

## RULES OF THE "CEPU"

### Section "A" - National Council

#### 1 - NAME & ADDRESS OF UNION

##### 1.1 Name of the Union

The name of the union shall be the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia (CEPU).

##### 1.2 Registered Address of the Union

The registered address of the Union shall be the office of the National Secretary unless otherwise determined by the National Council.

#### 2 - CONSTITUTION

2.1 Without limiting or in any way being limited by any of sub-rules 2.3 to 2.21 inclusive, the Union shall consist of an unlimited number of employees who have been admitted as members in accordance with the Rules of the Union and who are engaged or usually engaged as electrical fitters, armature winders, electrical mechanics, battery fitters, railway electricians, telephone fitters, radio workers, cable jointers, linesmen, arc lamp trimmers, electrical labourers, electric crane attendants, rail welders and their assistants, electric welders whose work is associated with the work of an electrician and electricians engaged or usually engaged or employed in running and maintaining electric plants, dynamo, motor and switchboard attendants, and all employees whose callings are peculiar to the electrical industry. Also all other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof.

2.2 Provided that with respect to sub-rule 2.1, persons employed as Production Team Members by Southern Aluminium Pty. Ltd. at Bell Bay, Tasmania are not eligible for membership of the Union.

2.2.1 Provided that persons employed or to be employed by Energy Developments Limited and/or its subsidiaries or related companies shall not be eligible for membership of the union pursuant to any rule of the union, and the union shall not have the right to represent under the Act the industrial interests of such persons.

2.2.2 Sub-rule to reflect orders made under the Industrial Relations Act 1988 (now the Workplace Relations Act 1996) and recorded in Print N2624

Notwithstanding any provision of this rule to the contrary and for the purpose of giving effect to the orders made on 18 June 1996 and recorded in Print N2624, and subject to further order of the Commission to vary or set aside the orders, with effect from 2 May 1997 persons employed by National Rail Corporation Limited shall not be eligible to become members of the union.

2.3 Without limiting and in any way being limited by any of sub-rules 2.1, 2.2 and 2.4 to 2.21 inclusive, the following persons in Western Australia shall also be eligible as members of the Union:

- 2.3.1 Persons who are employed, or usually employed within the area of the State of Western Australia, known as the South West Lands Division, engaged in the following callings or vocations:

Engineers, fitters, coppersmiths, turners, water meter fitters, patternmakers, tool and gauge makers, scale makers and adjusters, safe-makers, pipe fitters, brass finishers (engineering and general), blacksmiths, shipsmiths, toolsmiths, gunsmiths, angle iron smiths, oliversmiths, blacksmiths' strikers, steam and other hammer drivers, spring makers, millwrights, steam and drop hammer forgers, furnacemen (forge, electric and other furnacemen), oxy-acetylene and electric welders and cutter, locksmiths, iron and steel rollers, electrical engineers, electrical fitters, electrical wiremen, electrical linesmen, electrical installers, electrical mechanics, automotive electricians, refrigeration and air conditioning fitters, armature winders, electrical workers generally, battery fitters, mechanical and scientific instrument makers, mechanical draughtsmen, typewriter mechanics, motor mechanics, motor cycle mechanics, aircraft mechanics, cycle (other than motor) mechanics (including filers, assemblers and wheel builders, cycle enamellers, sprayers, liners and writers), machine joiners, die-sinkers, press toolmakers and stampers, wirenetting and link mesh workers, wire drawers, including persons (not being workers eligible for membership of either the Amalgamated Metal Workers' and Shipwrights' Union of Western Australia by virtue of paragraphs (ii) or (iii) of sub-rule (a) of Rule 2 of the Rules of that Union or the Plumbers and Gas Fitters Employees Union of Australia, West Australian Branch, Industrial Union of Workers, engaged in or in connection with the treatment and/or fabrication of copper, brass, aluminium and other non-ferrous metals for the purpose of the production of wire, tubes, rods, bars, sheets, strip sections, angles and other fabricated products) tubular steel and iron gate and fence makers, galvanisers, riggers and splicers belt repairers and oilers, rivet heaters, machine makers, milling machinists, planers, slotters, borers, shapers, machine drillers, all workers engaged in the making of wrought iron and malleable iron pipes, dressers, electroplaters and polishers, grinders and tappers, bolt, nut and screwing machinists, lifters and assemblers and assistants, and all other machine operators and examiners of work prepared by the foregoing classifications and vocations employed in the engineering, locomotive, ship building, rolling stock, aircraft, agricultural implement making and kindred trades, munition and iron trades, boilermaker (Western Power Corporation and Alinta Gas only), or in any other industry whatsoever engaged on the manufacturing of engineering products or in the maintenance of plants.

- 2.3.2 Persons who are employed or usually employed in the State of Western Australia, except that portion comprised in the South West Lands Division, engaged in the following vocations:

Engineers, coppersmiths, fitters, turners, die-sinkers, pattern-makers, brass finishers (engineering and general), blacksmiths, shipsmiths, toolsmiths, gunsmiths, angle iron smiths, spring makers, millwrights, oxy-acetylene and electric welders, cycle and motor mechanics, mechanical draughtsmen, milling machinists, planers, slotters, shapers, borers, machine drillers, iron and steel rollers, grinders, and other machinemen, mechanics, lifters and assemblers, machine makers, mechanical and scientific instrument makers, steam and drop hammer forgers, electroplaters, metal

polishers, typewriter mechanics and pipe fitters employed in the engineering, locomotive, shipbuilding, rolling stock, aircraft, agricultural implement making and kindred trades, or in any other industry whatsoever, engaged on the manufacturing of engineering products or in the maintenance of plant.

2.3.3 Persons engaged in the following trades or branches of the Coal Mining Industry:

Engineers, coppersmiths, fitters, turners, pattern-makers, brass finishers (engineering and general), blacksmiths, angle iron smiths, toolsmiths, steam and drop hammer forgers, blacksmiths' strikers, steam and other hammer drivers, electrical engineers, electrical workers, mechanical draughtsmen, millwrights, milling machinists, planers, slotters, borers, shapers, machine drillers and other machine men and assistants to the above Trades or Callings, engaged in the Coal Mining Industry.

2.3.4 Persons engaged by B.P. (Fremantle) Limited as bunkering operators, and bunkering attendants.

Provided that such persons referred to in this sub-rule 2.3.4 are those who by custom and practice would have industrial coverage under the terms of the Oil Bunkering B.P. (Fremantle) Limited Worker's Agreement No. 9 of 1979 as amended.

