

46 - DIVISIONAL SECTIONS

- (ii) the refusal or failure to comply amounts to a misappropriation of the funds of the Branch or the Division, a substantial breach of the Rules, gross misbehaviour or gross neglect of the duties of the Branch Committee of Management, or of the Officers of the Branch;
- (c) Where the Divisional Executive has made a determination under this Rule it may, after inquiry, and after hearing from (or providing reasonable opportunity to be heard to) representatives appointed by the Branch Committee of Management or Officers in defence of themselves or the Branch:
 - (i) suspend the members of the Branch Committee of Management or Officers from office for such periods not exceeding 12 months as it determines;
 - (ii) appoint at the expense of the Union a member of the Divisional Executive to conduct and manage the affairs of the Branch during the period of suspension, subject to the direction of the Divisional Executive; and
 - (iii) require such Branch Committee of Management to deliver up to the person so appointed all the funds of the Branch.
- (d) During the period of any suspension imposed pursuant to this Rule, a paid Officer of the Branch shall, subject to his/her not being removed from office pursuant to these Rules, continue to be remunerated out of the funds of the Branch and shall perform such duties as are allocated to him/her by the person appointed by the Divisional Executive to conduct and manage the affairs of the Branch.
- (e) Any Branch which fails to pay to Divisional Conference its membership contributions due under Rule 48 within one month after the close of the relevant monthly period shall be liable to be dealt with under this Rule.
- (f) All property, money and books of the Branch in respect of which there is a determination under paragraph (a) of this Rule shall, on demand made by the Divisional Executive to a person or member having the custody or control of same be forthwith delivered up to the person charged to receive them as specified in the demand.

46 - DIVISIONAL SECTIONS

- (a) The Division shall have four Divisional Sections and each member other than a member attached to the TOA Branch shall be allocated to a Divisional Section. The Divisional Sections shall be constituted in the following manner:
 - (i) Postal Divisional Section: All members employed by the Australian Postal Corporation, or by employers which the Divisional Executive determines operates substantially in or in connection with postal services, except those in the Technical Divisional Section and Operator Divisional Section pursuant to sub-rules (ii) and (iv) of this Rule;
 - (ii) Technical Divisional Section:
 - A. all members eligible for membership of the union pursuant to rule 2.11;
 - B. all members who the Divisional Executive determines undertake functions substantially in or in connection with telecommunications services of a type traditionally provided by members of the Technical Divisional Section of the ATEA/ATPOA but not members performing the functions which are specified in the Communications Officer Structure as set out in Clause 51 of the Telecom/APTU Award 1989 as at 1 November 1991, except those functions which are in common with functions specified in Clause 8B1-4 inclusive of the Australian Telecommunications Commission Telecommunications Technical and

Trades Staff (Salaries and Specific Conditions of Employment) Award 1975 as at 1 November 1991; and

- C. all members of the union employed by Optus Communications Pty Ltd or any of its subsidiaries or related companies.
- (iii) Lines and General Divisional Section: All members eligible for membership of the Union pursuant to Rule 2.5 or 2.9 and all members who the Divisional Executive determines undertake functions substantially in or in connection with telecommunications services of a type traditionally provided by members of the APTU but not members performing the functions which are specified in the Telecommunications Technical Officers structure, Electrical Officers structure, Production Officers structure and Tradesperson structure as set out in sub-clauses 8B1-4 inclusive of the Australian Telecommunications Commission Telecommunications Technical and Trades Staff (Salaries and Specific Conditions of Employment) Award 1975 as at 1 November, 1991 and the Operator Assisted Services structure in Clause 24 of the Australian Telecommunications Commission Telephone and Phonogram Staff (Salaries and Specific Conditions of Employment) Award 1978 as at 1 November, 1991, except those functions in common with functions specified in clause 51 of the Telecom/APTU Award 1989 as at 1 November 1991:
- (iv) Operator Divisional Section: All persons eligible for membership pursuant to Rule 2.17, and all members who the Divisional Executive determines undertake functions substantially in or in connection with telecommunications services of a type traditionally provided by members of the Operator Divisional Section of the ATEA/ATPOA as at 1 November 1991;
- (v) Where the designation of a class of employees or a group of employees within a class is changed to another designation, and provided that the majority of functions undertaken by the members remains substantially unaltered, then the members will retain membership within their existing Divisional Section;
- (vi) Where a new classification is created or where functions are substantially altered to the extent that the majority of functions are not clearly identified by reference to work carried out by the Branches the members shall be allocated to a Divisional Section by agreement between the Divisional Councils and failing agreement to a Divisional Section determined by the Divisional executive having regard to the following factors in descending order of importance;
- (i) the Divisional Section in which most of the functions of the new classification would ordinarily have been undertaken as at 1 November 1991.
- (ii) the Divisional Section to which the members currently belong.
- (iii) ATEA/ATPOA and APTU Eligibility Rules as at 1 November 1991.
- (b) Members allocated to the Postal Divisional Section and Lines and General Divisional Section shall constitute the Postal and Telecommunications Branch covering the State or Territory in which they are employed. Members allocated to the Technical Divisional Section and the Operator Divisional Section shall constitute the Telecommunications and Services Branch in the State or Territory in which they are employed.
- (c) Industrial officers and employees of the Division shall:
- (i) in the case of persons who are members of the Division before becoming an Industrial Officer or employee remain in the Divisional Section they were allocated to before becoming an Industrial Officer or employee;

47 - CONTRIBUTION TO DIVISIONAL CONFERENCE

- (ii) in the case of Industrial Officers or employees who were not members of the Union before becoming an Industrial Officer or employee employed by the Divisional Office of the Division - subject to the approval of Divisional Conference, be allocated to the Divisional Section of his or her choice and shall not be subsequently allocated to any other Divisional Section;
- (iii) in the case of Industrial Officers or employees who were not members of the Union before becoming an Industrial Officer or employee employed by a Branch of the Division - subject to the approval of Branch Committee of Management be allocated to the Divisional Section of his or her choice, and shall not subsequently be allocated to another Divisional Section.
- (d) In the case of Technical and Operator Divisional Sections, on and from the date on which a Rule replacing eligibility Rules 2.11 and 2.17 comes into effect persons becoming members of the Union will be allocated to a Divisional Section by the Branch Secretary in consultation with a Branch Assistant Secretary from each Divisional Section.
- (e) Nothing in sub-rule (d) shall affect the allocation of members to Divisional Sections made while eligibility sub-rule 2.11 and 2.17 were in effect.

47A - SPECIAL PROVISIONS - TOA BRANCH

The Division shall have a TOA Branch at a Divisional level which shall be constituted as follows :-

- (i) All members eligible for membership of the Union pursuant to Rules 2.20 and 2.21 who were members of the TOA as at the date of amalgamation.
- (ii) Subject to approval by the relevant Postal and Telecommunications or Telecommunications and Services Branch the TOA Branch will accept as members only those members classified at PTTO1 and above in the Internal Plant Technical Officer Structure.

47 - CONTRIBUTION TO DIVISIONAL CONFERENCE

- (a) Divisional Conference shall, from time to time, determine the percentage of members contributions to be paid to Conference by Branches but at no time shall the contribution be set at less than 25% of members' contributions.
- (b) Each Branch Secretary shall, at the beginning of each calendar month and not later than the 15th day of the month, pay into a special Divisional Conference Account with the Commonwealth Bank, relevant Government owned State Bank or other financial institution approved by the Divisional Executive an amount equal to the percentage of members contributions as determined by Conference received from members during the previous month. All payments to Conference shall be made into the Special Divisional Conference Account.
- (c) Nothing in this Rule will prevent a Branch from making provisional payments, based on an estimate of membership receipts, by direct credit payment from a bank account or collection agency to the Special Divisional Conference account.

In this case reconciliation of direct credit payments with contributions received from members will take place by the 15th of the month as in sub-clause (b).

- (d) Provided that on and from 1st April 2004 the following provisions shall apply in lieu of sub-rule (a):-

Divisional Conference shall, from time to time, determine the percentage of members' contributions to be paid to Conference by Branches but at no time shall the contribution be set at less than 22.5% of members' contributions.

48 - ALLOCATION OF FUNDS

All monies received by Branches by way of contribution, entrance fee, fines or interest on deposits or investments shall be the property of the Division. Each Branch shall during each quarter pay to the Divisional Conference such sum as may be provided elsewhere under these Rules for the maintenance of the Head Office of the Division, together with any money collected as a result of any levy imposed by Divisional Conference for the purposes of meeting the financial obligations of the Division. The proportion of members contributions payable for the maintenance of Head Office shall, pending payment to the Conference, be paid into a special account with the Commonwealth Bank, a relevant Government owned State Bank or other financial institution approved by the Divisional Conference or Executive. The remainder of the monies received by Branches shall be retained by the receiving Branch for the purpose of defraying the costs of administering the affairs of the Branch within the territorial area of that Branch.

49 - REGISTER OF BRANCH OFFICES

There shall be at all times kept at the Head Office of the Division a record of the situation of the office in each of the Branches of the Division in each capital city.

