or Branch, the Divisional Officer shall only exercise the voting power he or she has as an Executive member.

For the purposes of this Rule, the number of members for Divisional Section or Branch will be the actual number of financial members at the end of the financial year preceding the date of calling of the elections.

- (b) A proposal is determined in the affirmative if:
 - (i) a majority of votes are recorded in favour; and
 - (ii) at least 40% of the combined votes cast by the Postal and Lines and General-Executive members are in favour; and
 - (iii) at least 40% of the combined votes cast by the Technical and Operator-Executive members are in favour; and
 - (iv) at least six Branches record their vote in favour. A Branch is determined to be in favour if more than 50% of the voting power of Branch delegates is cast in favour.

17 - ABSENTEE VOTING

If a member who is entitled to vote at any election held under these Rules will be absent from his/her usual address during a ballot such member may apply to the Returning Officer for a ballot paper to be sent to him/her at an address which he/she nominates.

17A - DIVISIONAL BY-LAWS

Divisional Conference and Divisional Executive shall have the power to make by-laws for the conduct and management of the Division and of any of the Divisional Councils thereof, provided that any by-law so made does not conflict with these Rules.

18 - DIVISIONAL RETURNING OFFICER AND DEPUTY DIVISIONAL RETURNING OFFICERS

- (a) A Divisional Returning Officer shall be appointed by Conference at its meeting which precedes the year of election conducted pursuant to Rule 21 from a list of candidates who are financial members of the Branch within the State in which the Divisional Office of the Division is situated, and who do not hold any other office in, nor are employees of, the Union or a Branch, Section or Division of the Union. Candidates for selection as Divisional Returning Officer must make

19 - NOMINATIONS FOR DIVISIONAL OFFICE

application in writing to the Divisional Secretary. Applications must contain the address of the candidate and will close with the Divisional Secretary at twelve noon on the opening day of the Divisional Conference.

- (b) Branch Returning Officers shall be recognised as Deputy Divisional Returning Officers.
- (c) The Divisional Returning Officer shall be responsible for the conduct of the ballot for the election of Divisional Officers and for such other ballots and plebiscites as he/she may be required to conduct pursuant to these Rules.
- (d) If the person appointed as Divisional Returning Officer subsequently desires to nominate for any elected position in the Union, or a Branch thereof, he/she shall be required to tender his/her resignation from the position of Divisional Returning Officer prior to the calling of nominations for any such position. Such resignation shall be in writing and delivered to the Divisional Secretary. Whenever the position of Divisional Returning Officer becomes vacant (by resignation or otherwise) between Divisional Conferences, a new Divisional Returning Officer shall be appointed by the Divisional Executive.
- (e) Should the Divisional Returning Officer be unavailable to perform a particular task or to conduct a ballot as required by the Rules, the Divisional Executive may nominate one of the Deputy Divisional Returning Officers to perform the duty or duties of the Divisional Returning Officer.

19 - NOMINATIONS FOR DIVISIONAL OFFICE

- (a)
 - (i) Candidates for office on the Divisional Executive including Divisional President, Divisional Vice-Presidents (including Vice-President (Affirmative Action)), Divisional Secretary, and Divisional Assistant Secretaries, must be members of the Union who have been a financial member of the Union for a continuous period of not less than twelve months immediately prior to the closing date for lodging nominations under this Rule. Nominations for Divisional Conference Delegates and Alternate Divisional Conference Delegates, Divisional Executive Members and Alternate Divisional Executive Members shall be called subject to the provisions of Rule 66. Candidates must be financial members of the Branch, Divisional Section or Divisional Group to which they are attached and be nominated by at least two other financial members of the Division.
 - (ii)
 - (A) Candidates for Divisional Vice-President (Affirmative Action) shall be female members of the Division.
 - (B) Candidates for Divisional Assistant Secretaries shall be members of the Division.
 - (C) Candidates for Divisional Vice-President other than the Divisional Vice-President (Affirmative Action) shall be a member of the Division.
 - (iii) All nomination papers must be signed by and contain the addresses of those making the nomination who must be financial members of the Division and be countersigned by the person nominated. Nominations for the office of Divisional President, Divisional Vice-Presidents, Divisional Secretary and Divisional Assistant Secretaries, must reach the Divisional Returning Officer at the Divisional Office of the Division or other place declared in the notice calling for nominations not later than twelve noon on the last day of April in the year of election or, should that day be a Saturday, Sunday or a holiday, on the first day thereafter which is not a Saturday, Sunday or a holiday.
 - (iv) On the first day of April in the year of election or, should that day be a Saturday, Sunday or a holiday, the first day thereafter which is not a Saturday, Sunday or holiday, a notification prepared by the Divisional Returning Officer calling for nominations for office shall be published in a Divisional Executive Journal. The notice shall contain details

21 - ELECTION FOR DIVISIONAL OFFICE

of the following matters which, subject to these Rules shall be determined by the Divisional Returning Officer:

- (A) title of the office;
 - (B) time and date of commencement of nominations;
 - (C) time and date of closing of nominations;
 - (D) place and requirements of lodgement of nominations;
 - (E) the time of opening and closing the ballots.
- (v) If the Divisional Returning Officer finds a nomination to be defective he/she shall, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, give him/her the opportunity of remedying the defect within seven days after his/her being so notified.
- (b) All nomination papers must be signed by and contain the addresses of those making the nomination and be countersigned by the person nominated. Nominations for the office of Divisional President, Divisional Vice-Presidents, Divisional Secretary and Divisional Assistant Secretaries, must reach the Divisional Returning Officer at the Divisional Office of the Division or other place declared in the notice calling for nominations not later than twelve noon on the last day of April in the year of election or, should that day be a Saturday, Sunday or a holiday, on the first day thereafter which is not a Saturday, Sunday or a holiday.
- (c) On the first day of April in the year of election or, should that day be a Saturday, Sunday or a holiday, the first day thereafter which is not a Saturday, Sunday or holiday, a notification prepared by the Divisional Returning Officer calling for nominations for office shall be published in a Divisional Executive Journal. The notice shall contain details of the following matters which, subject to these Rules shall be determined by the Divisional Returning Officer:
- (i) title of the office;
 - (ii) time and date of commencement of nominations;
 - (iii) time and date of closing of nominations;
 - (iv) place and requirements of lodgement of nominations;
 - (v) the time of opening and closing the ballots.
- (d) If the Divisional Returning Officer finds a nomination to be defective he/she shall, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, give him/her the opportunity of remedying the defect within seven days after his/her being so notified.

20 - DIVISIONAL OFFICERS OF THE UNION

- (a) The Officers of the Division shall be the Divisional President, the Divisional Vice-Presidents, the Divisional Secretary, and the Divisional Assistant Secretaries.
- (b) In the absence of the Divisional President and/or the Divisional Secretary a Divisional Assistant Secretary will assume the responsibilities of the Divisional President and/or the Divisional Secretary in an order determined by the Divisional Executive.

21 - ELECTION FOR DIVISIONAL OFFICE

- (a) (i) The following Officers shall be full-time Divisional Officers:
- (A) one Divisional President;
 - (B) one Divisional Secretary;
 - (C) Two (2) Divisional Assistant Secretaries.

In addition to the above, the following will be honorary Divisional Officers:

- (D) Two (2) Divisional Vice-Presidents viz. one (1) Divisional Vice-President and one Divisional Vice-President (Affirmative Action).
- (ii) (A) Full time and Honorary Divisional Officers shall be elected for a term of four (4) years and shall take up office on 1 August following the declaration of the election to the office in question.
- (B) Divisional Conference and Alternate Divisional Conference Members, Divisional Executive and Alternate Divisional Executive Members shall be elected for a term of two (2) years and shall take up office from 1 August following the declaration of the election of the office in question.
- (C) In the event that the Returning Officer is unable to declare a person elected to an office referred to in sub-rules (i) and (ii) above on or before 1 August in the year of election the person holding office shall remain in that office until the office is declared elected.
- (D) The election of Divisional Officers shall be by a secret ballot of the financial members of the Division conducted in accordance with these Rules and shall be held in conjunction with and at the same time as the election of Branch Officers as provided for in Rule 67.

Provided that:

- (1) the Vice-President (Affirmative Action) shall be elected by and from financial female members of the Division;
- (iii) Divisional Conference Members, Alternate Divisional Conference Members, Divisional Executive Members and Alternate Divisional Executive members shall be elected when necessary by a secret ballot of the financial members of each Branch or Divisional Section of each Branch. Such ballot to be conducted by the Branch Returning Officer in conjunction with the ballot for the election of Branch Officers and Branch Committee of Management of each Branch of the Division and subject to sub-rules (d)(i) and (d)(ii) in accordance with the provisions of Rule 67.
- (iv) The election of the National Councillor and Alternate National Councillor representing the TOA Divisional Branch and the Alternate National Councillor (Affirmative Action) positions shall be by a secret ballot of financial members of the TOA Divisional Branch or financial female members of the Division, as the case may be, and shall be conducted in conjunction with and at the same time as the election of Divisional Officers as provided for in Rule 23.
- (v) Special Provision - Telecommunications and Services Branches
 - (A) Where the number of Divisional Conference Members representing a Divisional Section in a Branch is more than one, the number of Divisional Conference Members who are full time Officers or employees of the Divisional Section shall not exceed 50% of the total number of Divisional Conference Members, excluding Alternate Divisional Conference Members, representing the Divisional Section in a Branch.
 - (B) In counting the ballot for members of Divisional Conference where the number of Divisional Conference members representing the Divisional Section is more than one, the Returning Officer shall first count the votes for the office of Divisional

Conference Members representing that Divisional Section and determine whether the proportion of full-time office holders or employees of the Divisional Section referred to in sub-rule (d)(i) has been exceeded.