2.3.5 Persons employed or usually employed in the manufacture and/or distribution of natural and/or fuel gas in the callings of gas fitters, gas meter and/or appliance testers, gas meter repairers, gas holder attendants, gas plant operators, gas mainlayers and assistants in the area and operations under the State Energy Commission Act, the Perth Gas Act and the Fremantle Gas and Coke Company Act.

2.3.6 Persons employed or usually employed by the Western Power Corporation and Alinta Gas in any calling or vocation mentioned in sub-rule 2.3.1 of this Rule.

2.3.7 Persons employed or usually employed as Moulders and/or Coremakers, or apprentices or juniors (who when so employed) are engaged in any class of moulding and/or coremaking for the production of castings from molten metal of any kind, or making moulds (from) other materials in any industry, or branch of industry together with any foundry workers being moulders and/or coremakers, assistants, furnacemen and assistants, fettlers and grinders who are solely employed or are usually solely employed in a moulders shop or section and any cast bank and cast spun pipe makers moulders and/or coremakers and their assistants, die casters and smelters of scrap metals and their assistants. Provided always that no person referred to in this sub-rule shall be eligible for membership by reason of anything contained in this sub-rule merely because he or she is employed or usually employed in work of such kind as would had he or she been employed in such work on the first day of July 1961, have then qualified him or her for membership of any one of the following named Industrial Unions:-

Australian Railway Union of Workers, West Australian Branch.

Federated Miscellaneous Workers' Union of Australia, West Australian Branch,  
Union of Workers.

The United Furniture Trades Industrial Union of Workers, W.A.

2.3.8 The Union may admit to membership any person who is eligible in accordance with the aforesaid provisions of this Rule and who exercises his calling or vocation or who resides within the State of Western Australia, but excluding that portion of the State comprised within the area bounded by a line drawn from the intersection of the 20th parallel of latitude and the 125th meridian of longitude to the intersection of the 20th parallel of latitude and the 129th meridian of longitude; then south along the 129th meridian of longitude to the intersection of that meridian of longitude with the 24th parallel of latitude; thence West along the 24th parallel of latitude to the intersection of that parallel of latitude with the 125th meridian of longitude; thence North along the 125th meridian of longitude to the intersection of that meridian of longitude with the 20th parallel of latitude.

2.3.9 The Union shall also consist of an unlimited number of workers engaged or usually engaged:

As electrical fitters, armature winders, electrical installers, automotive electrical fitters, battery fitters, cable jointers, electrical welders, linesmen refrigeration fitters or electrical labourers;

As electricians employed in running and maintaining electrical plants and installations;

As electricians employed as dynamo, motor or switchboard attendants;

On radio, television or electronic work as servicemen, repairers, wiremen, installers, set testers, coil winders, technicians, operators, assemblers, cabinet fitters and/or radio workers, television workers and electronic workers generally;

All electrical workers (except engine drivers employed by other than Western Power Corporation and Alinta Gas) associated with the generation and/or distribution of electricity and maintenance and repair of any electrical motor;

Without in any way limiting any of the foregoing shall also include all workers whose callings are peculiar to the electrical industry.

PROVIDED THAT no person who is eligible to be a member of the State Electricity Commission Salaried Officers' Union of Workers under its constitution as registered and subsisting on the first day of November 1956 shall be eligible to be admitted a member of this Union by reason of anything contained in sub-rule 2.3.9 hereof.

PROVIDED FURTHER that no person (other than a tradesperson) who is eligible to be a member of the West Australian Amalgamated Society of Railway Employees Union of Workers under its constitution as registered shall be eligible to be admitted as a member of this Union by reason of anything contained in sub-rule 2.3.9 hereof.

- 2.3.10 The Union shall also consist of those persons who were, immediately prior to the registration of this Union, duly elected officers of the Australasian Society of Engineers, Moulders and Foundry Workers, Industrial Union of Workers Western Australian Branch or appointed officers and admitted as members of the Electrical Trades Union of Workers of Australia (Western Australian Branch, Perth).
- 2.3.11 Elected officers and employees of the Union shall be eligible for membership thereof except such persons who are eligible for membership of the Federated Clerks' Union of Australia Industrial Union of Workers, W.A. Branch as at the date of registration of the Union and whose major and substantial duties are clerical.
- 2.4 Without limiting or in any way being limited by sub rules 2.1 to 2.3 inclusive and sub rules 2.5 to 2.21 inclusive, the Union shall also consist of an unlimited number of persons who have been admitted as members in accordance with the Rules of the Union and:
- 2.4.1 who are bona fide workers employed or usually employed in executing any plumbing, gasfitting, pipe-fitting, or domestic engineering work, whether prefabricated or not, or who execute any work in or in connection with:
- 2.4.1.1 Sheet lead, galvanised iron, or other classes of sheet metal, or any other materials which supercede the materials fixed by plumbers;
- 2.4.1.2 lead, wrought, cast or sheet iron, copper, brass or other classes of pipe work;
- 2.4.1.3 Water (hot or cold), steam, gas, air, vacuum, heating or ventilating appliances, fittings, services or installations;
- 2.4.1.4 house, ship, sanitary, chemical or general plumbing and drainage; or
- 2.4.2 who are independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be employees eligible for membership of the Union under Rule 2.4.1, provided that they:
- 2.4.2.1 are natural persons; and
- 2.4.2.2 provide services for another person or body where the main object of the arrangement is to obtain their labour; and
- 2.4.2.3 are not employers or usually employers.
- 2.4.3 together with such other persons, whether employed in the industry or not, as have been appointed officers of the Union and admitted as members thereof.
- 2.4.5 Without limiting the generality of the foregoing or being limited by the foregoing, the Union shall also consist of an unlimited number of persons who are employed or usually employed by CCA Beverages (Brisbane) Limited trading as Coca-Cola Bottlers, Brisbane in its operations at Richlands in the State of Queensland (including sales, marketing and services therefrom).