50 - REGISTER OF MEMBERS

- (a) Each Branch Secretary shall keep a register of the names and addresses of all members of the Branch, including membership of the particular Divisional Section to which they belong, which shall be open for inspection by an Industrial Registrar, or a person authorized by an Industrial Registrar, between the hours of 9.00am and 5.00pm Monday to Friday at the Branch Office of the Division and shall supply a copy of the same to the Divisional Secretary and/or Divisional President when required.
- (b) In conformity with the Workplace Relations Act 1996 each Branch Secretary shall:
 - (i) enter in the register the name and postal address of each person who becomes a member, within 28 days after the person becomes a member.
 - (ii) remove from the register the name and postal address of each person who ceases to be a member within 28 days after the person ceases to be a member; and
 - (iii) enter in the register any change in the particulars shown on the register, within 28 days after the matter necessitating the change become known to the Division.
- (c) Within 28 days of the end of the financial year pursuant to Rule 29 each Branch Secretary shall forward to the Divisional Secretary a statement to the effect that during the preceding year the Register of Members was maintained in accordance with this Rule.

51 - RULES

Each member shall be entitled, upon application to the Branch Secretary, to a copy of the Rules of the organisation or Branch or a copy of any amendments of the Rules made since a specified time, the first copy of which shall be supplied free of charge. Subsequent applications for a copy of the Rules or amendments thereto by a member if the member has been provided with a copy of the same Rules or amendments free of charge within the preceding 3 years shall be accompanied by a fee as prescribed by the Workplace Relations Act 1996 and the Regulations made thereunder.

52 - MINUTES OF MEETINGS

Each member shall be entitled to peruse the minutes of any meeting conducted under the Rules of the Union on application to the Branch Secretary.

53 - BRANCH OFFICERS

- (a) There shall be Branch Officers as provided in these Rules.
- (b) The duties of the Branch Officers, when provided for in sections 3, 4 and 5 of these Rules shall be:
 - (i) Branch President: the President shall be the recognised head of the Branch, and he/she shall preside at all Branch Executive, General, Special General and Branch Committee of Management meetings and shall ensure that the general working of the Branch is carried out in conformity with the Rules, the resolutions of Divisional Council, Conference and the instructions of the Divisional Executive. He/she shall sign in accordance with the Rules cheques and all documents requiring his/her signature as required by the Branch Executive or the Branch Secretary. Where the Branch President's position is a full time position he/she shall carry out his/her industrial duties in accordance with the directions of the Branch Secretary subject to the decisions of the Branch Committee of Management;
 - (ii) Branch Vice President: the duties of the Branch Vice President shall be to assist the President. In the absence of the President, one of the Vice Presidents shall occupy the Chair, conduct the business, and perform all duties of the President. He or she shall sign in accordance with the Rules, cheques and all documents requiring his or her signature as requested by the Branch Secretary.
 - (iii) Branch Secretary: the duties of the Branch Secretary shall be to:
 - (A) convene and attend each meeting of the Branch Committee of Management, Branch Executive and each General Meeting of the Branch where practicable and to compile and maintain the minutes of such meetings;
 - (B) attend to Branch correspondence;
 - (C) have charge of the books and documents of the Branch;
 - (D) manage and be responsible generally for the administration of the Branch Office and Branch Officers subject to the Rules;
 - (E) maintain a register of membership in accordance with rule 51;
 - (F) forward annually, to the Divisional Secretary a statement of the total membership and financial membership of the Division and of the Branch on the 31st March;
 - (G) prepare and issue to the Annual General Meeting of the Branch the Annual Report of the Branch and an account of the income and expenditure of the Branch;
 - (H) forward to the Divisional Secretary forthwith after its issue, a copy of the Branch Annual Report and account of the income and expenditure of the Branch;

54 - INDUSTRIAL OFFICERS AND TEMPORARY ORGANISERS

- (I) maintain an accounting record of the financial transactions of the Branch showing the source and nature of all income received and the nature and purpose of all expenditure made;
 - (J) make all payments on behalf of the Branch, receive all money payable to the Branch and promptly deposit such money in the bank account of the Branch;
 - (K) perform such other duties as may from time to time be directed by the Branch Committee of Management, or Branch General Meeting;
 - (L) provide the Divisional Conference or Branch Committee of Management with a statement of the financial affairs of the Branch when so directed;
 - (M) provide for the collection of fines, levies and subscriptions (other than subscriptions derived from salary) payable by members of the Branch to the Division or the Branch.
 - (N) manage and be responsible for the day to day Branch issues.
- (iv) Branch Assistant Secretary: the duties of the Branch Assistant Secretary shall be to relieve the Branch Secretary and to attend all meetings of the Branch and to take rough minutes of the proceedings, except where otherwise directed by the Branch Secretary. At all other times he/she shall render such assistance as may be required by the Branch Secretary. In the absence of the Assistant Secretary for periods exceeding one week, Branch Committee of Management may appoint another member of the Branch Committee of Management as Acting Branch Assistant Secretary.
- (v) Honorary Branch Assistant Secretary: the Honorary Branch Assistant Secretary shall perform such duties of the Branch Assistant Secretary as are consistent with the honorary status of the office.
- (vi) Branch Organiser: the duties of the Branch Organiser shall be, under the general direction of the Branch Secretary, to visit workplaces, undertake representations on behalf of members, attend all meetings of the Branch, except when performing duties away from the Branch centre, and all other duties as may be required by the Branch Secretary.

54 - INDUSTRIAL OFFICERS AND TEMPORARY ORGANISERS

- (a) Branch Committees of Management shall, with the approval of Divisional Conference where the cost is directly borne by Divisional Conference, have power to employ Industrial Officers. Any person shall be eligible for employment as Industrial Officer. The method of selection shall be determined by the Branch Committee of Management. The duties of the Industrial Officer shall be determined by the Branch Secretary.
- (b) Any Branch may appoint a member of the Division as a Temporary Organiser for any period not exceeding twelve (12) months at such rate of payment as determined under Rule 7. No Branch shall employ any staff other than clerical staff or Temporary Organiser - unless and until the approval of the Divisional Conference has been obtained where the cost is directly borne by Divisional Conference.

55 - POWER TO ENTER AND INSPECT PREMISES

An honorary Branch Officer who holds a permit to enter and inspect premises in accordance with the provisions of the Workplace Relations Act 1996 and the Regulations made thereunder shall exercise his/her rights under such a permit with the authority of the Branch Secretary or Branch Committee of Management.

56 - BY-LAWS

Branches shall have power to make by-laws for the conduct of the management of the Branch and of any of the Committees thereof; provided that any by-law so made does not conflict with these Rules and has been submitted to the Divisional Executive which may disallow any by-law dealing with a matter other than a matter affecting members of the Branch only; provided further that any disallowance of any by-law submitted in accordance with this Rule shall be decided by the Divisional Executive within 28 days.

57 - AFFILIATION WITH ANY ORGANISATION

A Branch may affiliate with any organisation in the State subject to endorsement by the Divisional Conference.

58 - BRANCH FUNDS AND PROPERTY

- (a) The funds of the Branch ("the Branch funds") shall consist of:
- (i) any real or personal property of which a Branch by the Rules or by any established practice not inconsistent with the Rules has or, in the absence of any limited term lease, bailment, or arrangement would have the right of custody, control or management;
 - (ii) the amount of subscriptions received by a Branch less so much as is payable to the Divisional Conference, the amount of any levy imposed and received by the Branch and the amount of any fines received by the Branch;
 - (iii) any interest, rents or dividends derived from investment of the Branch fund;
 - (iv) any superannuation or long service leave fund operated or controlled by a Branch for the benefit of its Officers or employees;
 - (v) any property acquired wholly or mainly by expenditure of the monies of the Branch fund or derived from other assets of the fund; and
 - (vi) the proceeds of any disposal of parts of the fund.
- (b) All monies received by the Branch shall be banked in the name of the Union in one or more of the following ways:
- (i) by way of account, whether at call or otherwise with a duly registered credit union that offers services to members; or
 - (ii) by way of current account and/or fixed deposit with any Government owned State Bank or other financial institution approved by the Branch Committee of Management.
- (c) There shall be a separate account for the deposit of monies representing the proportion of member's contributions payable for the maintenance of Divisional Office.

62 - RANKING OF POSITIONS IN ELECTIONS

- (d) The Branch Committee of Management may on behalf of the Branch expend Branch funds in the purchase of land and buildings including the redevelopment of land and buildings and may invest Branch funds in securities issued by a Government or local Government body or statutory authority or any company to promote the welfare of members.
- (e) Where monies are held in more than one account the Branch Secretary shall maintain a register of such accounts or other investments as part of the Branch books for audit purposes.
- (f) No monies shall be withdrawn from the account or accounts except by cheques signed by the Branch Secretary together with the Branch President, or in his or her absence an Officer or Branch Committee of Management member nominated by him or her as the authorised signatory for the duration of his or her absence.
- (g) The Branch Committee of Management may, on receipt of the report and recommendation of the Branch Secretary, discharge from the records of the Branch a debt which, in the opinion of the Branch Secretary and Branch Auditor is irrecoverable. Provided that:
 - (i) this provision shall not apply to debtors who are members of the Union or persons who ceased to be members less than twelve months prior to the date of the Branch Committee of Management Decision;
 - (ii) the report of the Branch Secretary to the Branch Committee of Management shall detail the recovery action undertaken.