In the event that the proportion has been exceeded, the Returning Officer shall eliminate the Officer/s or employee/s with the fewest votes necessary to ensure that the proportion is not exceeded and allocate the next preference of the voter which shall be counted in place of votes for the person/s eliminated.

22- NATIONAL COUNCILLORS & ALTERNATE NATIONAL COUNCILLORS

- (i) The National Council shall be constituted in accordance with rule 7.10 of Section A rules being the National Rules of the union.
- (ii) An Alternate National Councillor shall be elected for each position of National Councillor except for the positions of Divisional President, Divisional Secretary, and the Divisional Assistant Secretaries.
- (iii) Except where otherwise provided, the term of office for National Councillors and Alternate National Councillors shall be four (4) years.
- (iv) Persons nominating for positions referred to in this sub-rule shall have not less than 12 months continuous financial membership of the union on the date of closing of nominations.
- (v) The elections for the positions of Alternate National Councillor shall be by a secret ballot of the financial members of the Branch Divisional Section represented and be conducted in conjunction with the election of Divisional Officers or Branch Officers as provided for in rule 23 or rule 67, as the case may be.
- (vi) The election for the position of Alternate National Councillor (Affirmative Action) shall be by secret ballot by and from the financial female members of the Division.
- (vii) The National Executive shall be constituted in accordance with rule 7A.1 of Section A being the National Rules of the union.

23 - DUTIES OF DIVISIONAL RETURNING OFFICER - ELECTION OF DIVISIONAL OFFICERS

The duties of the Divisional Returning Officer shall be:

- (a) To prepare a Roll of Voters who are entitled to vote in the election. The Roll of Voters shall close seven (7) days before the day on which nominations for the election are to open. Nothing in this sub-rule shall prevent the correction of errors in the Roll of Voters after the Roll is closed.
- (b)
 - (i) To make the Roll of Voters available for inspection and copying by members or by any other person authorised by him/her, to be used for election purposes only, during ordinary business hours at the place where he/she carries out their duties in relation to the election in the period commencing the day after the Roll of Voters is closed and ending thirty (30) days after the declaration of the result of the election.
 - (ii) The Roll of Voters may be kept and may be supplied electronically.
- (c) If there are no more nominations than there are vacancies for a position, to declare the nominated person or persons elected to that position.

- (d) If more nominations are received than there are vacancies for a position, to have ballot papers printed and delivered to him/her containing the names of the candidates for each position in the order they are drawn, indicating the number to be elected to each position, the manner in which a vote shall be recorded, and the date and the time of closing of the ballot.
- (e) To be responsible for the safe custody of the ballot papers.
- (f) To obtain from the printer a certificate of the number of ballot papers printed.
- (g) To forward by prepaid post in an envelope having as few distinctive characteristics as possible to each member entitled to vote:
 - (i) such ballot paper or ballot papers as is or are appropriate for the purpose of the election;
 - (ii) a pre-paid or business reply paid envelope having as few distinctive characteristics as possible addressed to the Returning Officer at a Post Office Box number designated by him/her;
 - (iii) an envelope capable of insertion in the outer envelope referred to in (ii) above, such envelope to have provision on the outside of the envelope for the member to fill in the member's name and address and to sign his or her signature;
 - (iv) an envelope marked 'ballot paper only' capable of insertion in the envelope referred to in (iii) above;
 - (v) voting instructions, printed either on the ballot paper referred to in (i) above or on a separate sheet of paper, containing such voting instructions as the Returning Officer considers necessary or desirable including an instruction that the completed ballot paper should be inserted in the envelope referred to in (iv) above, the envelope sealed and inserted into the envelope referred to in (iii) above, the name, address and signature to be completed on the envelope referred to in (iii) above, the envelope sealed and enclosed in the outer envelope referred to in (ii) above and returned by post to the Returning Officer. Such instructions shall make clear that the process of counting by the Returning Officer shall eliminate any possibility of ascertainment of a member's identity.
- (h) At the time of the forwarding of ballot papers and other documents referred to above, subject to employer approval, prepare a notice and arrange for the placing of such notice on notice boards at places where more than ten members work or report for work, informing members of the forthcoming election, the distribution of ballot papers and a statement that any member entitled to vote who does not receive a ballot paper by a date specified by the Returning Officer in his/her discretion, being a date some days after projected posting and before counting begins, to report such non-receipt to the Returning Officer.
- (i) To control a ballot box provided for the receipt of ballot papers and in the presence of the scrutineers, if they desire to be present, to see that the box is empty immediately prior to the opening of the ballot and thereupon seal the said box to ensure that it remains sealed, until the time fixed for the closing of the ballot.
- (j) (i) After the closing date of the ballot in the presence of scrutineers appointed pursuant to Rule 25 to open each envelope referred to in (j) (ii) above which has been returned to him/her, examine the section of the envelope referred to in (j) (iii) above, strike the name of the member appearing thereon off the roll as having voted in the election, and subject to (ii) below, admit the inner envelope marked 'ballot paper only' containing the ballot paper to the count after removing it from the outer envelope;

- (ii) To conduct prior to the removal of the inner envelope marked 'ballot paper only', in the presence of scrutineers, a random check of the signatures appearing on the outer envelope by comparing approximately one signature in every one hundred votes of the signature appearing in the organisation's records, provided the Returning Officer shall have a complete discretion to check any additional signatures as he/she thinks fit;
- (iii) To engage, if he/she thinks fit, the services of a Bank Officer, or such other person skilled in the comparison of signatures, to assist him/her in decisions relating to signatures, providing that the Returning Officer shall be final judge of whether the envelope has been signed by the member named therein;
- (iv) After processing each of the envelopes referred in (i) above, to remove the ballot papers admitted to the count from the envelopes marked 'ballot paper only' and proceed to count the ballot;
- (v) No envelope referred to in (j) (iii) above shall be admitted to the count if the envelope has not been filled up or has not been filled up to an extent sufficient in the opinion of the Returning Officer to enable him/her to be satisfied as to the identity of the member casting such votes;
- (vi) To retain for a period of twelve months after completion of an election the roll of voters, and each envelope and the ballot paper referred to above;
- (vii) At the completion of an election to, subject to this Rule, declare the result of the ballot and submit to the Divisional Secretary a full report on the ballot indicating the number of ballot papers printed, the number distributed, the number on hand, and any other relevant matters;
- (viii) The Returning Officer for the purposes of carrying out the matters set out in (i), (ii), (iii) and (v) above may require the relevant Branch Secretary to provide him/her with reasonable access to the Branch Membership Records at such and for such period or periods of time as he/she might reasonably require. Such access shall not be or deemed to be possession for the purposes of (vi) or the provisions of the Industrial Relations Act though any copies of such membership records, or parts thereof, made by or on behalf of the Returning Officer and coming into his/her possession shall be retained for a period of twelve months in accordance with the provisions of the Industrial Relations Act or pursuant to (vi) above as the case may be.
- (ix) Wherever in this Rule there is reference to the Returning Officer such expression shall include any of his/her staff or any person duly authorised by him/her or on his/her behalf to conduct or assist in the conduct of any of the said elections or any part thereof.
- (k) The Divisional Returning Officer may take action and give such directions as he/she considers necessary in order to ensure the secrecy of the ballot and that no irregularities occur in or in connection with the election or to remedy any inconsistency or inadequacy that arises in the application of the Rules in the conduct of the election.
- (l) Any candidate for an office may on payment of an amount of ten dollars within seven days of the declaration of the poll or ballot, lodge with the Divisional Secretary a demand for a recount, with the right to appoint his/her own scrutineer, and upon the receipt of such demand the Divisional Secretary shall arrange for the Divisional Returning Officer, within seven days, to conduct a recount. In the event of the recount result being in favour of the person seeking the recount, the sum of ten dollars shall be refunded to the person concerned.

24 - CASUAL AND EXTRAORDINARY VACANCIES - DIVISIONAL OFFICES

- (m) The system of voting shall be that known as "first past the post" and shall allow for an order of preference to be indicated by the voter so that in the event of the elimination of a candidate or candidates an effective vote may be cast. Where the intention is clear, the vote will be included in the count. This intention may be indicated by a cross or tick or where the voter desires to indicate a preference in the event of the elimination of a candidate or candidates, by a number. In the event of the votes of two or more candidates, one of whom is a sitting Officer, being equal, the sitting Officer shall be declared elected. In other cases of equal voting the Returning Officer shall determine the ballot by drawing lots.