2.5 Without in any way limiting or being limited by the provisions of sub-rules 2.1 to 2.4 inclusive and 2.6 to 2.21 inclusive, the Union shall consist of an unlimited number of persons employed in or in connection with the installation, maintenance or provision of:

2.5.1 postal services as provided by the Australian Postal Corporation (or any successor thereto or a body corporate related to the Australian Postal Corporation (or any successor thereto) being a related body corporate within the meaning of the Corporations Law);

2.5.1 (a) And further, without limiting the generality of the foregoing, the union shall also consist of independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be employees eligible for membership of the union pursuant to this sub-rule; or

2.5.2 telecommunications as provided by:

2.5.2.1 the Australian Telecommunications Corporation (or any successor thereto);  
or

2.5.2.2 the Australian Overseas Telecommunications Corporation (or any successor thereto); or

2.5.2.3 a body corporate related to either the Australian Telecommunications Corporation (or any successor thereto), or the Australian Overseas Telecommunications Corporation (or any successor thereto), being a related body corporate within the meaning of the Corporations Law; or

2.5.2.4 Aussat Pty Limited and/or Optus Communications Pty Limited (either jointly or separately) or a body corporate related to either or both companies (being a related body corporate within the meaning of the Corporations Law)

including all persons so employed or engaged who:

\* in the case of a person so employed or engaged in New South Wales - is an employee for the purposes of the Industrial Arbitration Act, 1940 of New South Wales, or as may be amended from time to time or any Act replacing that Act and, persons who are, or are able to become, members of an industrial union of employees within the meaning of the Industrial Arbitration Act, 1940 of New South Wales;

\* in the case of a person so employed or engaged in Queensland - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1961 of that State or that Act as amended from time to time or any Act replacing that Act;

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

- \* in the case of a person so employed or engaged in Western Australia - is an employee for the purposes of the Industrial Relations Act 1979 of that State or that Act as amended from time to time or any Act replacing that Act.

2.6 Further, without limiting the generality of the foregoing, the Union shall also consist of persons employed or otherwise engaged in the functions of sorting, delivery or transportation in or in connection with mailing houses, provided that:

2.6.1 Any persons employed in communications grades by a railway or tramway operator, performing functions concerned directly and solely with such a railway or tramway operation, and who is eligible for membership of the Australian Railways Union as at 2 August 1991, shall not be eligible for membership.

2.6.2 Any person eligible for membership of the Australian Public Sector and Broadcasting Union, Australian Government Employment, in accordance with its conditions of eligibility for membership as at 18 October 1991 shall not be eligible for membership unless that person was also eligible for membership of the Australian Postal and Telecommunications Union in accordance with its conditions of eligibility for membership rule as at 18 October 1991.

2.6.3 Any persons engaged in:

2.6.3.1 clerical and/or administrative duties;

2.6.3.2 managerial duties;

2.6.3.3 executive duties;

2.6.3.4 computer software development, programming, systems analysis, computer hardware maintenance and operation;

2.6.3.5 sales and marketing duties;

2.6.3.6 storing goods and materials, driving motor vehicles, and/or patrolling;

2.6.3.7 fire safety duties;

shall not be eligible for membership unless that person is performing tasks which if performed by that person in employment with either the Australian Telecommunications Corporation or the Australian Postal Corporation (or any successors thereto) as at 18 October 1991 would make that person eligible for membership of the Australian Postal and Telecommunications Union.

2.6.4 Persons employed directly in supervising and or operating and or installing and or maintaining and or servicing an internal telecommunications system and who are eligible for membership of the Australian Municipal, Transport, Energy, Water, Ports, Community and Information Services Union (the "ASU") pursuant to Rule 5, part I of the ASU's Rules as at 10 October 1991 shall not be eligible for membership.

2.6.5 Persons employed to service, repair, maintain, structurally alter and/or assemble business equipment shall not be eligible for membership. Without limiting the generality of the foregoing, the term "business equipment" shall be deemed to include inter alia, cash registers, accounting machines, adding machines, calculators, computers and peripheral equipment.

- 2.6.6 Any person eligible for membership of the Metals and Engineering Workers' Union as at 1 October 1991 shall not be eligible for membership unless such a person:
- 2.6.6.1 was eligible for membership of the Australian Postal and Telecommunications Union as at 1 October 1991, or
- 2.6.6.2 is employed by a competitor to the Australian Telecommunications Corporation (or any successor thereto) licensed or permitted under Commonwealth legislation who performs tasks which if they had been performed in the employment of the Australian Telecommunications Corporation (or any successor thereto) would have made that person eligible for membership of the Australian Postal and Telecommunications Union as at 1 October 1991.
- 2.6.7 Any persons eligible for membership of the ATEA/ATPOA in accordance with its conditions of eligibility for membership rules as at 31 March 1991 shall not be eligible for membership unless that person was also eligible for membership of the APTU in accordance with its conditions of eligibility for membership rules as at 31 March 1991.
- 2.6.8 Any person employed in operating, providing, installing or maintaining telecommunications services and performing the functions (including employees performing supervisory and managerial duties which are directly related to those functions) specified in the:
- 2.6.8.1 Telecommunications Technical Officer Structure, Electrical Officer Structure, Production Officer Structure and Tradesperson Structure as set out in sub-clauses 8B 1-4 inclusive of the Australian Telecommunications Commission Telecommunications Technical and Trades Staff (Salaries and Specific Conditions of Employment) Award 1975 as at 31 March 1991; and
- 2.6.8.2 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 31 March 1991 shall not be eligible for membership except persons performing unctions in common with functions specified in Clause 51 of the Telecom/APTU Award 1989 as at 31 March 1991.
- 2.6.9 Any person eligible for membership of the Professional Radio and Electronics Institute of Australasia in accordance with its eligibility rules as at 3 December 1991 employed by the Australian Overseas Telecommunications Corporation, being a person whose work functions are substantially the same as and broadly correspond with functions performed for the Overseas Telecommunications Corporation by a classification used by the Overseas Telecommunications Corporation and within the Professional Radio and Electronics Institute of Australasia, OTC Limited Consolidated Award 1990 as at 3 December 1991; or employed by Aussat Pty Ltd and/or Optus Communications Pty Ltd (either jointly or separately) or by a body corporate related to either or both companies (being a related body corporate within the meaning of the Corporations Law), being a person whose work functions are substantially the same as and broadly correspond



with functions performed for Aussat Pty Ltd by a classification used by that employer and within the Professional Radio and Electronics Institute of Australia's Aussat Pty. Ltd. (Technical and Operational Employees) Award 1984 as at 3 December 1991, shall not be eligible for membership.