59 - ACCOUNTS, BALANCE SHEET AND AUDIT

The financial year of Branches shall terminate on 31st March in each year. A certified balance sheet in respect of each year, with the auditor's report thereon, shall be published, distributed and presented to members in accordance with the provisions of the Workplace Relations Act 1996 or its successor and Regulations. Each Branch shall, subject to any directions that may be given from time to time by the Divisional Conference, follow a system of bookkeeping acceptable to its public auditor.

60 - AUDITORS

An auditor who is a person competent within the meaning of the Workplace Relations Act 1996 or its successor, shall be appointed, who at least once a year, and at other times when instructed, shall take the books of the Branch, and balance sheets with all receipts and other documents, compare them, and draw up a correct report on same. Auditors finding any deficiencies shall state the particulars in the report and lay the same before the next meeting of the Branch Committee of Management.

61 - STATEMENT OF BRANCH MEMBERSHIP

The Secretary of each Branch shall, within 28 days of the 31st March, in each year notify the Divisional Secretary in writing of the number of members in each Divisional Section within the Branch books as at that date.

62 - RANKING OF POSITIONS IN ELECTIONS

- (a) No person shall hold more than one of the positions of Divisional President, Divisional Secretary, Divisional Assistant Secretary, Branch Secretary, Branch Assistant Secretary, Organiser, Branch President, Branch Vice-President or member of Branch Committee of Management.
- (b) No person shall hold more than one of the positions of National Councillor and Alternate National Councillor.

63 - HONORARIA AND ALLOWANCES

- (c) No person shall hold more than one of the positions of Divisional Conference Member and Alternate Divisional Conference Member.
- (d) No person shall hold more than one of the positions of Divisional Executive Member or Alternate Divisional Executive Member.
- (e) In determining the vote for Divisional Officer the votes shall be counted in the following order.
 - (i) Divisional President;
 - (ii) Divisional Secretary;
 - (iii) Divisional Assistant Secretary;
 - (iv) Divisional Vice-President - Affirmative Action;
 - (v) Divisional Vice-Presidents;
 - (vi) National Councillor
 - (vii) Alternate National Councillor
 - (viii) Divisional Conference Member;
 - (ix) Alternate Divisional Conference Member;
 - (x) Divisional Executive Member;
 - (xi) Alternate Divisional Executive Member.
- (f) In determining the vote for Branch Officer the votes shall be counted in the following order:
 - (i) Branch Secretary;
 - (ii) Branch Assistant Secretary;
 - (iii) Branch Organiser;
 - (iv) Branch President;
 - (v) Branch Vice President;
 - (vi) Committee of Management Member;
 - (vii) Alternate National Councillor.
- (g) Any person elected to a position shall be eliminated from a subsequent count for a position to be counted later provided that a person elected solely as a Divisional Conference Member or Alternate Divisional Conference Member shall not be eliminated from a count for Divisional Executive Member or Alternate Divisional Executive Member, provided that any person elected to any of the positions in sub-rules (d) or (e) above shall not be eliminated from a count for Alternate National Councillor, subject to the provisions of sub-rule (b) above.

63 - HONORARIA AND ALLOWANCES

- (a) Subject to these Rules, each Branch at its Annual General Meeting shall fix for the ensuing twelve months the honoraria, fees and allowances to be paid to its Honorary Branch Officers, Members of Committee of Management, members of Branch Executive, other Committees of Branches and the Returning Officer provided that where a member of the Branch shall lose salary including shift penalties or higher duties whilst transacting business for the Division, which is authorised by the Branch Secretary or Branch Committee of Management, he or she shall be reimbursed in full for all such losses sustained from the funds of the Branch.
- (b) Any member of the Union, when deputed to transact business on behalf of the Division, or any Branch or Divisional Section thereof, shall receive such sum per day including the time legitimately taken up in journeying from and returning to his or her place of residence, as may be determined by the General Meeting of the Branch, together with economy class fare to and from the place where his or her services are required.

64 - ORDER OF BUSINESS

- (a) At every Special General Meeting or Extraordinary General Meeting of a Branch, the circumstances under which it has been convened shall be explained by the Presiding Officer, and the business for consideration shall be proceeded with. No business except that expressly stated in calling the meeting shall be discussed at such meeting.
- (b) At every ordinary meeting of a Branch the first business shall be the reading and confirmation of the minutes of the preceding meeting, and no discussion shall be permitted thereupon except as to their accuracy as to the record of proceedings. After the reading of the minutes the order of business shall be as follows, or nearly thereto as may be practicable, but the order of business may (wherever it is considered advisable) be altered by direction of the meeting:
 - (i) business arising out of minutes;
 - (ii) roll call;
 - (iii) new members;
 - (iv) presentation of reports;
 - (v) finance;
 - (vi) correspondence, considering and ordering thereon;
 - (vii) questions;
 - (viii) business of which notice has been given;
 - (ix) notice of motion;
 - (x) fixation of allowances and honoraria;
 - (xi) nomination of officers;
 - (xii) general business.
- (c) At Special Branch General Meetings or adjourned meetings of the Branch the special or adjourned business only shall be dealt with.
- (d) At every Annual General Meeting of a Branch the order of business shall be as follows:
 - (i) Reading and confirmation of Minutes.
 - (ii) Correspondence read and dealt with.
 - (iii) Appointment of Returning Officer and Auditor.
 - (iv) Presentation of the Secretary's Annual Report.
 - (v) Motions of which Notice has been given.
 - (vi) General Business.

65 - TERMS OF OFFICE

- (a) Full time Branch Officers shall be elected for a term of 4 years and shall take up office from 1 August in the year of election following the declaration of the office in question.
- (b) Honorary Branch Officers shall be elected for a term of 2 years and shall take up office from 1 August in the year of election following the declaration of the office on question.
- (c) In the event the Returning Officer is unable to declare a person elected to an office 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.

66 - BRANCH NOMINATIONS

- (a) Candidates for office on the Branch Committee of Management except where otherwise provided, must be financial members of the Branch and be nominated in writing by at least two other financial members of the Branch. All nomination papers must be signed by and contain the addresses of those making the nomination and be countersigned by the person nominated. The provisions of this sub-rule shall also apply to candidates for office as Returning Officer, Assistant Returning Officer, Divisional Conference Delegate and Alternate Divisional Conference Delegate, Divisional Executive Member and Alternate Divisional Executive Member of the Division and any other office within the jurisdiction of the Branch. No person shall be eligible to be nominated for or elected to any office or position unless such person shall have been a continuously financial member of the Branch for a period of not less than 12 months immediately prior to the closing date of nominations.
- (b) Candidates for Office of: Branch Vice President, Technical Divisional Section, Branch Vice President, Operator Divisional Section, and Divisional Section Committee of Management Members must be financial members of the relevant Divisional Section and be nominated in writing by at least two (2) other financial members of the same Divisional Section.
- (c) Candidates for the office of: Branch Assistant Secretary (Technical Divisional Section), Branch Assistant Secretary (Operator Divisional Section), Branch Organiser (Technical Divisional Section) and Branch Organiser (Operator Divisional Section) must be financial members of the Branch and be nominated in writing by at least two other financial members of the Branch.
- (d) Candidates for the office of National Councillor and Alternate National Councillor representing the TOA members shall be financial members of the TOA Branch and be nominated in writing by at least two (2) other financial members of the TOA Branch.
- (e) Candidates for Alternate National Councillor positions for the Divisional Executive Member and Divisional Branch Secretary National Councillors in accordance with Rule 22 sub-rule (i) and (iii) shall be elected by a secret ballot of the financial members of the Divisional Section or Divisional Group as the case may be.
- (f) Nominations for any office which has been declared a full-time office, or which has been declared a full-time position of Organiser, shall, except in the case of a vacancy provided for in Rule 68 or 69, be called for by notice published in a Divisional Executive journal or Branch Circular.
- (g) All nominations for office, including full-time offices, or full-time position of Organiser, shall be called for by the Branch Returning Officer, on the first day of April in the year of election or should that day be a Saturday, Sunday or holiday, on the first day thereafter which is not a Saturday, Sunday or holiday, and shall close at 12 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. Nominations shall be addressed to the Branch Returning Officer.
- (h) If the Branch 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 notified.
- (i) If there be no more valid nominations than there are vacancies for a position, the Branch Returning Officer shall declare the nominated person or persons elected to the position.
- (j) If more valid nominations are received than there are vacancies for a position, the Branch Returning Officer shall have ballot papers printed and delivered to him/her containing the names of the candidates for each position arranged in the order they are drawn, indicating the number to

be elected for each position, the manner in which votes shall be recorded and the date and the time of the closing of the ballot, such date and time being not later than 12 Noon on the thirtieth day of June in the year of the election or on the first working weekday following should the thirtieth day of June fall on a holiday or weekend and indicating the ballot shall commence on the first day of June or the first working weekday following that date in the year of the election.

67 - BRANCH ELECTIONS

- (a) The election of Officers of the Branch Committee of Management and of other Officers required to be elected under this Rule shall be conducted by the Branch Returning Officer by secret postal ballot of financial members of the Branch. Except in the case of the TOA Branch Committee of Management Members, the positions referred to in 68(b) and (c) shall be elected by secret postal ballot of financial members of the relevant Divisional Section.

The ballot shall close at 12 noon on the thirtieth day of June in the year of the election or on the first working weekday following should the thirtieth day of June fall on a holiday or weekend and shall commence on the first day of June or the first working weekday following that date in the year of the election.