24 - CASUAL AND EXTRAORDINARY VACANCIES - DIVISIONAL OFFICES

- (a) (i) In the event of a Divisional Officer position becoming vacant for any reason, the position shall be declared vacant by the Divisional Executive within (1) one month and shall, subject to (ii) hereof, be filled by appointment of the Divisional Executive within (3) three months of the declaration of the vacancy.
- (ii) The person so appointed shall hold office for so much of the unexpired part of the term of the office as does not exceed:
- (A) (12) twelve months; or
(B) three-quarters of the term of the office;
- whichever is the greater.
- (iii) No person shall be eligible to be appointed to a vacancy unless such person has been a financial member of the Union for a continuous period of not less than twelve (12) months immediately prior to the declaration of the vacancy.
- (iv) A person appointed under this Rule if nominating for the same office or position at the next election shall be deemed to be the holder of that office, or position, in accordance with these Rules.
- (b) (i) In the event of a Divisional Officer position becoming vacant for any reason, and the unexpired part of the term of the office exceeds that specified by paragraph (ii) of sub-rule (a) of this Rule, the vacancy shall be filled by ballot of the financial members of the Division and the Officer so elected shall hold office until the next election of Officers.
- Provided that where the vacancy occurs in an office of Divisional Vice President (Affirmative Action) the vacancy shall be filled by a ballot of relevant members in accordance with rule 21(a)(ii)(D)(1) of these Rules.
- (ii) Except as provided by subsequent paragraphs of this sub-rule the election shall be conducted in the same manner and subject to the provisions of Rules 19, 21 and 22 above.
- (iii) Nominations shall be called for by notice published in the Divisional Executive or Branch Journal.
- (iv) Nominations shall close at twelve noon on a date to be determined by the Divisional Returning Officer, provided that the date so determined shall be not less than fourteen days after the publication referred to in paragraph (iii) of this sub-rule and not more than thirty days after the office is declared vacant.
- (v) The ballot shall close at a time and date to be fixed by the Divisional Returning Officer but not more than thirty days after the close of nominations.

24A - CASUAL VACANCIES-DIVISIONAL OFFICERS-ABOLITION OF A POSITION OF DIVISIONAL ASSISTANT SECRETARY OR CONVERSION TO AN HONORARY OFFICE

- (vi) At the completion of an election, and subject to this Rule, the Divisional Returning Officer shall declare the result of the ballot and submit to the Divisional Secretary a full report on the ballot indicating the number of ballot papers printed, the number distributed, the number on hand and any other relevant matters. The candidate declared elected shall be entitled to assume their office as and from the date of the declaration.
- (vii) The person elected under this sub-rule to an office and if nominating for the same office at the next ballot shall be deemed to be the holder of that office in accordance with Rule 4(i).
- (c) In the event of the office of National Councillor, Alternate National Councillor, Divisional Conference Delegate or Divisional Executive Member or Alternate Divisional Conference Delegate or Alternate Divisional Executive member becoming vacant for any reason, it shall be filled by the Branch concerned in accordance with the provisions of Rule 68 except where the unexpired part of the term of office exceeds that specified by paragraph (ii) of sub-rule (a) of this Rule in which case it shall be filled by the Branch concerned in accordance with the provisions of Rule 69.
- (d) Where a Divisional Officer, Divisional Conference Delegate or Divisional Executive Member, Alternate Divisional Conference Delegate or Alternate Divisional Executive Member has been certified by two medical specialists to be of unsound mind or subject to chronic illness to such an extent that they believe the officer incapable of carrying out the office, Divisional Executive shall request the Officer to resign. Failing acceptance of the Officer's resignation within fourteen days, the matter shall be referred back to the Divisional Executive who may then declare the position vacant. The Officer concerned shall have twenty-eight days in which to lodge an appeal to conference which may uphold or overrule the decision made by the Divisional Executive.

The Divisional Executive or Divisional Conference, when considering the matter, shall have regard to any medical evidence that the Officer desires to submit.

Where the decision of the Divisional Executive is overruled by Conference, the Officer shall be reinstated without loss.

Pending any appeal under this rule to Conference, the Officer appealing shall be entitled to the payment of ordinary remuneration. Pending the finalisation of any such appeal, no election may be held to fill the office declared vacant.

In any proceedings under this Rule, the Rules of Natural Justice shall apply, and the Officer shall be given the right to be heard and to be represented by agent, solicitor or counsel in any proceeding before the Divisional Executive or Conference.

24A - CASUAL VACANCIES-DIVISIONAL OFFICERS-ABOLITION OF A POSITION OF DIVISIONAL ASSISTANT SECRETARY OR CONVERSION TO AN HONORARY OFFICE

- (a) Notwithstanding anything contained in Rule 24, where a full-time office of Divisional Assistant Secretary becomes vacant more than 56 days prior to the opening of nominations for the next election of the office concerned as provided for by Rule 19, the Divisional Executive may resolve to:
 - (i) abolish the office of Divisional Assistant Secretary; or
 - (ii) convert the office of Divisional Assistant Secretary to an honorary position.

27 - SITUATION OF HEAD OFFICE

- (b) Where the Divisional Executive resolves to abolish an office of Divisional Assistant Secretary or to convert the office to an honorary office, the Divisional Executive shall direct the Divisional Secretary in accordance with Rule 10(b) to submit to Divisional Conference within fourteen (14) days:
 - (i) the resolution to abolish the office or to convert the office to an honorary office, as the case may be; and
 - (ii) the necessary rule changes required under the rules to abolish the office of a Divisional Assistant Secretary or to convert the office to an honorary office, as the case may be.
- (c) Divisional Conference shall deal with the Divisional Executive resolution and the required rule changes in accordance with the provisions of Rule 10 (b), (c), (d) and (e).
- (d) Pending the requirements of sub-rules (a), (b) and (c) and the certification of the required rule changes by an Industrial Registrar, the provisions of Rule 24(a) and (c) shall not apply.

25 - SCRUTINEERS

- (a) Any candidate in a ballot conducted pursuant to Rules 21, 23 and 2, may appoint a scrutineer who is a financial member of the Division being a person other than a candidate, to represent the candidate at the ballot. The candidate appointing a scrutineer shall, before the commencement of the ballot, notify the Returning Officer in writing of the name of such scrutineer. The candidate may, at any time by a notice in writing, appoint another such person to carry out the functions of scrutineer where the first mentioned person does not carry out those functions.
- (b) Scrutineers shall be entitled to be present at all stages of the ballot. It is the duty of the scrutineer to report to the Returning Officer any irregularity in or in connection with the conduct of the ballot which has come to his/her notice. Scrutineers shall not interfere with any member at the time such member is casting a vote nor be entitled to remove, mark, alter or deface any ballot paper or other document used in connection with the election. Scrutineers shall comply with any lawful direction given by Returning Officer.
- (c) The Returning Officer shall give every facility to the scrutineers to attend and represent the interests of their candidates at every stage of the ballot.

26 - INDUSTRIAL AGREEMENTS

Subject to these Rules Divisional Conference, and when the Conference is not sitting, the Divisional Executive, shall have power to enter into industrial agreements, and to vary or rescind such industrial agreements, and shall have power to submit claims to the Industrial Relations Commission on behalf of the Division (or to any other Court or Tribunal) and to appoint some person or persons to represent the Division, and the person or persons so appointed may execute any process or document necessary for submitting the claim, and may file, as is prescribed by any Act, any process or documents to be filed on behalf of the Division.

27 - SITUATION OF HEAD OFFICE

- (a) The Head Office of the Division shall be situated at Melbourne, in the State of Victoria.
- (b) The Head Office may be relocated by decision of Divisional Conference.

28 - CONTROL OF DIVISIONAL CONFERENCE FUNDS

- (a) All Divisional Conference funds shall be under the control of the Divisional Conference, and shall be banked in the name of the Union in the Commonwealth Bank, relevant Government owned State Bank or other financial institution approved by Conference, and shall be known as the Divisional Fund.
- (b) The Divisional funds shall consist of:
 - (i) Any real or personal property of which the Divisional Conference by these Rules or by any established practice not inconsistent with these Rules, has, or, in the absence of any limited term lease, bailment or arrangement, would have the right of custody, control or management;
 - (ii) Any monies paid to the Divisional Executive by Branches by way of maintenance levies or by members in respect of fines imposed by the Conference or Executive;
 - (iii) Any interest, rents, dividends or other income derived from the investment or use of such funds and property;
 - (iv) any superannuation or long service leave or other fund operated or controlled by the Union as a whole in accordance with these Rules for the benefit of its Officers or employees;
 - (v) Any Sick Pay Fund, Accident Pay Fund, Funeral Fund or like fund operated by the Union as a whole in accordance with these Rules for the benefit of its members;
 - (vi) Any property acquired wholly or mainly by expenditure of the monies of such funds and property or derived from other assets of such funds and property; and
 - (vii) Proceeds of any disposal of parts of such funds and property.
- (c) Funds for ordinary or extraordinary purposes shall only be withdrawn from the Divisional Conference account by cheque, or by electronic funds transfer authorised by and notated for audit purposes by the Divisional Secretary, and such cheque or electronic funds transfer withdrawal shall be countersigned by the Divisional President or one of the Divisional Assistant Secretaries.
- (d) All Divisional Conference funds shall be applied and/or invested as follows: In such lawful manner as the Divisional Conference or Executive may decide, including, without limiting the generality of this provision, on a current account in the name of the Union and the Commonwealth Bank, relevant Government-owned State Bank or other financial institution approved by the Divisional Conference, purchase or mortgage of real or personal estates situated in the Commonwealth of Australia, subscription or purchase of shares in any company registered and carrying on business in any State of the Commonwealth of Australia, or in accordance with the provisions of the Act. No funds applied and/or invested as aforesaid shall be realised except by the authority of the Divisional Executive.
- (e) The Divisional Conference or Executive may raise or borrow money for the purpose of carrying out any of the objects of the division and for purchasing or leasing any real or personal property and for erecting buildings and repairing or renovating any buildings owned or occupied by it and may charge or mortgage or pledge any of its real or personal property as security for any loans. Any mortgage or instrument for securing any such loans shall have the seal of the Union affixed thereto and shall be signed by the Divisional Secretary and the Divisional President (or any person authorised to act in their place).