- 2.6.10 Any person eligible for membership of the Federated Clerks Union of Australia in accordance with its eligibility rule as at 3 December 1991 and employed by Aussat Pty Ltd and/or Optus Communications Pty Ltd (either jointly or separately) or by a body corporate related to either or both companies, being a person whose work functions and tasks are substantially the same as and broadly correspond with functions and tasks performed for Aussat by a classification used by Aussat and within clause 25 of the Aussat Pty. Ltd. (Clerical Employees) Award 1983 as at 3 December 1991, shall not be eligible for membership.
- 2.7 Without in any way limiting or being limited by the provisions of sub-rules 2.1 to 2.6 inclusive and 2.8 to 2.21 inclusive, the Union is open to:
- 2.7.1 Telegraphists, Phonogram Operators (VDU) and Message Bureau Operators (who immediately prior to selection for training as Message Bureau Operators were designated Telegraphist) employed in the Australian Telecommunications Commission.
- 2.7.2 All Postal Clerks, Senior Postal Clerks, Officer-in-Charge Grade 1, Officer-in-Charge Grade 2, Officer-in-Charge Grade 3, employed in the Australian Postal Commission.
- 2.7.3 All Postmasters who are not qualified to be promoted to, or transferred to, positions classified as being within the Third Division of the Public Service.
- 2.7.4 All instructors, Postal Training Schools, employed in the Australian Postal Commission.
- 2.7.5 All Trainee Telegraphists employed in the Australian Telecommunications Commission.
- 2.7.6 All Trainee Postal Clerks and all Assistant Postal Officers selected for training as Postal Clerk employed in the Australian Postal Commission.
- 2.7.7 All persons employed as paid Officials of the Union.
- 2.7.8 Trainee Postal Services Officers, Postal Services Officers, Postal Service Controllers and Postal Managers employed in the Australian Postal Commission.
- 2.7.9 And further without limiting the generality of the foregoing, the union shall also consist of independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be employees eligible for membership of the union pursuant to this sub-rule.

- 2.8 Without in any way limiting or being limited by the provisions of sub rules 2.1 to 2.7 inclusive and 2.9 to 2.21 inclusive, the Union is open to an unlimited number of persons employed or usually employed as officers in charge of an official post office.

And further without limiting the generality of the foregoing, the union shall also consist of independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be employees eligible for membership of the union pursuant to this sub-rule.

- 2.9 Without in any way limiting or being limited by the provisions of sub rules 2.1 to 2.8 inclusive and 2.10 to 2.21 inclusive, the Union is open to all Officers of the Australian Postal Commission employed as Senior Postal Officer Grade 1 and Grade 2, Supervisor (Postal) Grade 1, 2, 3 and Senior Transport Officer, Transport Officer Grade 1 and Grade 2 and Transport Overseer in either the Australian Postal Commission and/or in the Australian Telecommunications Commission.

And further without limiting the generality of the foregoing, the union shall also consist of independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be employees eligible for membership of the union pursuant to this sub-rule.

- 2.10 Without in any way limiting or being limited by the provisions of sub rules 2.1 to 2.9 inclusive and 2.11 to 2.21 inclusive, membership of the Union is open to all persons employed by the first licensed carriers as defined hereunder, in or in connection with the telecommunications industry.

"First Licensed carriers" means the holders for the time being of:

2.10.1 the licence to operate as a general telecommunications carrier and/or the licence to operate as a mobile carrier, both granted under the Telecommunications Act 1991 and both published in Commonwealth of Australia Gazette No. 323 dated 26 November 1991, and any body corporate that is related to either of those licence holders within the meaning of the Corporations Law; or

2.10.2 any licence granted following the revocation of either of the licences referred to in 2.10.1 above and any body corporate that is related to the holder of any such licence within the meaning of the Corporations Law.

- 2.11 Without in any way limiting or being limited by the provisions of sub rules 2.1 to 2.4, 2.5 to 2.10 and 2.17 to 2.21 and subject to sub rules 2.12, 2.13, 2.14, 2.15 and 2.16 the following persons shall be eligible for membership of the Union:

2.11.1 Any person employed in or in connection with telecommunications by:

2.11.1.1 the Crown in right of the Commonwealth;

2.11.1.2 any body established or incorporated under any act of Parliament of the Commonwealth or acting under the control of or for or on behalf of or in the interests of the Crown in the right of the Commonwealth other than the Commonwealth Scientific and Industrial Research Organisation or its successors, the Overseas Telecommunications Commission, the Australian National Railways Commission or the Snowy Mountains Hydro-Electricity Authority; or

- 2.11.1.3 any company (other than Aussat Pty Ltd., Qantas Airways Ltd. and its related companies and Australian Airlines Ltd.) any of the shares of which are held by or on behalf of the Crown in the right of the Commonwealth or any body of the kind described in the previous sub-paragraph.
- 2.11.2 Without limiting the generality of sub rule 2.11.1, any person employed by the Australian Postal Corporation who:
- 2.11.2.1 is employed in or in connection with:
- \* the manufacture, fabrication, modification, installation, maintenance or repair (including fault identification and location) of mail handling or post office plant, equipment and facilities; or
  - \* the provision of engineering services in relation to buildings, plant, equipment and facilities; and is required to have technical skills or to have mechanical, electrical or electronic trade based skills; or
- 2.11.2.2 is employed as a switchboard operator or telephonist.
- 2.11.3 Any person employed by the Union as an industrial officer or holding an elected office within the Union.
- 2.12 A person is not eligible for membership of the Union pursuant to sub rule 2.11 if that person is engaged in any clerical, professional, academic, nursing or catering capacity or is engaged in external plant line work associated with a telecommunications system.
- 2.13 A person is not engaged in a clerical capacity for the purposes of sub rule 2.12 by reason that the person is employed to:
- 2.13.1 undertake supervisory or managerial duties or to assist persons undertaking supervisory or managerial duties in relation to persons employed in a Manual Assistance Centre Bureau;
- 2.13.2 undertake supervisory or managerial duties in relation to persons engaged in technical, trades or production functions in or in connection with Telecommunications;
- 2.13.3 train staff employed in a Manual Assistance Centre/Bureau (or any place established in the future to carry out the functions of a Manual Assistance Centre/Bureau);
- 2.13.4 disseminate traffic or monitor systems tapes; or
- 2.13.5 provide training in the use of telecommunications equipment purchased from the Australian Telecommunications Corporation.