- (b) The Branch Returning Officer shall:
- (i) 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.
 - (ii) 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.
 - (iii) keep the Roll of Voters and they may be supplied electronically.
- (c) The official designation of any candidate and/or the section in which he/she is employed shall not be permitted to appear on any ballot paper issued by the Branch Returning Officer.
- (d) The Branch Returning Officer shall:
- (i) be responsible for the safe custody of the ballot papers;
 - (ii) obtain from the printer a certificate of the number of ballot papers printed;
 - (iii) initial every ballot paper prior to its distribution;
 - (iv) (A) forward by pre-paid post in an envelope having as few distinctive characteristics as possible to each member entitled to vote:
 - (1) such ballot paper or ballot papers as is or are appropriate for the purpose of the election;
 - (2) 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;

- (3) 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;
 - (4) an envelope marked 'ballot paper only' capable of insertion in the envelope referred to in (3) above;
 - (5) voting instructions, printed either on the ballot paper referred to in (1) 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 (4) above, the envelope sealed and inserted into the envelope referred to in (3) above, the name, address and signature to be completed on the envelope referred to in (3) above, the envelope sealed and enclosed in the outer envelope referred to in (2) 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.
- (B) at the time of forwarding of ballot papers and other documents referred to in (A) above and, subject to the employer corporations approval, prepare a Notice and arrange for the placing of such Notice on the 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 date after projected posting and before counting begins, to report such non receipt to the Returning Officer;
- (v) 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 and to ensure that it remains sealed, until the time fixed for the closing of the ballot;
- (vi) (A) after the closing date of the ballot in the presence of scrutineers appointed pursuant to Rule 72(c) to open each envelope referred to in (d)(iv)(A)(2) above which has been returned to him/her, examine the section of the envelope referred to in (d)(iv)(A)(3) above, strike the name of the member appearing thereon off the roll as having voted in the election, and subject to (B) below, admit the inner envelope marked 'ballot paper only' containing the ballot paper to the count after removing it from the outer envelope;
- (B) 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;
- (C) 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 the final judge of whether the envelope has been signed by the member named therein;
- (D) after processing each of the envelopes referred in (A) above, to remove the ballot papers admitted to the count from the envelopes marked 'ballot paper only' and proceed to count the ballot;

- (E) no envelope referred to in (d)(iv)(A)(3) 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 vote;
 - (F) 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;
 - (G) the Returning Officer for the purposes of carrying out the matters set out in (A), (B), (C) and (E) 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 (F) 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 (F) above as the case may be.
 - (H) 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.
- (vii) following the close of nominations in the year of election the Returning Officer shall declare the results of the ballot as a whole or as far as it has progressed and submit a report to the Branch Secretary. On completion of the ballot for the remaining positions, the Returning Officer shall declare the result of the ballot and submit a full report to the Divisional Secretary indicating the number of ballot papers printed, the number distributed, the number on hand, and any other relevant matters.
- (e) The system of voting adopted by a Branch shall be 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 still be cast. In the event of the votes of two or more candidates, one of whom is sitting Officer, being equal, the sitting Officer shall be declared to be elected. In other cases of equal voting the Returning Officer shall determine the ballot by drawing lots. Where a member votes and his/her intention is clear, his/her vote will be included in the count. This intention may be indicated by a cross or a tick or a number.
 - (f) Except in the case of the TOA Branch, the election of Branch Committee of Management Members shall be conducted by the Branch Returning Officer in a similar manner to the election of other Officers of the Branch; provided that in the election of these Members the voting shall be confined to members attached to the respective Divisional Sections, a list of whose names shall be supplied by the Branch Secretary.
 - (g) One member from each Divisional Section, elected by a General Meeting, shall be present as scrutineers during the counting of the ballot.
 - (h) Branches shall provide, by resolution of the Branch Committee of Management for the election of Delegates and/or Alternate Delegates to any body, having a state-wide character and with which a Branch is affiliated. Alternate Delegates so elected shall be entitled to act in the unavoidable absence of Delegates. Delegates and/or Alternate Delegates to these bodies shall be elected at such time and place as may be determined by the Branch from time to time. Nominations of Alternate Delegates shall be called for and made as an office and be elected in a separate ballot from that of Delegates and the ballots for these positions shall be conducted by the Branch Returning Officer by a secret ballot of the Branch Committee of Management.

Representatives and Deputy Representatives on Promotions Appeal Boards constituted by the Postal and Telecommunications Commissions shall be elected by the Branch Committee of Management in the same manner as provided for in this sub-rule. Nominations for all such positions shall be called for as provided in these Rules.

- (i) Any candidate for election to a position on the Branch Committee of Management or any other position which is included in the ballot at the Biennial Election of Officers may, on payment of a sum of \$10 and within seven days of the declaration of the poll or ballot, lodge with the Secretary of the Branch to which he/she is attached a demand for a recount, with the right to appoint his/her own scrutineer, and upon receipt of such demand the Secretary shall arrange within seven days for a recount to take place. In the event of the recount result being in favour of the person seeking the recount, the sum of \$10 shall be refunded to the person concerned.
- (j) The Branch 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.
- (k) Circulars on behalf of candidates shall not bear the word "Official" and shall be authorised by at least one member of the Division.

68 - FILLING BRANCH VACANCIES - SHORT TERM

- (a) In the event that any Branch Officer or Branch Committee of Management position becomes vacant for any reason and the unexpired part of the term is less than twelve (12) months or three quarters of the term of office before the date of the closing of the ballot for the next elections whichever is the greater the vacancy shall be declared vacant by the Branch Committee of Management at its next scheduled meeting and shall be filled by appointment of the Branch Committee of Management within three (3) months of the declaration of the vacancy.
- (b) A person elected under this Rule to a Branch Office or Branch Committee of Management position shall hold office until the completion of the Branch ballot next following the filling of the said vacancy and if nominating for the same office or position at the next Branch ballot shall be deemed to be the holder of that office or position in accordance with Rule 4(j).

69 - FILLING BRANCH VACANCIES - LONG TERM

- (a) In the event that any Branch Officer or Branch Committee of Management position becomes vacant for any reason and the unexpired part of the term is more than twelve (12) months or three quarters of the term of office before the date of the closing of the ballot for the next election whichever is the greater, the vacancy shall be declared vacant by the Branch Committee of Management at its next scheduled meeting following the occurrence of the vacancy. The election shall be conducted in the same manner and subject to the provisions of Rules 66 and 67.
- (b) A person elected under this Rule to a Branch Office or Branch Committee of Management position shall hold office until the completion of the Branch ballot next following the filling of the said vacancy and if nominating for the same office or position at the next Branch ballot shall be deemed to be the holder of that office or position in accordance with Rule 4(j).

70 - CASUAL VACANCIES-BRANCH OFFICERS-FULL TIME POSITIONS

- (a) Notwithstanding anything contained in Rules 68 and 69, where an office of a full-time officer (other than the position of a full-time Branch President or a full-time Branch Secretary) becomes vacant more than 56 days prior to the opening of nominations for the next election of the office concerned as provided by Rule 66, the Branch Committee of Management may resolve to abolish the office.

71 - BRANCH RETURNING OFFICER

- (b) Where the abolition of an office referred to in sub-rule (a) would result in no Divisional representation for a particular Division in the Branch office the Branch Committee of Management may resolve to abolish the office, or to convert the office to an honorary office.
- (c) Where the Branch Committee of Management, resolves to abolish an office or to convert an office to an honorary office as referred to in sub-rule (a) or (b) hereof, the Branch Secretary shall refer the resolution to the Divisional Secretary who shall in accordance with Rule 10(b) submit to Divisional Conference within 14 days:
 - (i) the resolution to abolish the office, or to convert the office to an honorary office, as the case may be, for endorsement; and
 - (ii) the necessary rule changes required under the rules to abolish the office concerned or to convert the office concerned into an honorary office.
- (d) Pending requirements of sub-rules (a), (b) and (c) and the certification of the rule changes by an Industrial Registrar, the provisions of Rules 68 and 69 shall not apply.

71 - BRANCH RETURNING OFFICER

- (a) A Branch Returning Officer and an Assistant Returning Officer shall be selected by a Branch General Meeting or the Branch Committee of Management at the Annual General Meeting in the year preceding the year of election conducted pursuant to Rule 68 and 69 from a list of candidates who are financial members or Honorary Life Members of the Branch within the State in which the head office of the Branch is situated, and who do not hold any other office in, nor are employees of, the Union or of a Branch or Section or Division of the Union. The Branch Returning Officer shall be responsible for the conduct of all elections to an office within the Branch. Candidates for selection as Branch Returning Officer must make application in writing to the Branch Secretary. Applications must contain the address of the candidate and will close with the Branch Secretary at a time fixed by the Branch Committee of Management.
- (b) The Assistant Returning Officer shall assist the Returning Officer in the conduct of the ballot for the election of Officers and shall be empowered in the absence of the Returning Officer to perform the whole of the functions of the Returning Officer.
- (c) Each candidate may appoint in writing a scrutineer to represent him/her. The candidate may at any time by notice in writing given to the Returning Officer change the scrutineer representing him/her. A scrutineer shall be eligible to act for two or more candidates who are standing for the same position in any ballot. The scrutineer shall be entitled to represent the candidate at all stages of the ballot. The duties of the scrutineer shall be to represent the interest of the candidate who nominated him/her, to attend at any stage of the ballot as requested by the candidate, and 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 the Returning Officer. The Returning Officer shall give every facility to the scrutineers to attend and represent at every stage of the ballot the interests of the candidates who nominated him/her.
- (d) Any person appointed to the position of Returning Officer or Assistant Returning Officer who subsequently desires to nominate for any other position on the Branch Committee of Management shall be required to tender his/her resignation from the positions first mentioned prior to the calling of nominations.