- (f) A loan, grant or donation of an amount exceeding \$1,000 shall not be made from the Divisional funds unless the Conference or Executive of the Division -
 - (a) has satisfied itself -
 - (i) that the making of the loan, grant or donation would be in accordance with the other Rules of the Union; and
 - (ii) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and
 - (b) has approved the making of a loan, grant or donation.

29 - FINANCIAL YEAR AND AUDIT

The Financial Year of the Divisional Conference shall terminate on the thirty first day of March each year, and an audited balance sheet shall be presented to Conference by the Divisional Secretary.

On the adoption of the balance sheet by the Divisional Conference, such decision with a copy of the balance sheet shall be published in the Division's Journals.

30 - DIVISIONAL EXECUTIVE AUDITORS

Subject to the provisions of the Workplace Relations Act 1996 or any Act replacing that Act, the Divisional Executive shall appoint annually, a person competent within the meaning of that Act, as an auditor, who shall not be members of the Executive, who once a year, and at such other times as directed by the Executive, shall take the Divisional Conference books and balance sheet, with all receipts, and compare them with the bank passbook and vouchers and other financial records, and report on their examination to the Executive and to the Divisional Conference.

31 - PROPERTY AND FUNDS OF THE DIVISION

All funds and other assets held by the Divisional Conference and/or Branches shall be the property of the Division.

32 - CONDITIONS OF MEMBERSHIP

- (a) Any person qualified for membership shall pay to the Branch Secretary or other authorised person the prescribed entrance fee and contribution, shall be informed in writing at the time of his/her application of the financial obligations arising from membership and the circumstances and the manner in which a member may resign from the Union and shall receive a ticket entitling such person during its currency, so long as he/she remains loyal to the Rules and Resolutions of the Union, to all rights and privileges of membership and rendering such person amenable to the Rules and Resolutions of the Union. Where a qualified person has applied for membership, the person shall be a member notwithstanding his/her failure to pay the prescribed entrance fee and/or contribution but he/she shall remain liable to pay the same.
- (b) Any qualified person applying for membership, except in the case of applicants who produce a clearance from a bona fide industrial organisation, shall be required to pay an entrance fee of twenty dollars (\$20.00); provided that the Branch Committee of Management shall have power to waive or vary the conditions relating to the entrance fee where deemed necessary.

32 - CONDITIONS OF MEMBERSHIP

- (c) Any qualified person who has resigned from the Union may be readmitted to membership by a resolution of the Committee of Management on payment of an entrance fee not exceeding the sum of twenty dollars (\$20.00); provided that the Committee of Management shall have power in such cases to waive or vary the conditions relating to entrance fee where deemed necessary.
- (d) A member of the Union may resign from membership by written notice addressed and delivered to the Secretary of the Branch to which the member is attached.

A notice of resignation from membership shall take effect:

- (1) Where the member ceases to be eligible for membership of the Union:
- (i) on the day on which the notice is received by the Union; or
 - (ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible for membership; whichever is later; or
- (2) In any other case:
- (i) at the end of 2 weeks after the notice is received by the Union; or
 - (ii) on the day specified in the notice; whichever is later.

Any dues payable but not paid by a former member of the Union in relation to a period before the member's resignation from the Union took effect, may be sued for and recovered in the name of the Union in a Court of competent jurisdiction, as a debt due to the Union.

A notice delivered to the Branch Secretary shall be taken to have been received by the Union when it was delivered.

A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with the provisions of this sub-rule.

A resignation from membership of the Union is valid even if it is not effected in accordance with this sub-rule if the member is informed in writing by or on behalf of the Union that the resignation has been accepted.

- (e) Any person who has been expelled from membership of the Union shall not be readmitted to membership except by resolution of the Branch Committee of Management carried by a vote of majority of the members present there at and upon payment of all contributions and levies accruing during the period of his/her expulsion, provided that the Branch Committee of Management shall have power to waive or vary the payment of contributions and levies accruing during the period of his/her expulsion. Any person expelled from membership by resolution of Conference shall not be readmitted to membership without the authority of Conference.
- (f) (1) From time to time the Branch Committee of Management may direct the Branch Secretary to remove from the register of members the names of members who satisfy the following criteria:
- any or all members owing entrance fees, contributions, levies or fines imposed in accordance with the rules of the union or the division for a period of in excess of thirty days or more, provided that members so removed shall not be free from liability for arrears due.
- (2) Where such persons owe money to the union, they shall be liable to pay immediately all entrance fees, contributions, levies or fines and any other monies due to the union, and, in default of payment, may be sued for any outstanding amounts.

33 - HONORARY LIFE MEMBERS

- (3) The Branch Secretary shall give a member 14 days notice in writing to the member's last address shown on the register of members of the intention to remove the name from the register.
- (4) Any member whose name has been so removed from the register shall thereupon cease to be a member of the union or to have any of the rightful privileges of membership, subject to Clause (6) below.
- (5) Any such person shall be liable to pay all such entrance fees, contributions, levies or fines and any other monies due to the union up to the date of the removal of the member's name from the register, and, in default of payment, may be sued for any outstanding amounts.
- (6) Any person removed in accord with this Rule may appeal to the Divisional Executive against any action or decision of a Branch Committee of Management taken pursuant to this sub-rule. In the event that Divisional Executive decides to reinstate the persons membership, and provided they have paid all fees, contributions, levies and/or fines owed to the union in accord with the Rules, they shall be deemed not have broken their continuity of membership of the union.

32A - ASSOCIATE MEMBERSHIP

A person who has retired from the employer and who was a financial member at the time of their retirement shall be entitled to associate membership.

Associate members shall not exercise a vote or hold any position in the Division but they are entitled to attend and speak at any General Meeting.

No person can become or remain an associate member if they commence employment or intend to commence employment with any employer or industry covered by eligibility rules 2.5 to 2.22 inclusive.

Associate members shall entitled to Branch newsletters and services as determined by the Branch Committee of Management.

All applications for Associate membership are subject to approval of the Branch Committee of Management.

Retired members admitted as an Associate Member shall have no other rights unless specifically covered by this Rule.

33 - HONORARY LIFE MEMBERS

- (a) A member who has ceased employment, or a full time officer of the union who was a member at the time of ceasing with the union and who has rendered special or valuable service to the union, may, by resolution of the Divisional Executive, a Branch General Meeting or Branch Committee of Management, be admitted as an Honorary Life Member of the union. Such admission to Honorary Life Membership shall be subject to endorsement, or otherwise, by Divisional Conference or Divisional Executive. Any resolution originating from and bestowing life membership by resolution of the Divisional Executive shall be subject to endorsement or otherwise by Divisional Conference.
- (b) Branches shall advise the Divisional Secretary of any such admission to Honorary Life Membership as soon as practicable following that resolution by the Branch.
- (c) Honorary Life Members shall be entitled to attend and to speak at any General Meeting, but they shall not be entitled to exercise a vote or to hold any office in the Union other than Returning

Officer or Divisional Returning Officer. However, they shall be permitted to act as delegates to affiliate bodies when ordinary members are not available.

- (d) On being admitted to Honorary Life Membership, such members shall be entitled to receive an Honorary Life Membership Certificate signed by the Divisional President and the Divisional Secretary.
- (e) Life Members of organisations that amalgamate with the Union shall be recognised as Honorary Life Members of the Union, upon amalgamation, provided that at the time of amalgamation, they have retired or resigned their employment including a position of full-time office within the Union.

Provided that those Life Members of the amalgamating organisation who have not yet retired or resigned from their employment or from full-time office with the Union, shall upon such retirement or resignation be recognised as Honorary Life Members pending endorsement by the next succeeding Divisional Conference of the Union and/or Divisional Executive.

- (f) Life Members admitted under sub-rule (e) shall have the same entitlements and privileges as provided in sub-rule (c) and (d) of this Rule.
- (g) Nothing in this Rule prevents Divisional Conference or Executive from endorsing special recognition posthumously to a person who has rendered special or valuable service to the union. Such special recognition shall be known as the CEPU Service Citation and shall be seen as equivalent to the Life Membership recognition.

33A - LIFE MEMBERSHIP - ATEA/ATPOA

Notwithstanding Rule 33, all persons elected to Life Membership by ATEA/ATPOA prior to the date of amalgamation shall be deemed to be Life Members of the Union. Where an existing ATEA/ATPOA Life Member translates to an office in the new Union he/she shall continue to enjoy all the privileges of a full financial member of the Union upon payment of dues.