- 2.14 For the purposes of determining eligibility for membership of the Union under sub rule 2.11.1 sub rule 2.11.2, other than in respect of a body corporate that is related within the meaning of the Corporations Law to either the Australian and Overseas Telecommunications Corporation Limited or the Australian Postal Corporation, any person eligible for membership of the Australian Public Sector, Professional and Broadcasting Union, Australian Government Employment, in accordance with its conditions of eligibility for membership as at 27 March, 1992, shall not be eligible for membership unless that person was also eligible for membership of the Australian Telecommunications Employees' Association/Australian Telephone and Phonogram Officers' Association (hereinafter referred to as the "ATEA/ATPOA") in accordance with Rule 3 as at 27 March, 1992 provided that any reference to Australian Telecommunications Commission in Rule 3 as at 27 March, 1992 shall be taken to include a reference to the Australian and Overseas Telecommunications Corporation Limited other than the International Business Unit of the Corporation.
- 2.15 For the purposes of determining eligibility for membership of the union in respect of bodies corporate which are related within the meaning of the Corporations Law to the Australian and Overseas Telecommunications Corporation Limited or the Australian Postal Corporation, a person shall not be eligible for membership unless that person is performing tasks which, if performed by that person in employment with the Australian and Overseas Telecommunications Corporation Limited as at 27 March, 1992 (or with its predecessor bodies being the Australian Telecommunications Commission and the Australian Telecommunications Corporation) or in employment with the Australian Postal Corporation as at 27 March, 1992 (or its predecessor body being the Australian Postal Commission), would make or would have made that person eligible for membership of the ATEA/ATPOA.
- 2.16 The following persons are not eligible for membership of the Union pursuant to sub-rule 2.11:
- 2.16.1 any person eligible for membership of the APTU in accordance with its Conditions of Eligibility for Membership as at 31 March, 1991 unless that person was also eligible for membership of the ATEA/ATPOA in accordance with its Conditions of Eligibility for membership as at 31 March, 1991.
- 2.16.2 Persons employed in any of the following:
- 2.16.2.1 Providing postal services with the exception of persons engaged in technical and/or trades postal functions; and/or
- 2.16.2.2 receiving, sorting, despatching, processing or delivering mail; and/or
- 2.16.2.3 providing, operating, installing or maintaining telecommunications services and 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 31 March, 1991 except those functions 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 31 March, 1991.

- 2.16.2.4 driving; and/or
  - 2.16.2.5 storing goods and materials; and/or
  - 2.16.2.6 labouring, patrolling, gardening or cleaning; and/or
  - 2.16.2.7 subject to the exceptions in sub-rules 2.11 and 2.13, overseeing or supervising any of the above services or functions.
- 2.16.3 Any person eligible for membership of the Professional Radio and Electronic Institute of Australasia as at 22 May, 1992 unless that person;
- 2.16.3.1 was eligible for membership of the ATEA/ATPOA as at 22 May 1992;
  - 2.16.3.2 is employed by a body corporate which is related within the meaning of the Corporations Law to the Australian and Overseas Telecommunications Corporation Limited, except existing subsidiaries of the AOTC International Business Unit, or the Australian Postal Corporation, to perform tasks which, if performed by that person in employment with the Australian and Overseas Telecommunications Corporation Limited as at 22 May, 1992 (or with its predecessor bodies being the Australian Telecommunications Commission and Australian Telecommunications Corporation) or in employment with the Australian Postal Corporation as at 22 May, 1992 (or its predecessor body being the Australian Postal Commission), would have made that person eligible for membership of the ATEA/ATPOA; or
  - 2.16.3.3 is engaged or employed in the installation, connection and maintenance of customer equipment and customer cabling attached for the purpose of directly utilising a public telecommunications network.
- The expression "existing subsidiaries of the AOTC International Business Unit" means companies which were subsidiaries of the Overseas Telecommunications Corporation and which retain a connection with the International Business Unit of the AOTC.
- The expressions "customer equipment" "customer cabling" and "public telecommunications network" have the same meanings as those expressions have in the Telecommunications Act 1991 as at 1 April, 1992.
- 2.16.4 Any person eligible for membership of the Australian Municipal, Transport, Energy, Water, Ports, Community and Information Services Union, the Metals and Engineering Workers' Union, the Electrical Trades Union or the Federated Clerks Union of Australia pursuant to the rules of those organisations as they stood at 15 July, 1992 unless that person:

- 2.16.4.1 was also eligible for membership of the ATEA/ATPOA as at 15 July, 1992; or
- 2.16.4.2 is employed by a body corporate which is a subsidiary within the meaning of the Corporations Law of the Australian and Overseas Telecommunications Corporation Limited or the Australian Postal Corporation, to perform tasks which, if performed by that person in employment with the Australian and Overseas Telecommunications Corporation Limited as at 15 July, 1992 (or with its predecessor bodies being the Australian Telecommunications Commission and Australian Telecommunications Corporation) or in employment with the Australian Postal Corporation as at 15 July, 1992 (or its predecessor body being the Australian Postal Commission), would have made that person eligible for membership of the ATEA/ATPOA.
- 2.17 Without in any way limiting or being limited by any other provisions in rule 2, the union shall also consist of any person employed in a call centre by:
- 2.17.1 Telstra (as defined by relevant legislation) and/or any company or business providing a service for or to Telstra under a contract; and
- 2.17.2 SingTel Optus (or Optus Group and/or as defined by relevant legislation) and/or any company or business providing a service for or to SingTel Optus under a contract; and
- 2.17.3 Any company or business in the telecommunications services industry and/or any company or business providing a service for or to that company or business under contract.
- 2.17.3.1 For the purposes of this sub-rule and subject to the exemptions set out herein a company or business in the telecommunications services industry means any company or business whose principal function is carrying on the supply of telecommunications services and includes any company or business whose principal function is the supply of value added telecommunications services.
- 2.17.3.2 Provided that the telecommunications services industry does not include any company or business whose principal function is the manufacture and supply of telecommunications equipment and line whether or not such company or business also installs and maintains telecommunications equipment and line, and any company or business whose principal function is the installation, service and/or maintenance of telecommunications equipment and line, unless the business also operates that equipment and line.
- 2.17.4 Provided that persons employed by Teletech, Salmat, Primus, AAPT, Hutchison, NTT, B Digital, and Cardcall shall not be eligible for membership of the union under rule 2.17.2
- 2.18 All persons employed by the First Licensed carriers as defined hereunder, in or in connection with the telecommunications industry shall be entitled to become a member of the Union.