72 - EXTRAORDINARY BRANCH VACANCIES

- (a) Where a Branch Officer or Branch Committee of Management 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, the Branch Committee of Management may request the Officer to resign. Failing receipt of the Officer's resignation within 14 days, the matter shall be referred back to the Branch Committee of Management which may then declare the position vacant. The Officer concerned shall have 28 days in which to lodge an appeal to the Divisional Executive who may uphold or overrule the decision by the Branch Committee of Management.
- (b) The Divisional Executive shall consider the matter at its next ordinary meeting or may, if it considers it appropriate, consider the matter at an Extraordinary Meeting of the Divisional Executive called to hear the appeal.
- (c) Both the Branch Committee of Management and the Divisional Executive, when considering the matter, shall have regard to any medical evidence that the Officer desires to place before such Executive.
- (d) Where the decision of the Branch Committee of Management is overruled by the Divisional Executive, the Officer shall be reinstated without loss.
- (e) Pending any appeal under this Rule to the Divisional Executive, 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.
- (f) 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 at any proceedings before the Branch Committee of Management or Divisional Executive.

73 - DIVISIONAL SECTION MEETINGS

- (a) The Branch Committee of Management shall have power to call Meetings of members of the Divisional Sections constituted under Rule 46.
- (b) The business for discussion at a Divisional Section Meeting shall be stated on the notice calling such meeting, and no business, other than that appearing on the notice calling the meeting shall be discussed.
- (c) Fifteen members shall constitute a quorum at Divisional Section Meetings.

74 - NOTICE OF MOTION

- (a) Members shall give fourteen(14) days notice in writing to the Branch Secretary when submitting a notice of motion or motions for consideration by the General Meeting of the Branch, and this notice of motion shall be notified for the information of members at least seven (7) days prior to the date fixed for the meeting at which such notice of motion is to be discussed.
- (b) Any motion which is marked out of order by the Branch President on the grounds that it conflicts with the Rules, the resolution of Conference, the instructions of the Divisional Executive or that contained a statement which may be construed as defamatory is to be excluded from the notification to members and the reason for the ruling reported to the meeting.

75 - P & T BRANCH MANAGEMENT

- (a) The headquarters of each Branch shall be located at the capital city of the State in which the Branch is located. Each Branch shall, subject to these Rules and resolutions of Conference, manage the local affairs of the Branch within its territorial area.
- (b) Each Branch shall have for its management a Branch Committee of Management consisting of a President, two Vice Presidents, Secretary, Assistant Secretary, full-time Organisers as specified in this sub-rule and not fewer than six nor more than eighteen Sectional Representatives who shall be elected for a period of two years. Provided that any person elected to an office which has been a declared a full-time office shall be elected for a term of office of four years. For the purposes of Branch administration the following Branch offices shall be declared full-time positions:
- New South Wales: Branch Secretary, Branch Assistant Secretary, eight (8) Branch Organisers;
- Victoria: Branch President, Branch Secretary, Branch Assistant Secretary, three (3) Organisers;
- Queensland: Branch President, Branch Secretary, Branch Assistant Secretary, two (2) Organisers;
- South Australia/Northern Territory: Branch Secretary;
- Western Australia: Branch Secretary, Branch Assistant Secretary;
- Tasmania: Branch Secretary.
- (c) The Branch President, Vice President, Secretary, Assistant Secretary and full-time Organisers shall be elected by ballot of the financial members of the Branch.
- (d) (i) Sectional Representatives shall be elected from the members comprising the respective Divisional Sections as provided in Rule 47.
- (ii) At least three months prior to the opening of nominations for the Branch elections held under Rule 69, the Branch Committee of Management shall determine the number of Branch Committee of Management Members to be elected by and from each Divisional Section in accordance with this sub-rule.
- (iii) The number of positions of Sectional Representatives elected by and from members of the Branch allocated to each Divisional Section shall be no less than 3 and no more than 9.
- (e) At Branch Committee of Management meetings a quorum shall not be present unless a majority of the Committee of Management members are present. If the required number of members be not present thirty minutes after the advertised time of commencement, the meeting shall lapse. Each Branch Committee of Management member shall have a deliberate vote.
- (f) During the intervening period between meetings of the Branch Committee of Management any matters of an emergent nature shall be decided by a telephonic, telegraphic, facsimile machine or postal ballot of Branch Committee of Management Members. The result of such ballot shall be notified to Branch Committee of Management Members within 14 days of the date set for the closing of the ballot.

76 - T & S BRANCH MANAGEMENT

The provisions of this Rule shall apply to all Telecommunications and Services Branches constituted under Rule 44 to the extent that these provisions are not inconsistent with the provisions of Rules 44 to 74. Where the term Branch is used this is a reference to a Telecommunications and Services Branch of the Division.

- (a) Each Branch shall, subject to these Rules and resolutions of Conference, manage the local affairs of the Branch within its territorial area.
- (b) Each Branch shall have for its management a Branch Committee of Management constituted as provided in this rule. Any person elected to an office which has been declared a full-time office shall be elected for a term of office of four years. All policy decisions of the Branch Committee of Management shall be notified to members.
- (c) Branch Committee of Management shall consist of a Branch President, a Branch Secretary, Branch Vice Presidents as provided in sub-rule (f), a Branch Assistant Secretary or Branch Assistant Secretaries as provided in sub-rule (f), who shall be called the Branch Officers, together with such numbers of Organisers as provided in sub-rule (g) and such number of financial members as have been elected as Branch Committee of Management Members. The Branch Committee of Management may conduct the notified business of a Branch General Meeting which has lapsed for want of a quorum.
- (d) The Branch Executive which shall consist of the Branch Officers as defined in sub-rule (c) of this Rule shall manage the day to day affairs of the Branch subject to direction from Branch Committee of Management and Branch meetings. A majority of Branch Executive shall constitute a quorum. The Branch Executive may handle urgent industrial or financial matters and take over the urgent business of a Branch Committee of Management meeting which has failed for want of a quorum.
- (e) The Branch Executive and Branch Committee of Management shall be elected by secret ballot which shall be conducted at the same time as the ballot to elect Divisional Executive Members, Alternate Divisional Executive Members, Divisional Conference Members, Alternate Divisional Conference Members and Alternate National Councillors.
- (f) The numbers of Branch Vice Presidents and Branch Assistant Secretaries shall be:
New South Wales:
2 Branch Vice Presidents elected by and from the Branch financial membership of the Technical Divisional Section, 1 Branch Vice President elected by and from the Branch financial membership of the Operator Divisional Section, 1 Branch Assistant Secretary elected by the Branch financial membership.
Victoria:
1 Branch Vice President elected by and from the Branch financial membership of the Technical Divisional Section, 1 Branch Vice President elected by and from the Branch financial membership of the Operator Divisional Section, 1 Branch Assistant Secretary elected by the Branch financial membership of the Technical Divisional Section, 1 Branch Assistant Secretary elected by the Branch financial membership of the Operator Divisional Section.
Queensland:
1 Branch Vice President elected by and from the Branch financial membership of the Technical Divisional Section, 1 Branch Vice President elected by and from the Branch financial membership of the Operator Divisional Section, 1 Branch Assistant Secretary elected by the Branch financial membership.
South Australia / Northern Territory:
2 Branch Vice Presidents elected by and from the Branch financial membership.
Western Australia:
1 Branch Vice President elected by and from the Branch financial membership.

77 - DUTIES AND POWERS OF BRANCH COMMITTEE OF MANAGEMENT

Tasmania:

1 Branch Vice President elected by and from the Branch financial membership.

- (g) For the purposes of Branch administration the following offices shall be declared full time:
New South Wales: 1 Branch Secretary, 1 Branch Assistant Secretary;
Victoria: 1 Branch Secretary, 1 Branch Assistant Secretary, Technical Divisional Section, 1 Branch Assistant Secretary, Operator Divisional Section;
Queensland: 1 Branch Secretary, 1 Branch Assistant Secretary;;
South Australia/Northern Territory: 1 Branch Secretary;
Western Australia: 1 Branch Secretary;

- (h) For the purposes of Branch administration the number of elected Branch Committee of Management Members for each Divisional Section shall be determined by the Branch Committee of Management in accordance with Branch needs in accordance with the following:

At least three months prior to the opening of nominations, to determine the number of branch Committee of Management Members provided that:

- (i) the number of Committee Members elected by and from members of the Branch allocated to the Technical Division Section shall be no less than 5 and no more than 24, except in the case of Branches with less than 1,000 members in the Technical Divisional Section where the number shall be no less than 2; and
- (ii) the number of Committee Members elected by and from members of the Branch allocated to the Operator Divisional Section shall be no less than 3 and no more than 10, except in the case of Branches with less than 250 members in the Operator Divisional Section where the number shall be no less than 1.
- (i) Notwithstanding sub-rules (f) and (g) above, as at the date of the certification of this sub-rule, the office of 1 Branch Assistant Secretary elected by the Branch financial membership of the Operator Divisional Section for the Victorian T & S Branch shall be abolished and thereafter the remaining 1 Branch Assistant Secretary for the Victorian T & S Branch shall be elected by the Branch financial membership. For the purposes of the Victorian Branch administration, the remaining 1 Branch Assistant Secretary shall be declared full-time.