34 - CONTRIBUTIONS

- (a) In accordance with Divisional Conference determinations, the rate of membership contributions shall be as set out in sub-rules (b), (c) and (d).
- (b) Categories of subscriptions for members of Postal and Telecommunications Branches shall be as follows:

The rate of membership contributions for all members covered by this sub-rule shall be set out in (A) and (B) of this sub-rule and shall be payable in advance either monthly, quarterly, half yearly or yearly as the Branch may determine, weekly or fortnightly or monthly when the member has signed an authority for either the employer to deduct the dues from his/her salary or a financial institution to transfer funds via a Direct Deposit or other transfer of funds as determined by the Branch from the member's account to the Union and the authority is still effective. Provided further that, following necessary investigation, the Branch Committee of Management shall have the power, upon application, to waive for a predetermined period the payment of contributions by a member who may be on leave on reduced pay. Contributions shall be taken to include a member's journal subscription.

- (A) (1) The basic rate of contribution for members employed by Telstra Corporation, or its subsidiaries, related companies or successors or pursuant to sub Rule 47(a)(iii) shall be 0.25% of the adult rate for the Band 1 (Communications Technician) level of the Customer Field Workforce.

- (2) Contributions for members employed more than twenty-five (25) hours per week shall be set at four times the basic contribution rate specified in (A) (1) of this sub-rule; contributions for members employed from fifteen (15) to twenty-five (25) hours per week shall be set at twice the basic contribution rate specified in (A) (1) of this sub-rule; contributions for members employed less than fifteen (15) hours per week shall be set at the basic contribution rate specified in (A) (1) of this sub-rule.
 - (3) Contributions for all members receiving less than the adult minimum rate for their job classification, other than as specified in (A) (2) of this sub-rule shall be set at twice the basic contribution rate.
- (B)
- (1) The basic rate of contribution for members employed by the Australia Post Corporation, or its subsidiaries, related companies or successors or pursuant to Rule 47(a)(i) shall be 0.25% of the adult rate for the Mail Officer designation on the maximum increment.
 - (2) Contributions for members employed more than twenty-five (25) hours per week shall be set at four times the basic contribution rate specified in (B) (1) of this sub-rule; contributions for members employed from fifteen (15) hours to twenty-five hours per week shall be set at twice the basic contribution rate specified in (B) (1) of this sub-rule; contributions for members employed for less than fifteen (15) hours per week shall be set at the basic contribution rate specified in (B) (1) of this sub-rule.
 - (3) Contributions for all members receiving less than the adult minimum rate for their job classification, other than as specified in (B) (2) of this sub-rule shall be set at twice the basic contribution rate.

Any member who allows his/her contributions, fines or levies to remain unpaid at the end of the quarter for which they are due may be fined by the Branch Committee of Management a sum not exceeding ten dollars (\$10). All arrears of contributions, levies, fines or other dues may be sued for and recovered in the name of the Divisional Secretary or Branch Secretary upon giving the member concerned fourteen (14) days written notice in which to become financial.

All costs incurred for the recovery of arrears shall be debited as arrears.

Notwithstanding the foregoing provisions of this sub-rule and sub-rule (i), P&T Branches are authorised to give up to a ten per cent (10%) discount on contributions where financial members pay such contributions twelve (12) months in advance at the dues rate prevailing at that time.

- (c) Categories of subscriptions for members of Telecommunications and Services Branches shall be as follows:
- Category A Members employed for more than twenty-five (25) hours per week whose normal salary equals or exceeds the Company Rate for a Telstra Customer Field Workforce Communications Technician Band 7.
- Category B Members employed for more than twenty-five (25) hours per week whose normal salary equals or exceeds the Company Rate for a Telstra Customer Field Workforce Communications Technician Band 4 but is less than the Company Rate for a Telstra Customer Field Workforce Communications Technician Band 7.
- Category C Members employed for more than twenty-five (25) hours per week whose normal salary equals or exceeds the Company Rate for a Telstra Customer Field Workforce Communications Technician Band 1 but is less than the Company Rate for a Telstra Customer Field Workforce Communications Technician Band 4.

- Category D Members whose normal salary is less than the normal salary (Company Rate) for a Telstra Customer Field Workforce Communications Technician Band 1 and members employed twenty-five (25) hours or less per week.

Notwithstanding the foregoing provisions of this sub-rule and sub-rule(i), T & S Branches are authorised to give up to a ten per cent (10%) discount on contributions where financial members pay such contributions twelve (12) months in advance of the dues rate prevailing at the time.

The Contribution rate applicable to each category shall be as follows:

- Category A 5.5 Times the Unit Contribution rate.
Category B 5 Times the Unit Contribution rate.
Category C 4 Times the Unit Contribution rate.
Category D 2 Times the Unit Contribution rate.

The Unit Contribution rate shall be 0.25% of the Company Rate for a Telstra Customer Field Workforce Communications Technician Band 1.

- (d) The assessment of salaries for the purpose of determining subscriptions in accordance with this sub-rule shall be undertaken at the commencement of each quarter and be based on salaries payable to members on the last day of the previous quarter.

New subscriptions determined in accordance with this sub-rule shall take effect:-

- (i) in the case of members who have paid membership subscriptions monthly, quarterly, six monthly or annually in advance - on and from the first day of the quarter following the expiration of the period in relation to which the payment is made in advance; or
(ii) in respect of all other members - on and from the 1st day of the quarter after the quarter in which the assessment was undertaken.

The amounts calculated above shall be adjusted to the nearest amount capable of equal weekly or fortnightly deductions. In calculating the amounts of new subscriptions the amounts will be rounded up to the nearest five (5) cents.

- (e) Notwithstanding the provisions of this Rule, the Divisional Executive may authorise, solely for the purpose of promoting recruitment, a lesser rate of contributions in a new recruitment area for a period not exceeding twelve (12) months.
- (f) Nothing in this rule shall be taken to require a person elected as a Life Member to pay subscriptions to the Union.
- (g) The Divisional Secretary shall advise all relevant employers and Branches of any variation to the rate of contributions by the end of the first month of the quarter on which the variation is assessed.
- (h) Membership contributions shall be paid by:
- (i) authorised deductions from salary;
- (ii) periodic payment of dues from a bank, credit union or similar institution; or
- (iii) monthly, quarterly, six monthly or annual subscriptions in advance. For the purposes of this sub-rule quarterly subscriptions shall be payable before 1st April, 1st July, 1st October

34A - CONTRIBUTIONS - ASSOCIATE MEMBERS

and 1st January in each year; six monthly subscriptions shall be payable before 1st April and 1st October in each year; and annual subscriptions shall be payable before 1st April in each year.

- (i) Subject to the rules, a member is financial if:-
- (1) At the date on which deduction of the member's dues from salary commences or the date from which a member authorises the commencement of payment of dues by periodic payment from an account with a bank, credit union or similar institution, the member has paid all monies owing on a pro rata basis to that time, and
 - (2) After the commencement of the deduction of dues from salary or the payment of dues by periodic payment from a bank, credit union or similar institution the member pays all outstanding monies calculated on a pro rata basis owing at the time of the commencement of such deduction or payment and continues to have dues so deducted or paid.
 - (3) The member, not being a member who has authorised deductions of membership subscriptions from the member's salary or authorised in periodic payment subscriptions from a bank, credit union or similar institution, has paid monthly, quarterly, six monthly or annual subscriptions within 30 days of the due date.
 - (4) In the event of deductions of union dues from salary being discontinued by a deducting authority, a member who at the time of deduction of dues being discontinued was on payroll deductions and was financial shall be financial for a period of thirty days following the date of cessation.
- A person who joined the Union at a time other than at the date of commencement of the financial year shall pay at the time specified in this sub-rule, a subscription on a pro-rata basis for the unexpired portion of the year.
- (j) Members contributions and contributions from Branches to Divisional Conference shall be as determined, from time to time, by Divisional Conference.
- (k) Any monies due under the rules of the Union may be sued for by the Divisional Secretary or Branch Secretary as his/her agent.
- (l) All levies and fines (whether struck by the Union under the Rules or imposed by a financial institution on default of direct debit) shall be the first charge on all monies received from members.
- (m) Any member becoming unfinancial may be deprived of all the privileges of membership.
- (n) Members who are on leave without pay may, on a resolution of Branch Committee of Management, have their membership dues suspended for the period of leave without pay. Members whose dues are so suspended shall be entitled to the rights of financial members.
- (o) Members on military service for a continuous period exceeding two months shall be exempt from payment of contributions during the period of military service.

34A - CONTRIBUTIONS - ASSOCIATE MEMBERS

The contribution rate for Associate Members shall be \$50 per annum and payable in advance. This rate may be varied from time to time by Divisional Conference.

34B - TOA CONTRIBUTIONS

- (a) The contributions of each member shall be determined from time to time by the Branch Committee of Management.
- (b) All members able to pay contributions by salary deduction authority, may do so. Should a member cancel or cease salary deductions they shall, after one month be deemed an unfinancial member.
- (c) Members who pay contributions other than by salary deductions authority shall pay same in advance. Any member failing to make the payment within one month of their subscription falling due, shall be deemed an unfinancial member.

Such contributions shall become due and payable on the first of January and the first of July each year.