"First Licensed carriers" means the holders for the time being of:

- 2.18.1 the licence to operate as a general telecommunications carrier and/or the licence to operate as a mobile carrier, both granted under the Telecommunications Act 1991 and both published in Commonwealth of Australia Gazette No. 323 dated 26 November 1991, and any body corporate that is related to either of those licence holders within the meaning of the Corporations Law; or
  - 2.18.2 any licence granted following the revocation of either of the licences referred to in sub rule 2.18.1 any body corporate that is related to the holder of any such licence within the meaning of the Corporations Law.
- 2.19 Without in any way limiting or being limited by the provisions of sub-rules 2.1 to 2.18 and 2.20 and 2.21 the Union shall consist of an unlimited number of persons employed by Telecom Technologies Pty Limited.
- 2.20 Without in any way limiting or being limited by the provisions of sub-rules 2.1 to 2.19 or 2.21, there shall be eligible for membership of the Union employees of the Australian Telecommunications Commission, the Department of Aviation and the Department of Transport engaged in technical, supervisory or managerial duties which are directly related to those functions in lines or external plant work and without limiting the foregoing avocations.
- 2.20.1 Senior Lines Officer, Principal Lines Officer, External Plant Manager, Installation Manager, Program Manager and Technical Services Manager;
  - 2.20.2 Lines Officer (provided that they are persons who immediately before becoming Lines Officers were members of the TOA and employed as Technical Officers (external plant));
  - 2.20.3 Technical Officer, Senior Technical Officer, Principal Technical Officer provided that they are carrying out lines or external plant work and have worked in the lines area for at least six years;
  - 2.20.4 Inspector (Radio External Plant), Lines Inspector, Senior Lines Inspector and Lines Controller;
  - 2.20.5 Communications Officers Grade 5 and above (other than those employees employed as technical instructors in lines training schools and qualified as such).

Provided that a person employed as a Drafting Officer (Operations) shall not be eligible for membership of the Union.

Provided the eligibility for membership in the Union does not include employees of the Australian Telecommunications Commission employed in the Internal Plant area.

Provided that any employee coming within the conditions of eligibility for membership of the Professional Radio and Electronics Institute as it stood at 12 January, 1987, shall not be eligible for membership of the union.

Provided that any employee eligible for membership of the Australian Postal and Telecommunications Union other than Lines Officer (who immediately before appointment as such was a member of the TOA and employed as a Technical Officer

Grade 1 (External Plant), Senior Lines Officer, Principal Lines Officer, Communications Officers Grade 5 and above (other than those employees employed as technical instructors in lines training schools and qualified as such), External Plant Manager, Installation Manager, Program Manager or Technical Services Manager shall not be eligible for membership of the Union.

2.21 Without in any way limiting or being limited by the provisions of sub-rules 2.1 to 2.20 the following categories of persons however described shall be eligible for membership of the Union.

2.21.1 Any person employed in the Australian Telecommunications Commission, Australian Postal Commission and Department of Communications as a:

Technical Officer  
Senior Technical Officer  
Principal Technical Officer  
Technical Officer (Engineering)  
Senior Technical Officer (Engineering)  
Principal Technical Officer (Engineering)  
Technical Officer (Telecommunications)  
Senior Technical Officer (Telecommunications)  
Principal Technical Officer (Telecommunications)  
Technical Officer (Buildings)  
Senior Technical Officer (Buildings)  
Chief Technical Officer (Buildings)  
Controller (Buildings)  
Technical Instructor (Technicians' School)  
Senior Technical Instructor (Technicians' School)  
Foreman  
Supervisor (Workshops)  
Telecommunication or Trades  
Controller Radio Inspection Services  
Manager, Grades 1, 2 and 3, Department of Communications  
Assistant Manager, Department of Communications  
Deputy Manager, Department of Communications  
Major Facilities Manager  
Internal Plant manager  
Subscribers Installation and Repair Manager  
Technical Manager  
Technical Services Manager  
Plant Layout and Installation Manager  
Switching Systems and Restoration Manager  
District Telecommunications Manager  
Technical Operations Co-ordinator  
Technically qualified Administrative Officers

Provided that no employees other than employees designated as Technical Services Manager who are eligible to be members of the Australian Postal and Telecommunications Union shall be eligible to become a member of the Union.

2.21.2 Any person employed as an Officer of the Union.



### 3 - OBJECTS

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#### 2.22 Description of Industry in Connection with which the Communications Division is Registered

For the purpose of sub-rules 2.5 to 2.21 inclusive, the industry in connection with which the communications division is registered is:

- 2.22.1 The postal and telecommunications industry in Australia and postal and telecommunications services.
- 2.22.2 Postal Electrical.
- 2.22.3 An organisation of employees in or in connection with telephone, phonogram or telex traffic industry.
- 2.22.4 The industry in connection with which the Union is formed is that part of the Communications and Telecommunications industry and represented by the employees of the Australian Telecommunications Commission, the Department of Aviation and the Department of Transport where employed as persons carrying out duties contained under the Rule of the Constitution and Rules.
- 2.22.5 The industry in or in connection with which the Union is formed without in any way limited the generality of the provisions of Rule 2 Constitution and the construction proper at any time and from time to time to be placed thereon, the industry of message communications as handled within the corporate responsibilities of Australian Telecommunications Commission and Australian Postal Commission and Department of Communications so far only as extending to all positions associated with electromagnetic and electrostatic communications and associated networks, transmission, switching systems and interfaces and any technical development thereof and the supervision and management of staff engaged on the operation, maintenance, extension and housing of these systems and networks. Provided that the positions referred to (other than technical services manager) shall not include positions within the conditions of eligibility for membership of the Australian Postal and Telecommunications Union.

### 3 - OBJECTS

- 3.1 To enrol in the Union persons eligible to be members.
- 3.2 To advance the interests of members and secure a proper classification structure with appropriate rates of pay.
- 3.3 To ensure adequate training is available for members including the maintenance of the principles of the apprenticeship system.
- 3.4 To ensure that award rates of pay and other provisions adequately reflect the training and skills of members.
- 3.5 To advance and protect the vocational interests of members including seeking and maintaining representation on all relevant authorities, committees and bodies.
- 3.6 To provide legal protection for members with respect to industrial and work injury related matters where deemed necessary.