77 - DUTIES AND POWERS OF BRANCH COMMITTEE OF MANAGEMENT

- (a) The duties of the Branch Committee of Management shall be to take such steps as may be necessary to carry out the Rules and objects of the Union, the resolutions of the National Council, National Executive, Divisional Conference and the instructions of the Divisional Executive and Branch General Meetings, at which no less than five per cent of the members of the Branch are in attendance. The Branch Committee of Management shall be the governing body of the Branch at all other times, and shall act on its behalf in all matters, and shall manage and control the funds of the Branch, provided that a loan, grant or donation of an amount exceeding \$1,000 shall not be made by the Branch, unless the Branch Committee of Management 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.

- (b) The Branch Committee of Management shall have full authority to conduct and determine the notified business of a Branch General Meeting which has lapsed for want of a quorum.

78 - SUB-BRANCHES

- (a) Branch Committee of Management shall have power to form Sub-Branches at any centre within a Branch for the purposes of assisting in the work of the Branch.
- (b) The Committee of a Sub-Branch, where formed, shall consist of a President, Secretary and six other members, three who shall be from the Lines & General Divisional Section and three who shall be from the Postal Divisional Section and shall be under the complete control and direction of the Branch Committee of Management which may disband a Sub-Branch at any time.
- (c) The members appointed to comprise a Sub-Branch Committee shall be elected annually or biennially, as determined by a Branch at the aggregate meeting of members called by the Branch Committee of Management at the centre fixed for the functioning of the Sub-Branch.
- (d) No Sub-Branch shall have any power to hold an aggregate meeting of members except with the knowledge and approval of the Branch Committee of Management.
- (e) A Sub-Branch shall comply with the following requirements to be recognised as a Sub-Branch within the meaning of these Rules:
 - (i) The Sub-Branch shall have a constitution adopted by the Branch Committee of Management and comply with that constitution in the election of the committee and the conduct of business;
 - (ii) The Sub-Branch shall conduct General Meetings of members within the boundaries of the Sub-Branch at least twice in a calendar year and forward minutes of all such meetings to the Branch Committee of Management.

79 - APPOINTMENT OF LOCAL REPRESENTATIVES

The Branch Committee of Management shall have power at any time to appoint representatives in any locality or section on an honorary basis for the purpose of assisting the work of the Branch. The duties of these representatives where appointed shall be such as may be assigned to them by the Branch Committee of Management, and they may continue to carry out such duties until otherwise decided by the Branch Committee of Management.

80 - UNION COMMITTEES AND COUNCILS

- (a) Branch Committee of Management shall have power to establish honorary Committees within the Branch to assist in the work of the Divisional Sections.
- (b) The number of members of any Committee established under this Rule shall be determined by the Branch Committee of Management.
- (c) Committees established under this Rule shall be under the complete control and direction of the Branch Committee of Management, who may disband or reorganise such Committees at any time.
- (d) Appointment of members to Committees established under the provisions of this Rule, shall be made in such manner as may be determined by the Branch Committee of Management from time to time.
- (e) The Branch Committee of Management shall have power to draw up a constitution for the guidance and control of the said Committees.

- (f) No Committee shall have power to hold an aggregate meeting of members but may recommend to the Branch Committee of Management that such a meeting be held.

81 - BRANCH PLEBISCITE

- (a) Branches may take the opinion of members upon any question or questions within the jurisdiction of the Branch by submitting the same to a plebiscite, to be conducted as far as practicable in the manner as prescribed in Rule 35. The Branch Committee of Management shall give effect to the decision of the members recorded by plebiscite within a period of not more than one month from the date on which the result shall have been declared by the Branch Returning Officer.
- (b) The taking of a Branch plebiscite may be ordered by requisition signed by not less than 10 per cent of the financial members within the Branch or, where it is lawful to do so, by the Divisional Executive or Conference, provided that any proposal submitted to a General Meeting for the taking of a plebiscite shall be notified at least 14 days prior to the date fixed for the holding of the meeting at which the proposal is to be discussed.
- (c) Where in the manner provided by this Rule the taking of a plebiscite has been ordered or requisitioned for, the Branch Returning Officer shall forthwith proceed to take the plebiscite.

82 - BRANCH AUTHORITY

- (a) Except where otherwise provided in these rules, matters within the authority of the Branch which have been submitted to members by Branch plebiscite, the highest authority of the Branch shall be by the decision of members resulting from such plebiscite. In all other cases the Branch Committee of Management shall be the highest authority of the Branch, excepting where General Meetings, at which at least three per cent of the membership are present. In such cases the General Meeting shall have authority to overrule or direct the Branch Committee of Management.
- (b) No action shall be taken by any Branch on any matter affecting members outside the territorial area of the Branch without the authority of the Divisional Executive.

83 - BRANCH GENERAL MEETINGS - ORDINARY, ANNUAL AND SPECIAL

- (a) Ordinary Branch General Meetings shall be held once each quarter or more frequently if decided by the Branch Committee of Management.
- (b) The Ordinary Branch General Meeting held in the third quarter of each calendar year shall be deemed for the purposes of these Rules to be the Annual Branch General Meeting.
- (c) The Divisional Conference, Divisional Executive or Branch Committee of Management shall have the power to call a Special Branch General Meeting at any time.
- (d) The business for discussion at a Special Branch General Meeting must be expressly stated in the notice relating to the meeting, and no discussion shall be allowed on any business which is not expressly stated in the notice.
- (e) All Branch General Meetings shall close three hours after the advertised time of commencement or at 10:00pm, whichever is the earlier, and no business shall be discussed by the meeting after that hour.
- (f) An attendance book shall be provided at all Branch General Meetings, which shall be signed by members in attendance and countersigned by the Chair at the end of the signatures appearing therein. Any member failing to sign the attendance book shall not be credited with attendance at

the meeting, and where objection is raised at the time shall not be permitted to participate in the business before the meeting.

- (g) Admittance to Branch General Meetings shall be by show of current financial membership ticket or other proof of financial membership at the entrance door at the meeting room.

84 - EXTRAORDINARY BRANCH GENERAL MEETINGS

- (a) Upon the receipt of a requisition signed by not less than one hundred (100) or five per cent (5%) of financial members of a Branch which ever is the lower (with the exception of the Tasmanian Branch, in which Branch the requisition must be signed by not less than fifty (50) or five per cent (5%) of financial members which ever is the lower), the Branch Secretary or Branch President shall make provision to call an Extraordinary Branch General Meeting to take place at the Branch headquarters or a suitable location in close proximity to the Branch headquarters.
- (b) The business for discussion at an Extraordinary Branch General Meeting must be expressly stated in the requisition, and no business which is not expressly stated therein shall be discussed by the meeting.
- (c) Any member signing a requisition for an Extraordinary Branch General Meeting and failing to attend thereat may be required to forward within 24 hours of the close of the meeting satisfactory reasons for non-attendance to the Branch Secretary who shall report to the next meeting of the Branch Committee of Management all such non-attendances and the reasons submitted.
- (d) At all Extraordinary Branch General Meetings one hundred (100) financial members shall constitute a quorum, with the exception of the Tasmanian Branch in which Branch fifty (50) financial members shall constitute a quorum. If the required members be not present thirty minutes after the advertised time of commencement, the meeting shall lapse.

85 - MEETINGS: HOW CALLED

- (a) Branch Committee of Management Meetings and Branch General Meetings shall be held at such time and place as shall be determined by resolution of the Branch Committee of Management, subject to the provisions of Rules 83 and 84. Such meetings shall be notified at least seven days before being held, provided that the Branch Committee of Management may, in the event of pressing necessity arising, cause notice of any intended meeting to be affixed in some conspicuous place at least twenty-four hours before the time of such meetings.
- (b) Meetings of Branch Committee of Management and Branch Executive may be held by telephone conference call provided that voting at the meetings shall be confirmed by letter, electronic mail or facsimile machine. The minutes of any meeting where a vote has been taken by letter, electronic mail, facsimile machine or telephone shall be forwarded to each Branch Committee of Management Member.
- (c) During the intervening period between meetings of the Branch Committee of Management any matters of an urgent nature may be decided by a telephonic, facsimile machine, electronic mail or postal ballot of Branch Committee of Management Members. The result of such ballot shall be notified to Branch Committee of Management Members within 14 days of the date set for the closing of the ballot.
- (d) Where facilities for a telephone conference call for a Branch Committee of Management meeting have been provided and where Branch General Meetings immediately follow these meetings, the facilities may be used by Branch Committee of management members to participate at such meetings, provided the voting is confirmed by letter, electronic mail or facsimile machine.