- (d) No increase in contributions of the Branch shall become effective until all members of such Branch have had 28 days notice in writing of the decision of the Divisional Council.
- (e) A member shall be deemed unfinancial until such time as all outstanding contributions have been paid.
- (f) Members may be exempted by the Branch Committee of Management from payment of any money due and/or accruing due to the Association.

35 - PLEBISCITES

- (a) Conference or the Divisional Executive, when either body deems fit or upon a request made as provided in paragraph (c) of this sub-rule, shall take the opinion of the whole of the financial membership or any defined section of the membership, upon any question, or questions, by submitting same to a plebiscite to be taken within three months of the receipt of the requisite decision or request.
- (b) A question submitted to members by plebiscite shall be expressed as to be a question of general policy or a question of a decision as to an action which it is within the power of the Divisional Executive or Conference to take.
- (c) A request for a plebiscite shall:
 - (i) be made in writing by not less than six Branches, following decisions made in accordance with the relevant rules, or by signed petition of not less than ten percent (10%) of the financial members of the Division or of the Divisional Section concerned;
 - (ii) set out the question for the plebiscite;
 - (iii) be addressed to the Divisional Secretary and be delivered to the Head Office of the Division;
 - (iv) where made by petition of financial members, bear on its face the question to be put and the name in block letters and the place of work of the member signing.
- (d) The Divisional Returning Officer shall conduct all plebiscite ballots and for that purpose may appoint such Deputy Returning Officers and, subject to these Rules, issue such directions and instructions as he/she deems fit for the conduct and control of the ballot.
- (e) The plebiscite shall be conducted by secret postal ballot.

36 - DECISION RATIFICATION

- (f) All members of the Division or the defined section of the Division who are financial as at the date of the opening of the plebiscite ballot, shall have the right to vote in that plebiscite and the Divisional Secretary shall, upon request of the Divisional Returning Officer, supply him/her with a certified list of the names and addresses of all financial members.
- (g) The Divisional Secretary and Branch Secretaries shall allow the Returning Officer access to whatever membership records the Returning Officer may consider necessary to examine to verify the certified list and to settle the roll of voters.
- (h) The Divisional Executive shall appoint such persons and such numbers of scrutineers (and the Returning Officer shall allow such access to his/her decisions and arrangements) as will fairly allow representatives of both sides of an issue in the plebiscite opportunity to scrutinise the process of the plebiscite including the counting of a ballot.
- (i) The Divisional Executive shall determine the form of the ballot paper, adopting the text of any question submitted in a request in accordance with paragraph (b) of this Rule. The Executive shall approve for issue to each financial member with the ballot paper, a fair summary of the arguments for and against the proposals in issue in the plebiscite question and for this purpose the Secretary, after consultation with parties in contention, shall submit to the Divisional Executive a draft of such summary.
- (j) The Divisional Returning Officer shall cause to be posted to each member entitled to vote in the plebiscite a ballot paper, which shall be initialled by the Returning Officer together with replied paid addressed envelope, the summary approved by the Divisional Executive and such directions and instructions as he/she may deem necessary for the conduct of the plebiscite.
- (k) Unless the Divisional Returning Officer otherwise determines and directs, the closing date for the ballot shall be twenty eight days after the date determined by the Returning Officer as the date of dispatch of the plebiscite papers to the members.
- (l) After the close of the ballot, the Divisional Returning Officer shall ascertain the result and report the result of the plebiscite to the Divisional Secretary together with the full report of the whole proceedings. The Divisional Secretary shall communicate the final result of the ballot as a whole to each Branch with as little delay as possible.
- (m) If the question submitted to a plebiscite is carried in the affirmative such action shall be immediately taken by the Divisional Conference or Executive as is necessary to give effect to such decision.

36 - DECISION RATIFICATION

- 36.1 The Rank and File Participation and ratification processes provided for under this rule are in addition to the provisions of these Rules regarding Branch General, Special and Extraordinary Meetings. The provisions of this Rule, to the extent of any inconsistency, shall prevail. However, the provisions of Rule 35, where they are invoked, override Rule 36.
- 36.2 Decisions of Divisional Executive and/or Conference which propose:
 - 36.2.1 New Rules or amendments to existing Rules, where due notice has not been given pursuant to sub-rule 9(d) or as a consequence of an out of session decision pursuant to Rule 10; or
 - 36.2.2 Acceptance of major Agreements affecting members; except that the Divisional Executive and/or Conference may exempt from the ratification process in this rule, agreements made pursuant to Division 2 or 3 of Part VI B of the Workplace Relations Act 1996 or any legislation replacing Part VI B of the Workplace Relations Act 1996

where Divisional Executive and/or Divisional Conference is of the view that the voting procedures used in complying with the Workplace Relations Act 1996 or any Act replacing that Act, are sufficient to indicate the intent of the majority of members concerned or

- 36.2.3 Other matters, as determined by Divisional Conference or Divisional Executive;
- shall be subject to ratification by one of the processes provided for in this Rule, except where Divisional Conference or Executive subjects such a decision to a plebiscite of members.
- 36.3 Where Divisional Conference or Executive makes a decision covered by sub-rule 36.2, it shall also decide the most appropriate form of ratification process to be followed, limited to the following alternatives:
- 36.3.1 The normal ratification process provided for in sub-rule 36.4;
- 36.3.2 The urgent ratification process provided for in sub-rule 36.5;
- 36.3.3 The consultative survey process provided for in sub-rule 36.6;
- 36.3.4 The Special Members' Meetings process provided for in sub-rule 36.7; or
- 36.3.5 A plebiscite conducted in accordance with Rule 35.
- 36.4 The normal ratification process is designed to follow regular face to face meetings of Divisional Conference or Executive, and non-urgent out-of-session decisions taken on telephone hook-ups or under Rule 10 and sub-rules 15(e) and (h) and shall comprise the following steps:
- 36.4.1 Within fourteen days of the close of each regular physical meeting of Divisional Conference or Divisional Executive, the Divisional Secretary shall advise members of relevant decisions taken at that meeting; this advice will also contain notice of all relevant decisions of Divisional Conference or Divisional Executive (as appropriate) taken by out-of-session decision, either by telephone hook-up or under Rule 10 and sub-rules 15(e) and (h) since the last such advice was sent to members it will also comply with sub-rule 36.8 by containing results of ratification processes.
- 36.4.2 Each Branch Secretary will ensure that ratifiable decisions of Divisional Executive or Divisional Conference advised under sub-rule 36.4.1 are appropriately advertised on the notice paper, under the heading "Divisional Conference or Executive Decision for Ratification", advising of the next regular meeting of the Branch.
- 36.4.3 For the purposes of this Rule, the "next regular meeting of the Branch" will be the next Branch Committee of Management meeting scheduled, and or the next General Meeting of the Branch to be notified, provided that thenext such regular meeting is due within 28 days of the Divisional Secretary's advice under sub-rule 36.4.1.
- 36.4.4 Following the meeting held in accordance with sub-rule 36.4.3, the Branch Secretary shall advise the Divisional Secretary of the Branch decision to either ratify or reject the proposal, and the Branch vote will be recorded in the affirmative or the negative respectively; with final ratification subject to meeting the tests of Rule 16.
- 36.4.5 In the event that the meeting, at which ratification of a Divisional Conference or Divisional Executive decision is to be considered, lapses for want of a quorum, the Branch Secretary shall advise the Divisional Secretary and the Branch vote will be recorded in the affirmative.

36 - DECISION RATIFICATION

- 36.4.6 The Divisional Secretary will advise Branches and/or members as appropriate, of the results of the ratification process.
- 36.5 The urgent ratification process may be invoked by Divisional Conference or Divisional Executive in circumstances where the union needs to resolve its position much quicker than the normal ratification process allows; and may be applied to Divisional Executive or Divisional Conference decisions taken at physical meetings, telephone hook-ups or Rule 10 or sub-rules 15(e) and (h) processes; and will comprise the following steps:
- 36.5.1 Within two days of the decision being taken by Divisional Executive or Divisional Conference and having been deemed urgently ratifiable, the Divisional Secretary will advise Branches of the decision, and the date by which it must be ratified, and, if necessary, by whom it is to be ratified;
- 36.5.2 Should a Branch have members affected by the urgently ratifiable decision, the Branch Secretary will notify such members of the decision and the ratification date and the details of the meeting called to consider ratification;
- 36.5.3 The urgent ratification meetings(s) will be held within the period set by Divisional Conference or Divisional Executive and the result advised to the Divisional Secretary immediately the Branch position is clear;
- 36.5.4 The Divisional Secretary will advise Branches of the outcome of the ratification process once the Divisional result has been tallied.
- 36.6 The consultative survey ratification process is designed for circumstances where it is deemed more appropriate for members affected by a proposal to directly consider its ratification, than to refer to Branch Committees of Management or to Special Meetings of Members, and shall comprise the following steps:
- 36.6.1 Once the Divisional Executive or Divisional Conference has deemed that a decision is ratifiable by members (or a relevant section thereof) via a Consultative Survey, it shall also decide the relevant dates for conducting the survey and the methods used in conducting the survey including the form of the ballot paper and the supporting material; and the Divisional Secretary will advise the Branch accordingly;
- 36.6.2 Branch Secretaries, as appropriate, will ensure that the consultative survey is conducted within the time frame and the methods determined in sub-rule 36.6.1; and upon notified closure and counting of the survey, convey the result to the Divisional Secretary;
- 36.6.3 The Divisional Secretary will tally the Divisional result and will advise Branches if the decision has been ratified or otherwise, where ratification requires an overall majority of votes cast.
- 36.7 The Special Members' Meeting ratification process is designed for circumstances where it is deemed appropriate by Divisional Executive or Divisional Conference to submit a matter directly to the appropriate group of members for ratification or otherwise and shall comprise the following steps:
- 36.7.1 Where the Divisional Conference or Divisional Executive decides that a matter should be subject to ratification by Special Meetings of affected members, it shall also decide which groups of members are affected and therefore eligible to vote on ratification, and the relevant dates by which the Special Meetings must be held and results returned to the Divisional Secretary; and the Divisional Secretary shall advise Branches accordingly;