### 3 - OBJECTS

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- 3.7 To assist members in the event of unemployment, sickness, injury, mortality or industrial dispute.
- 3.8 To establish Divisions, Branches and Sub Branches of the Union and organise members into Divisions, Branches and Sub Branches throughout Australia.
- 3.9 To publish a union journal, newspaper or other media.
- 3.10 To advance the living and working conditions of workers and their families, and to assist kindred Unions and other bodies having these objectives.
- 3.11 To affiliate to, federate with, amalgamate with, or otherwise combine with any trade, industrial union or association or any political party or any other organisation having objects similar in whole or in part to the objects of this Union.
- 3.12 To hold, purchase, lease, mortgage, sell or otherwise deal in property.
- 3.13 To make financial provision for the carrying out of these objectives.
- 3.14 To uphold the right of combination of labour, and to improve, protect and foster the best interests of the Union and its members, and to assist them to obtain their rights under industrial and social legislation.
- 3.15 To secure preference of employment for unionists.
- 3.16 To establish and maintain an employment bureau for members.
- 3.17 To contribute to any charitable institution that the members may decide.
- 3.18 To constitute, conduct, carry on and manage clubs, holiday and rest centres for members.
- 3.19 To co-operate and maintain social contact with members, other unions, labour bodies and socially responsible organisations both in Australia and overseas.
- 3.20 To be involved, whether on a Divisional basis or as the whole union, in socially responsible citizen actions.
- 3.21 To assist in the establishment and/or maintenance of labour newspaper and other media.
- 3.22 To bring about the socialisation of production, distribution and exchange and the development and protection of effective enterprises.
- 3.23 To promote the policy of equality of status and opportunity for all members.
- 3.24 To adopt, promote and implement family friendly policies for union employees and officials.
- 3.25 To increase the number of women employed by the union.
- 3.26 To ensure there is equal employment and career path opportunity for female union employees.
- 3.27 To increase the number of female members.

#### 4 - DEFINITIONS

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- 3.28 To encourage the participation by women in union activities and decision making bodies.
- 3.29 To pursue such other objects as the Council and/or the various Divisions or Divisional Branches shall from time to time determine being consistent with the express wishes of the membership as determined by these Rules.
- 3.30 To establish and administer trust funds ("the Trust Funds") for the purpose of furthering the Union's objects including (but not limited to) advancing the interests of members and former members, providing legal protection for and otherwise assisting members or former members in the event of unemployment, sickness, injury, mortality or industrial dispute, advancing the living and working conditions of workers and their families, assisting kindred unions and other bodies having similar objectives, contributing to any charitable institutions that the members may decide, constituting, conducting, carrying on and managing clubs, holiday centres and rest centres for members, being involved in socially responsible citizen actions and making financial provision for the carrying out of the Union's objects.
- 3.31 To contribute funds or other property to the Trust Funds for the purpose of furthering these objects including (but not limited to) advancing the interests of members and former members, providing legal protection for and otherwise assisting members or former members in the event of unemployment, sickness, injury, mortality or industrial dispute, advancing the living and working conditions of workers and their families, assisting kindred unions and other bodies having similar objectives, contributing to any charitable institutions that the members may decide, constituting, conducting, carrying on and managing clubs, holiday centres and rest centres for members, being involved in socially responsible citizen actions and making financial provision for the carrying out of these objects.
- 3.32 To transfer Union assets to the Trust Funds for the purpose of furthering these objects including (but not limited to) advancing the interests of members and former members, providing legal protection for and otherwise assisting members or former members in the event of unemployment, sickness, injury, mortality or industrial dispute, advancing the living and working conditions of workers and their families, assisting kindred unions and other bodies having similar objectives, contributing to any charitable institutions that the members may decide, constituting, conducting, carrying on and managing clubs, holiday centres and rest centres for members, being involved in socially responsible citizen actions and making financial provision for the carrying out of these objects.

#### 4 - DEFINITIONS

In these Rules unless the contrary intention appears:

4.1 Appropriate Division

Appropriate division shall be the division to which a member has been attached.

4.2 National Executive Officer

A National Executive officer shall be a person holding an elected position under rule 12 "Election of National Executive Officers" of these rules.

## 4 - DEFINITIONS

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### 4.3 Division

Division shall mean a division of the Union established under the rules of the Union. There shall be an Electrical Division, a Plumbing Division and a Communications Division

### 4.4 Divisional Council

Divisional Council refers to the supreme governing body in each division, which in the case of the Communications Division is the Divisional Conference.

### 4.5 Divisional Group

The Postal and Telecommunications branches of the Communications Division and the Telecommunications and Services branches of the Communications Division shall each comprise a Divisional Group within that Division.

### 4.6 Divisional Section

The Lines and General, Postal, Telecommunications and Operator divisions of the Communications Division shall each constitute a Divisional Section within that Division.

### 4.7 Divisional Branch

Divisional Branch shall mean a Branch of a division of the Union established in accordance with the rules of the Union.

### 4.8 Divisional Secretary

Divisional Secretary shall mean the Secretary of each division.

### 4.9 National Councillor

A National Councillor is a person holding a position elected under rules 12 "Election of National Executive Officers" and 13 "Election of National Councillors" of Section A of these Rules.

### 4.10 National Officer

The National Officers shall be the National Councillors.

### 4.11. Rules of the Union

4.11.1 The Rules of the Union means all of the Rules of the amalgamated union read and construed in totality and includes the Divisional Rules and Divisional Branch rules.

4.11.2 Divisional Rules are the rules of a division established in accordance with the Rules of the Union.

4.11.3 Divisional Branch Rules, where they exist, are the rules of the Divisional Branch, being a branch of a division, established in accordance with the rules of the Union.

4.12 Union

Union shall mean the amalgamated Union and shall include all its divisions and divisional branches and/or any other sub section or part of the divisions.

- 4.13 Relevant branch committee of management shall mean Divisional State Branch Council or Executive meeting in the case of the Electrical Division, a Divisional Branch meeting in the case of the Plumbing Division, and a Divisional Branch Committee of Management in the case of the Communications Division.

**5 - MEMBERSHIP OF THE UNION**

5.1 Membership of the Union

5.1.1 The Union shall consist of all persons duly admitted as members in accordance with these rules.

5.1.2 A member shall be attached to the division of the Union covering the industry or employment of that member.

5.1.3 A member shall only be in one division and one divisional branch. Each member shall be notified of the division and divisional branch to which he/she has been attached.

5.1.4 A member attached to a division and divisional branch remains at all times a member of the Union. Upon resignation from a division the member shall be deemed to have resigned from the Union.

5.1.5 A member may be transferred to another division, divisional branch or divisional sub branch without loss of continuity of membership in accordance with the rules of the appropriate division.

5.1.6 Any dispute as to which division a person should belong shall be determined by the National Executive Officers. Before any dispute is referred to the National Executive Officers the divisions in dispute must try and resolve the matter between them.

5.2 Admission of New Members

5.2.1 A candidate for membership shall make application to the Divisional Branch of the Union in the State/Territory in which that person is employed in accordance with the rules of the appropriate division.

5.2.2 When applying for membership an applicant shall be informed of the financial obligations arising from membership and the circumstances and manner in which a member may resign from the organisation. This information shall be conveyed in writing.