88 - AUTHORITY TO IMPOSE LEVY

- (e) Where the Branch President and Branch Secretary consider it necessary, they may alter the date of an Ordinary Branch General Meeting or of a meeting of the Branch Committee of Management.
- (f) Where a date of a meeting is altered under sub-rule (e), notice of the altered date of the meeting shall be given in accordance with Rule 85(a).

86 - QUORUM

- (a) At all Branch General Meetings other than Extraordinary Branch General Meetings, wherever held, where membership of a Branch is under 1000, five members; 2000, ten members; over 2000, fifteen members;
- (b) At all General Meetings of members of the Branch in a Divisional Section, wherever held, where membership of a Branch in a Divisional Section is under 1000, five members; 2000, ten members; over 2000; fifteen members;
- (c) At Branch Committee of Management Meetings a quorum shall not be present unless a majority of the Committee Members are present.
- (d) If no quorum is present half an hour after the advertised time of any meeting, the meeting lapses.
- (e) Where Branch Committee of Management members participate in Branch Committee of Management or Branch General Meetings in accordance with this rule they be considered to be part of the quorum for such meetings.

87 - UNFINANCIAL MEMBERS - BRANCH MEETINGS

No unfinancial member shall be entitled to exercise a vote or speak on the business before any meeting of the Branch. Objection may be raised to any unfinancial member voting or speaking on the business before any meeting, but such objection must be raised at the time the particular item of business is under discussion or immediately after the vote is taken thereon, and the objection shall have no force or effect as regards items of business which may have been disposed of earlier in the meeting.

A member shall be deemed to be unfinancial for the purposes of this Rule if the member is unable to produce at a meeting a membership ticket, a receipt or receipts, or a statement of account which confirms the member's financial status.

88 - AUTHORITY TO IMPOSE LEVY

This Rule shall not apply to any plebiscite decision of members recorded in accordance with Rule 82, which may involve the striking of a levy, and which shall be given effect to by the Branch Committee of Management within a period of one month from the date on which the result is declared by the Branch Returning Officer. Whenever authorised by a General Meeting of members the Branch Committee of Management shall have power to impose a levy not exceeding two dollars (\$2) upon the members of that Branch, provided that any proposal to strike a levy shall be notified at least fourteen days prior to the date fixed for the holding of the meeting at which the proposal is to be discussed.

SECTION 4 - TELECOMMUNICATIONS AND SERVICES BRANCHES - FURTHER PROVISIONS

89 - OFFICERS ATTENDANCE AT MEETINGS

Any Officer who is absent from any meeting without having previously notified the Branch President of any such intended absence, shall be considered to have committed a neglect of duty. No Officer shall leave a meeting without the consent of the meeting and any Officer or Branch Committee of Management Member absenting himself/herself without satisfactory written apology from three consecutive meetings may be deemed to have been guilty of gross neglect of duty.

SECTION 5 - TELECOMMUNICATIONS OFFICERS ASSOCIATION BRANCH-FURTHER PROVISIONS

105 - APPLICATION OF SECTION

The provisions of Rule 105 to 118 shall apply to the Telecommunications Officers Association Branch constituted under Rule 45 to the extent that these provisions are not inconsistent with the provisions of Rules 45 to 75. In Section 5 where the term Branch is used this is a reference to the Telecommunications Officers Association Branch of the Union.

106 - BRANCH MANAGEMENT

- (a) Subject to the Constitution and Rules of the Union or a decision of members obtained at a Branch Meeting or by ballot, the Branch shall be managed by a Branch Committee of Management. All policy decisions of Branch Committee of Management shall be notified to members.
- (b) Branch Committee of Management shall consist of a Branch President, 2 Branch Vice Presidents, a Branch Secretary, who shall be called the Branch Officers, together with such number of financial members as have been elected as Branch Committee of Management Members in accordance with sub-rule (e) of this rule.
- (c) The Branch Executive which shall consist of the Branch Officers as defined in sub-rule (b) of this Rule shall manage the day to day affairs of the Branch subject to direction from Branch Committee of Management and Branch meetings. A majority of Branch Executive shall constitute a quorum. The Branch Executive may exercise the powers of the branch Committee of Management set out in Rules 107 (b), (c), (d), (f), (l) and (p).
- (d) The Branch Executive and Branch Committee of Management shall be elected by secret ballot which shall be conducted at the same time as the ballot to elect one Divisional Executive Member, one Divisional Conference Member, one Alternate Divisional Executive Member and one Alternate Divisional Conference Member.
- (e) For the purposes of Branch administration the number of elected Branch Committee of Management Members shall be determined by the Branch Committee of Management in accordance with Branch needs in accordance with 107 (q).
- (f) All TOA Branch Officers shall be honorary officers and shall hold office for two years from 1 August in the year of their election.

107 - BRANCH COMMITTEE OF MANAGEMENT POWERS AND DUTIES

The Branch Committee of Management subject to the Rules of the Union shall have power -

- (a) To lay down and direct the policy of the branch in matters affecting the interests of members.
- (b) Subject to Rule 37 to initiate, manage and control any action, proceeding and submission in respect of any industrial dispute within the Branch.
- (c) Subject to sub-rule (d), to incur all expenses necessary for the proper upkeep and business of the Branch and to pay all accounts so incurred.
- (d) To advance generally the objects of the Union in the Branch and to that purpose to vote and expend such monies as the Committee of Management may deem necessary, provided that a loan, grant or donation of an amount exceeding \$1,000 shall not be made by the Branch, unless the Branch Committee of Management 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.
- (e) To collect all levies, fines, fees, subscriptions and dues payable by members.
- (f) To receive, consider and determine any matter or report arising under these Rules which has been submitted to the Committee of Management by Branch members.
- (g) To establish Sub-Branchees or Section Councils and settle any disputes that may arise between them.
- (h) In accordance with Rule 43 investigate and decide any charges against members.
- (i) In accordance with rule 43 shall have power to suspend a Branch Officer including an Executive Officer.
- (j) Determine the procedure for the conduct of a plebiscite called for under Rule 110A.
- (k) To fill vacancies in accordance with Rule 70.
- (l) To submit a report of matters of general interest dealt with by the Committee of Management to General Meetings of members.
- (m) To conduct the notified business of a Branch General Meeting which has lapsed for want of a quorum other than a Special General Meeting of the Branch held in accordance with Rule 113.
- (n) To determine, vote and expend an amount up to a maximum of \$1,000 per donation, as a donation to the Branch of the Political Organisation with which the Union is affiliated, for the purposes of State Government elections. Any such decision to be notified to the members and ratified at a Branch General Meeting.

110 - PROCEDURE AND VOTING BRANCH MEMBERS BALLOT

- (o) To decide, when one Divisional Conference Member from the Branch has been granted leave of absence pursuant to Rule 6(e) which Alternate Divisional Conference Member shall replace him/her.
- (p) Direct Officers of the Branch.
- (q) At least one month prior to the closing of nominations, determine the number of Branch Committee of Management Members provided that the number of Committee Members elected by and from members of the Branch shall be no less than 3 and no more than 6.

108 - BRANCH AUTHORITY

General Meetings of members of a Branch duly convened shall be recognised as the highest Branch authority and shall have power to ;

- (i) control the affairs of the Branch subject to the Rules of the Union, decisions of the National Council, Conference and Divisional Executive and decisions of members of the Branch obtained by ballot;
- (ii) decide by majority vote any question affecting the Branch arising within the Rules;
- (iii) impose a levy on members to finance expenditure on a matter within the Rules, provided a complete financial statement is submitted to the meeting;
- (iv) decide by a majority vote to take a ballot of the whole of the members of the Branch.

109 - GENERAL MEETINGS

- (a) General Meetings or Special General Meetings of members of a Branch may be convened by Divisional Conference or Divisional Executive in accordance with these Rules.
- (b) The time and place of a General Meeting of members of a Branch shall be determined by the Branch provided that it is held not less than 14 days after receipt of notification of the decision and not more than 42 days after receipt of notification of the decision.
- (c) The time for Special General Meetings of members of a Branch shall be the time determined by Divisional Conference or Divisional Executive and the place of the meeting shall be determined by the Branch Secretary.
- (d) The Branch President or a Branch Vice President in the absence of the Branch President shall preside at General Meetings or Special General Meetings of a Branch.

110 - PROCEDURE AND VOTING BRANCH MEMBERS BALLOT

- (a) Where a General Meeting or Special General Meeting of members of the Branch decides under Rule 108 to take a ballot of the members of the Branch the meeting shall determine the form of question at the ballot to be conducted in accordance with this Rule, and shall;
 - (i) determine the form of the ballot paper;
 - (ii) determine the opening and closing dates of the ballot;
- (b) On the opening of the ballot, the Branch Returning Officer shall forward, by pre-paid post to each member eligible to vote, a ballot paper, a copy of any directions to voters by the Branch Returning Officer and an envelope addressed to the Branch Returning Officer at his/her private post box for

the purpose of the conduct of the ballot which may be posted to him/her at that address at no cost to the voter.

- (c) Forthwith after the closing date of the ballot the Branch Returning Officer shall ;
 - (i) count the number of votes cast at the ballot;
 - (ii) record in a statement in writing the number of votes for the proposal, the number of votes against the proposal, the number of votes cast and the number of ballot papers distributed to votes; and
 - (iii) ascertain, in accordance with sub-rule (d), the result of the ballot and declare, at the next General Meeting of the Branch, the result of the ballot, specifying the matters referred to in sub-paragraph (ii).
- (d) A ballot under this Rule shall be determined by a simple majority of members voting at the ballot.