38 - DUTIES OF DIVISIONAL PRESIDENT

- 36.7.2 Branch Secretaries, who have members eligible to consider the ratification proposal, shall make arrangements to hold the meetings(s) in the time frame established in sub-rule 36.7.1; and upon conclusion of the meeting(s) convey the Branch vote to the Divisional Secretary;
- 36.7.3 The Divisional Secretary will tally the Divisional Result and will advise Branches if the decision has been ratified or otherwise, where ratification requires either (in the case where a specific sub-group of members is affected) an overall majority of votes cast being cast in favour when tallied Divisionally, or (in cases where members of more than one Divisional Group are involved) that the voting tests in Rule 17 have been met; provided that where a Special Meeting called under sub-rule 36.7.2 lapses for want of a quorum, the Branch votes will be recorded in the affirmative.
- 36.8 Where a decision of Divisional Executive or Divisional Conference has been subject to ratification processes under this Rule or Rule 35, the Divisional Secretary and Divisional President will ensure that the method and results of ratification are published in the advice to members issued in accordance with sub-rule 36.4.1.

37 - INDUSTRIAL ACTION

In furtherance of the lawful objects of the Union, industrial action may be taken as follows:

- (a) upon the approval of the Divisional Conference or Divisional Executive being carried in accordance with these Rules; or
- (b) in emergent circumstances, upon the authorization of the Divisional Secretary after consultation with the Divisional President or, in the absence of the Divisional Secretary, upon the authorization of the Divisional President.

37A ENTERPRISE BARGAINING

A bargaining period not directly affecting members of another Division, may be instituted on behalf of the Union by the Divisional Secretary, or in the absence of the Divisional Secretary, by the Divisional President.

38 - DUTIES OF DIVISIONAL PRESIDENT

- (a) The Divisional President shall preside at all Divisional Conference and Executive meetings and any other meetings held at the direction of the Divisional Executive or Conference.
- (b) The Divisional President shall ensure that the general working of the Division is in accordance with the Rules and the decisions of Divisional Conference and Executive.
- (c) The Divisional President will have responsibility for the implementation of Divisional Conference and Executive decisions and day to day matters which primarily affect or involve Telecommunications and Services Branch members or general telecommunication issues.
- (d) Divisional Office staff selection and administration shall be undertaken in agreement with the Divisional Secretary. In the case of disagreement the matter will be referred to the Executive.
- (e) The Divisional President will with the Divisional Secretary, jointly edit and prepare for publication in the official journal of the Division matters of interest and information to members.
- (f) The Divisional President shall sign cheques as required together with the Divisional Secretary.

40 - DUTIES OF DIVISIONAL SECRETARY

- (g) Upon the Minutes of Divisional Conference or Executive being confirmed, the Divisional President shall sign the minute book in the presence of the meeting.
- (h) The Divisional President shall preserve good order at all meetings so that the business of the Division may be properly conducted. Further, the Divisional President in all other matters shall act as directed by the Divisional Executive or Conference.
- (i) The Divisional President may submit a report annually to Divisional Conference.

39 - DUTIES OF DIVISIONAL VICE PRESIDENTS

The Divisional Vice Presidents shall assist the Divisional President at meetings of the Divisional Conference and the Executive as required and at any other meetings directed to be held by the Divisional Executive or Conference.

In the absence of the Divisional President or when the Divisional President desires to leave the Chair, the meeting shall select one of the Divisional Vice Presidents to occupy the Chair and assist in having the business of the Division carried out in accordance with the Rules.

The Divisional Vice Presidents may be allocated special duties or functions by the Divisional Conference or Executive.

40 - DUTIES OF DIVISIONAL SECRETARY

The duties of the Divisional Secretary shall be:

- (a) to be responsible for the implementation of Divisional Conference and Executive decisions and the day to day Divisional issues except those falling within the duties of the Divisional President;
- (b) to be responsible for the overall administration of the Divisional Office and of the funds and property of the Divisional Executive. Divisional office staff selection and administration shall be undertaken in agreement with the Divisional President. In the case of disagreement the matter will be referred to Divisional Executive or Conference;
- (c) to keep a correct account of all monies received and expended, and to keep a record of all receipts and vouchers. To pay into the Division's bank account all cash received within forty eight hours after its receipt. To sign all cheques and authorise Electronic Funds Transfer, together with the Divisional President or Assistant Divisional Secretaries and at all reasonable times produce the bank books when required by the Divisional Executive for their inspection together with a copy of the general balance sheet;
- (d) to promptly attend to all correspondence and answer such questions as may be asked in accordance with the Rules of the Division and generally to act according to the directions of the Divisional Conference and Executive;
- (e) to attend all meetings of Divisional Conference and Executive and to ensure that minutes of such meetings are taken;
- (f) to keep a correct credit and debit account between every Branch of the Division;
- (g) to produce to the auditor at each audit the banking books and financial records of the Division with balance sheet, for inspection together with the receipts and vouchers and all other documents in his/her possession and to sit with the auditors when auditing the Divisional Executive accounts, inserting his/her name and address on all letters and returns and generally maintain a report on the accounts of the Divisional Executive in accordance with the requirements of the Workplace Relations Act 1996 (or any Act replacing that Act);

- (h) to convene meetings of the Divisional Executive;
- (i) to supply all Branches with a copy of the minutes of meetings of Conference and the Divisional Executive;
- (j) to prepare a summary of Branch balance sheets and forward them to the Branch Secretaries;
- (k) prepare and forward the annual returns to the Industrial Registrar;
- (l) to jointly edit with the Divisional President and prepare for publication in the official journals of the Division matters of interest and information to members;
- (m) to keep the register of Branches of the Division in accordance with the provisions of Rule 49;
- (n) to do all other things required by these Rules of the Divisional Secretary together with such special duties and responsibilities as required and directed by Divisional Conference or Executive.

41 - DUTIES OF DIVISIONAL ASSISTANT SECRETARIES

The Divisional Assistant Secretaries shall assist the Divisional Secretary and the Divisional President as may be required.

42 - OFFENCES AND PENALTIES

- (a) Any member of the Division may charge any other member with:
 - (i) Failing to observe any of the Rules of the Division or of any Branch;
 - (ii) Knowingly failing to comply with any resolution of Conference, the Divisional Executive or Branch Committee of Management;
 - (iii) Committing any fraudulent act or unlawful act in relation to the funds or property of the Union, or in relation to any election held under its Rules;
 - (iv) Knowingly giving false or misleading information to the Divisional Conference, Divisional Executive or Branch Committee of Management or to any meeting held under the Rules of the Division or to any officer of the Division on any matter affecting the interests of the Division or its members;
 - (v) Wrongfully holding himself/herself out as occupying any office or position in the Division or any Branch thereof, or as being entitled to represent the Division or a Branch in any capacity;
 - (vi) Obstructing or unreasonably failing to assist any Officer in the course of his/her duties;
 - (vii) After having been reasonably requested to assist, failing to assist Divisional Conference, the Divisional Executive, any Branch Committee of Management or other lawful committee or body of the Division in any way in the performance of its functions;
 - (viii) Failing to report to the Branch Committee of Management or Divisional Executive a member who he/she believes has been guilty of a breach of the Rules;
 - (ix) Behaving in a drunken, disorderly or offensive manner at any meeting held under the Rules of the Division or in the office of the Division or of any Branch;
 - (x) Aiding or encouraging any member in any offence under the Rules.

- (b) Without limiting the generality of paragraph (a) of this Rule, any member of the Union may charge any person elected to office within the Division with:
- (i) misappropriation of the funds of the Division;
 - (ii) a substantial breach of the Rules of the Division;
 - (iii) gross misbehaviour; or
 - (iv) gross neglect of duty.

Provided that where a full-time Divisional Officer is so charged, the charge shall be heard by the Divisional Executive.

- (c) Any charge shall be made in writing and shall be made to the Divisional Secretary or Branch Secretary. Such Officer may, if he/she thinks fit, and shall, if directed by the Divisional Executive or (in the case of the Branch Secretary) by the Branch Committee of Management, summon the member charged before one of those bodies. The summons shall be in writing and shall state 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 reasonable notice of the hearing and his/her fares to and from the place of the hearing shall be paid. He/she shall, on written request, be supplied with such further particulars as may be necessary to indicate the precise matters with which he/she is charged.
- (d) The Divisional Executive and the Branch Committee of Management shall have power to hear and determine charges under this Rule.
- (e) At the appointed time and place (or at such time and place to which the meeting is adjourned or postponed and of which the member charged is notified), the charge may be investigated, and the hearing may proceed in the absence of the member charged, unless a satisfactory explanation of his/her absence has been received. At the hearing, the member charged must be given a reasonable opportunity to defend himself/herself, call any witnesses upon whose evidence he/she may rely, and, if he/she wishes, tender a written submission.
- (f) Subject to paragraph (g) of this Rule, if the Divisional Executive or Branch Committee of Management finds a member guilty of a charge laid pursuant to paragraph (a) of this Rule, it may:
- (i) fine him/her a sum not exceeding \$20;
 - (ii) expel him/her from membership of the Union;
 - (iii) suspend him/her from membership for a specified period or until the happening of a specified event or until the performance by him/her of a specified act. Suspension from membership shall deprive him/her from the rights and benefits of membership, but shall not relieve him/her of the obligations of membership and shall not exceed six months for any offence;
 - (iv) impose no penalty.
- (g) Notwithstanding anything elsewhere contained in this Rule, the Divisional Executive or Branch Committee of Management shall not dismiss or suspend from office, or expel or suspend from membership of the Union any person elected to office within the Union unless such person has been found guilty of a charge laid pursuant to paragraph (b) of this Rule, in which event the Divisional Executive or the Branch Committee of Management (as the case may be) may take in respect of such person any of the actions specified in paragraph (f) above, or may dismiss such person from office or may suspend him/her from office for such period as it thinks fit or until the happening of a specified event or until the performance by such person of a specified act provided that such suspension from office shall not exceed six months for any offence.

42 - OFFENCES AND PENALTIES

- (h) Where a full-time Officer has been dismissed or suspended from office or expelled or suspended from membership of the Union in accordance with this Rule and he/she elects to appeal pursuant to paragraphs (i) and (j) of this Rule, he/she shall be deemed to have been suspended from office on full pay from the date of the imposition of such penalty until the hearing and determination of his/her appeal.
- (i) Any member on whom a penalty has been imposed by a Branch Committee of Management under this Rule may appeal to either the Divisional Executive or Conference, which may confirm, vary or annul the penalty. Notice of appeal shall be given in writing to the Divisional Secretary within twenty-one days from the date of the member being notified of the Branch Committee of Management decision and shall set forth in full all matters which the appellant desires to be considered. Where the member has appealed to the Divisional Executive, the Divisional Executive shall hear the appeal at its next meeting after the appeal is made where practicable or where not the Divisional Executive shall decide at that meeting when and where the appeal shall be heard. Where the member has appealed to the Divisional Conference the Conference shall hear the appeal at its next meeting. The decision of Divisional Executive or Conference shall be final and conclusive.
- (j) Where the charge has been heard in the first instance by the Divisional Executive, the member on whom a penalty has been imposed may appeal direct to Divisional Conference, which shall finally determine the matter. The notice of appeal in such case shall be in writing and given to the Divisional Secretary within twenty-one days from the date of notification of the decision of the Divisional Executive. The same conditions shall apply to the contents of the notice of appeal and to procedure at the hearing of the appeal as in the case of appeals from decisions of Branch Committee of Management to the Divisional Executive or Conference.
- (k) Subject to paragraph (h) of this Rule, application of any penalty imposed under this Rule shall be withheld whilst the member is exercising the right of appeal provided by this Rule.
- (l) Where, in the opinion of the Branch Committee of Management or the Divisional Executive hearing the matter, the charge is frivolous, the member making the charge may be ordered to pay a fine not exceeding ten dollars.
- (m) For all investigations, inquiries or appeals provided for by these Rules and in particular by this Rule, including an appeal to Conference as is mentioned in paragraph (i) and (j) of this Rule the following procedure shall be followed:
 - (i) inform the member charged that a charge has been laid against him/her under the Rules (quote rule) by a member (naming the member) and that a Rule Book is available for him/her if he/she requires it. Read the charge;
 - (ii) ask whether the member charged pleads guilty or not guilty;
 - (iii) ask the member laying charge to state case;
 - (iv) give member charged and then members of tribunal opportunity to question the person laying charge;
 - (v) ask the member making charge to call witnesses, if any, or other evidence;
 - (vi) hear evidence of witnesses;
 - (vii) give the member charged and then members of tribunal opportunity to question each witness;
 - (viii) ask the member charged to answer case;

- (ix) give the member laying charge and then members of tribunal opportunity to question member charged;
- (x) ask the member charged for witnesses, if any, or other evidence;
- (xi) hear evidence of each witness;
- (xii) give opportunity to member laying charge and then members of tribunal to question witnesses;
- (xiii) give the member laying charge and then the member charged opportunity to address members of the tribunal on the whole case;
- (xiv) ask the member charged and the person laying charge to withdraw while the matter is discussed by the members of the tribunal. Inform them, if possible, how long it is expected before the decision will be given, e.g. telling them either to wait or that the decision will be notified in writing;
- (xv) discuss evidence and decide whether guilty or not. If guilty, decide on penalty, if any.

43 - DIVISIONAL COUNCILS

- (a) There shall be two Divisional Councils constituted covering the Postal Industry Divisional Section and the Telecommunications Industry Divisional Section known as the Postal Divisional Council and the Telecommunications Divisional Council respectively. The Postal and Telecommunications Divisional Councils shall consist of the Divisional Officers and such number of Branch Representatives as is determined by the Divisional Executive. Branch Representatives shall be appointed by their respective Branch Committee of Management.
- (b) The Postal and Telecommunications Divisional Councils shall consider and make recommendations only to the Divisional Conference and/or Divisional Executive on policy and industrial matters relating to the Industry Divisional Section they cover.
- (c) The frequency, dates and venues and agenda of Divisional Council meetings shall be determined by the Divisional Executive on the recommendation of the Divisional Secretary and Divisional President. The membership of certain Divisional Officers of both Divisional Councils will not prevent simultaneous meetings of both bodies.
- (d) Meetings of the Divisional Councils shall be convened jointly by the Divisional President and Divisional Secretary.
- (e) Divisional Councils will be properly constituted when at least (50) fifty per cent of members are present.
- (f) Each member of a Divisional Council shall have one vote. Resolutions shall be carried by a simple majority.

43A - NATIONAL WOMEN'S COMMITTEE

- (a) The Divisional Secretary shall convene a National Women's Committee to be chaired by the Divisional Vice President (Affirmative Action) which shall meet at least annually. The Committee will be comprised of a maximum of two female representatives from each Branch, the Divisional Vice President (Affirmative Action) and the Divisional Secretary or their nominee. The committee can meet face to face, by telephone conference or by video conference. The Divisional Vice President (Affirmative Action) shall be responsible for referring decisions of the National

Women's Committee to the Divisional Postal or Telecommunications councils and/or the Divisional Executive as appropriate.

- (b) The National Women's Committee will be properly constituted when at least (50) fifty per cent of members are present.
- (c) Each member of a Divisional Council shall have one vote. Resolutions shall be carried by a simple majority.

SECTION 2 - CONSTITUTION AND MANAGEMENT GENERALLY

44 - FORMATION OF BRANCHES

- (a) The Division shall consist of the following Branches:
 - (i) the Victorian Postal and Telecommunications Branch;
 - (ii) the Victorian Telecommunications and Services Branch;
 - (iii) the New South Wales (including residents in the ACT) Telecommunications and Services Branch;
 - (iv) the New South Wales (including residents in the ACT) Postal and Telecommunications Branch;
 - (v) the Queensland Postal and Telecommunications Branch;
 - (vi) the Queensland Telecommunications and Services Branch;
 - (vii) the South Australian and Northern Territory Telecommunications and Services Branch;
 - (viii) the South Australian and Northern Territory Postal and Telecommunications Branch;
 - (ix) the Western Australian Postal and Telecommunications Branch;
 - (x) the Western Australian Telecommunications and Services Branch;
 - (xi) the Tasmanian Telecommunications and Services Branch;
 - (xii) the Tasmanian Postal and Telecommunications Branch;
 - (xiii) the Telecommunications Officers Association (TOA) Branch;and such further or other Branches as may from time to time be determined by Divisional Conference.
- (b) Subject to these Rules, a Branch shall be autonomous in relation to matters affecting only members of the Branch and shall, in accordance with the Rules elect Branch Officers and manage the affairs of the Branch. All Branches shall comply with resolutions of Divisional Conference and Executive.

45 - DIVISIONAL CONFERENCE AND DIVISIONAL EXECUTIVE AUTHORITY OVER BRANCHES

- (a) If a Branch Committee of Management or an Officer of a Branch refuse or fail to comply with these Rules or with a lawful resolution of the Divisional Conference or lawful direction of the Divisional Executive, the Divisional Executive may, after inquiry, determine that the Branch Committee of Management or Officers of the Branch have acted in a manner prejudicial to the good order and government of the Division.
- (b) A determination under this Rule shall not be made unless:
 - (i) the refusal or failure to comply, relates to a Rule, resolution or direction in respect of which notice to comply, so as far as practicable, has been brought to the attention of members of the Branch Committee of Management or the Officers of the Branch, and is not desisted from as soon as reasonably practicable after such notice;