110A.- REQUEST BY MEMBERS FOR A PLEBISCITE

A plebiscite of financial members of the Branch may be held at any time following the presentation of a petition signed by 100 financial members or five percent of the financial members of the Branch whichever is the lesser. The procedure for the conduct of the ballot shall be determined by the Branch Committee of Management.

111 - ANNUAL GENERAL MEETING OF BRANCHES

Annual General Meetings of members of each Branch shall be held during July of each year and at such place as may be determined by the Branch Committee of Management.

112 - EXTRAORDINARY GENERAL MEETING

Upon receipt of a requisition signed by one hundred or five per cent of the financial members of the Branch, whichever is the lower, the Branch Secretary shall call an Extraordinary General Meeting. Upon default of the Branch Secretary or President to call such meeting within seven days after receipt of such requisition, the members signing such requisition may themselves call a meeting, and such meeting shall have power to act as if convened in the usual way. Each member signing a requisition for an Extraordinary Meeting shall deposit the sum of \$1.00 with the Branch Secretary, which shall be forfeited in the event of his/her non-attendance at the meeting without written apology deemed to be satisfactory to the meeting.

113 - SPECIAL GENERAL MEETINGS

- (a) Special General Meetings of Branches may be convened by Divisional Conference or Divisional Executive, the Branch President, the Branch Secretary or by Branch Committee of Management.
- (b) Special General Meetings shall be held;
 - (i) on the date determined by Divisional Conference or Divisional Executive at a place determined by the Branch Secretary; or
 - (ii) at a time and place determined by the person or body convening the meeting in accordance with sub-rule (a).

114 - MEETINGS; HOW CALLED

- (a) All General Meetings of a Branch shall be held at such time and place as shall be determined by resolution of the Branch. All Branch Committee of Management Meetings shall be held at such time and place as shall be determined by resolution of the Branch Committee of Management. Such meetings shall be notified at least seven days before being held. The Branch Committee of Management may, in the event of pressing necessity arising, cause notice of any intended meeting to be affixed in some conspicuous place at least twenty-four hours before the time of such meetings. All Branch Executive Meetings shall be held at such time and place as shall be determined by the Branch President and/or Secretary.
- (b) Meetings of Branch Committee of Management and Branch Executive may be held by telephone conference call provided that voting at the meetings shall be confirmed by letter, electronic mail, telegram, telex or facsimile machine. The minutes of any meeting where a vote has been taken by letter, electronic mail, telegram, telex facsimile or telephone shall be forwarded to each Branch Committee of Management Member or Branch Executive Member as appropriate.

115 - OFFICERS' ATTENDANCE AT MEETINGS

Any Officer who is absent from any meeting without having previously notified the President of any such intended absence, shall be considered to have committed a neglect of duty. No Officer shall leave a meeting without the consent of the meeting and any Officer or Branch Committee of Management Member absenting himself/herself without satisfactory written apology from three consecutive meetings may be deemed to have been guilty of gross neglect of duty.

116 - ALTERATION OF MEETING DATE

- (a) Where the Branch President and Branch Secretary and not less than two other Branch Officers consider it necessary, they may alter the date of a General Meeting of the Branch or of a meeting of the Branch Committee of Management.
- (b) Where a date of a meeting is altered under sub-rule (a), notice of the altered date of the meeting shall be given in accordance with Rule 109 (b)

117 - QUORUM

- (a) At the General Meetings, wherever held 10 members shall form a quorum.
- (b) At Branch Committee of Management Meetings a quorum shall not be present unless a majority of the Committee Members are present.
- (c) At Branch Executive Meetings a quorum shall not be present unless a majority of Branch Executive Members are present.
- (d) If no quorum is present half an hour after the advertised time of the meeting, the meeting lapses.

118 - VOTING

- (a) Voting at all General Meetings shall be by a show of hands, unless a division or a ballot is requested in accordance with standing orders.
- (b) Any proposals of a financial member in the country shall be treated as a motion, and be dealt with in a General Meeting.

SECTION 3 - STANDING ORDERS OF DEBATE

90 - STANDING ORDERS OF DEBATE

The following rules of debate shall be observed at all meetings held in connection with the Division, whether Conference, Divisional Executive, Branch Committee of Management General Meetings, Special General Meetings and Extraordinary General Meetings of members.

- (a) Any member desiring to propose a motion or amendment, or to discuss any matter under consideration, must rise and address the Chair. The right of speaking on any subject shall belong to him/her who first rises to address the Chair. No member shall speak more than once upon any motion or amendment without the consent of the meeting. Any member proposing or seconding a motion shall be held to have spoken. When two or more members rise together the Chair shall call upon the member who in his/her opinion rose first in his/her place. The mover of the original motion shall have the right of reply. No further discussion shall be allowed after the mover has replied.
- (b) No member, when speaking, shall be interrupted unless called to order, when he/she shall sit down and the member calling to order shall be heard in support of his/her point, and the Chair may either hear further discussion or decide at that stage; but such point shall be decided before the debate is resumed.
- (c) Any motion or amendment not seconded shall not be further debated, but shall lapse.
- (d) The question having been proposed, may be amended by leaving out, substituting or adding words. Any number of amendments may be moved and discussed before the mover of the motion replies. The amendments shall then be put to the meeting in the order in which they were moved.
- (e) No amendment shall be received by the Chair which shall be a direct negative to a motion, or which does not preserve the substance of such motion.
- (f) So soon as a debate on a question shall be concluded the Chair shall put the question to the meeting in a distinct and audible manner. The question being put shall be resolved in the affirmative or negative by a show of hands, unless a division be demanded by at least five members. A ballot shall be taken if one-third of those present demand it.
- (g) No member shall speak on any motion after the same has been put by the Chair.
- (h) When the Chair arises during a debate the member then speaking or proposing to speak shall sit down, so that the Chair shall be heard without interruption.
- (i) It shall be competent by a two-third majority of the members present for the meeting to suspend any standing order for the purpose of reopening any question previously dealt with at that meeting, or for the consideration of urgent business, provided that the suspension shall be for not more than thirty (30) minutes and any motion before the Chair shall be put to the meeting immediately the thirty minutes have elapsed; provided, further, that an extension of time may be granted upon one-third of those voting being in favour.
- (j) No member shall leave a meeting without permission from the Chair. No member shall attend a meeting in an intoxicated state, or interrupt the business.
- (k) In debates, the mover shall be allowed ten (10) minutes for speaking in support of his/her motion; subsequent speakers seven (7) minutes each, and the mover seven minutes in reply. The meeting shall have the power by majority vote to extend the time for any speaker. This Rule shall also apply to the Chair of Conference.

91 - INTERPRETATION OF RULES

- (l) Any member dissatisfied with the ruling given by the Chair may move a motion of dissent in the following terms: "That the Chair's ruling be dissented from". In such case only the mover shall be permitted to speak to the motion, except the Chair, who may state his/her reasons for the ruling given. The motion shall thereupon be put to the meeting by the Vice-Chair without further discussion.
- (m) Where a motion or amendment is ruled out of order by the Chair on the grounds that it conflicts with the Rules, the resolution of Conference, or the instructions of the Divisional Executive, or that it contains a statement which may be construed as defamatory and a motion of dissent is moved, the Chair shall accept the same and if the motion be carried, the full facts of the case shall be reported to the Divisional Executive for determination.
- (n) No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if, at the conclusion of the second speaker's remarks, no member rises to speak on the other side, the motion or amendment shall be at once put to the meeting.
- (o) Should any question have occupied the attention of the meeting for a period of one hour, the discussion shall be deemed to be closed, and the Chair shall forthwith call on the mover of the original motion to reply, provided that any member may move for the extension of time, which on being carried by a majority of the members voting shall necessitate the discussion being continued for the time stated in the motion.
- (p) In the event of the voting on any motion being equal, the Chair shall declare the motion lost.
- (q) Provided he/she receives the call from the Chair it shall be competent for any member to move after four speakers have spoken to the question under discussion, "That the question be now put," and in the event of such motion being carried, the question shall be put without further debate, provided that this shall not affect the right of the mover of the original motion to reply, and provided further that any member who has spoken on the question under discussion shall not be permitted to move or second a motion, "That the question be now put."
- (r) Provided he/she receives the call from the Chair it shall be competent for any member to move during discussion of any question, "That the meeting proceed to the next business", and in the event of this motion being carried, the meeting shall forthwith proceed to the next business.
- (s) No discussion shall be allowed on formal motions, such as "That the discussion be adjourned," or "That the meeting be adjourned," or "That the question be now put," or "That the meeting proceed to the next business."
- (t) The Chair shall have power to expel a member from the meeting for disorderly conduct and to have the member so expelled called before the Branch Executive and charged under the provisions of Rule 43.
- (u) No new business shall be submitted after 10.00 pm.

91 - INTERPRETATION OF RULES

Subject to the Workplace Relations Act 1996 in the event of any doubt or dispute arising at any time in regard to the interpretation or administration of the provisions of these Rules, the question shall be submitted to the Divisional Executive for determination, and the determination of the Executive thereupon shall be binding on the Officers and members of the Union unless and until varied by the Divisional Conference.

END OF RULES