5.2.3 An application will be dealt with in accordance with the rules of the appropriate division.

5.2.4 The format of the application form shall be determined by the appropriate division.

## 6 - DIVISIONS

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### 5.3 Fees and Contributions

Fees and contributions shall be paid in accordance with the rules of the appropriate division.

### 5.4 Unfinancial Members

5.4.1 Any member who has failed to pay the entrance fees, or contributions, levies or fines imposed in accordance with the rules of the Union or appropriate division, shall be deemed to be unfinancial in accordance with those rules.

5.4.2 On payment of the arrears referred to in sub-rule 5.4.1, a member shall be deemed to be financial from the date of payment in accordance with the rules of the appropriate division.

### 5.5 Clearances

Clearances shall be granted in accordance with the rules of the appropriate division.

### 5.6 Resignation of Members

Members shall resign in accordance with the rules of the appropriate division.

## 6 - DIVISIONS

### 6.1 Establishment of Divisions

6.1.1 Divisions of the Union shall be established in accordance with the rules of the Union.

6.1.2 The Electrical Division shall also be known as the Electrical Trades Union Division, and the Plumbing Division shall also be known as the Plumbers and Gasfitters Employees Union Division and the Communications Division shall also be known as the Communication Workers Union Division.

6.1.3 Each member shall be attached to a division or divisional group as the case may be.

6.1.4 Membership of a division shall be pursuant to sub-rules 2.1, 2.2 and 2.3 in the case of the Electrical Division, sub-rule 2.4 in the case of the Plumbing Division and sub-rules 2.5 to 2.21 inclusive in the case of the Communications Division.

### 6.2 Autonomy of Divisions

6.2.1 Each division shall have the autonomy to decide matters which do not directly affect the members of another division. Such matters include but are not limited to:

6.2.1.1 the industrial interests of its members;

6.2.1.2 matters arising from the occupational interests of its members;

6.2.1.3 matters of policy pertaining solely to the Division;

6.2.1.4 the election of officers within the Division;

6.2.1.5 responsibility and accountability for managing the funds held by that Division, including ensuring that the Division in accordance with its rules has made full provisions for all employment entitlements of Officers and employees of the Division and its Divisional Branches, such provisions may be held at Divisional or Divisional Branch level. Each Division shall provide a report annually to National Council, based on the audited accounts of the Division and Divisional Branches, of each Division's provisions and liability for those entitlements; and

6.2.1.6 matters pertaining solely to members covered by sub rules 2.5 to 2.21, which shall be dealt with by the Communications Division unless otherwise decided by that Division.

6.3 Rules of Divisions

The rules of the Electrical Division, Plumbing Division and Communications Division shall be those set out in sections B, C and D respectively of these rules.

**7 - NATIONAL COUNCIL**

7.1 Powers of the National Council

7.1.1 The National Council of the Union shall have exclusive power to deal with matters affecting more than one division and the general control and conduct of the business and

affairs of the Union having regard to the requirements of divisional autonomy provided for in these rules.

7.1.2 Without limiting the generality of sub-rule 7.1.1 the National Council shall have exclusive power to:-

7.1.2.1 determine and implement policy on matters affecting more than one division;

7.1.2.2 subject to rule 21 "New Rules and Alterations to Rules", make, amend or rescind rules of the Union;

7.1.2.3 in a matter affecting more than one division authorize the National Secretary or a Divisional Secretary to make an application or file an objection pursuant to section 204 of the Act or to oppose an application or make an application pursuant to section 118A or successive sections of the Act and direct that any expenses incurred be met by a division or divisions;

7.1.2.4 in a matter affecting more than one division authorize the National Secretary or a Divisional Secretary to initiate proceedings or defend any proceedings in any court or tribunal when the matter affects more than one division;

7.1.2.5 resolve disputes between divisions;

- 7.1.2.6 in matters affecting more than one division authorize the National Secretary or other national officer or member of the Union to represent the union at the ACTU and on other bodies and to provide policy advice to such representatives;
- 7.1.2.7 to determine matters affecting only one division which are referred to National Council by the relevant Divisional Council;
- 7.1.2.8 authorize a division to purchase or lease real property using funds controlled by the division, branch or divisional branch or to sell, mortgage or otherwise deal in real property controlled by the division, branch or divisional branch;
- 7.1.2.9 subject to rules 24 "Suspension or Removal of Officers" and 25 Offences, Charges and Penalties", to receive and process a charge laid by any member against any other member in relation to any matter covered by Section A of these rules and to impose appropriate penalties including the removal from office of a member of the National Council or National Officer who in the course of his/her duties as a member of National Council or National Officer is found guilty of:-
- (1) misappropriation of the funds of the Union;
  - (2) substantial breach of the Union's Rules;
  - (3) gross misbehaviour; or
  - (4) gross neglect of his/her duty.
- 7.1.2.10 authorize the expenditure of monies by the National Secretary for the performance by the National Secretary, other National Executive Officer or the National Council of their duties under the Rules.
- 7.1.2.11 ensure adherence to Section A of these rules by any division or divisional branch.
- 7.1.2.12 appoint and remove National Council auditors;
- 7.1.2.13 Appoint a National Council Returning Officer.
- 7.1.3 Where prompt action is required in respect of a matter pursuant to rules 7.1.2.3 and 7.1.2.4, the National Secretary, in consultation with and with the agreement of the other National Executive Officers, shall be empowered to take such action as is necessary in the circumstances, provided that the National Council subsequently endorses that action.
- 7.1.4 The National Council may delegate any of its powers under these rules to another elected body or elected officer or officers of the union, subject to any limitations and guidelines as it shall determine.
- 7.1.5 To establish committees and/or working parties to work as directed according to any limitations and guidelines determined by the Council.



7.2 Minutes of National Council Meetings

Minutes of the actions, resolutions or proceedings of National Council shall be kept and circulated to the divisions within 30 days of the meeting.

7.3 Decisions of National Council are Final

Any decision of National Council within its powers, whether specifically provided for in these Rules or not, shall be final and binding on all members subject to:

7.3.1 rule 28 "Dissolution";

7.3.2 any ballot of members conducted in accordance with rule 16 "Control by the Members of National Council and National Executive Officers"; or

7.3.3 a further decision of the National Council.

7.4 Annual Meetings of National Council

National Council shall meet every year at a date and place to be determined by the National Executive Officers. This meeting shall be known as the Annual Meeting of National Council.

7.5 Proceedings at the Annual Meeting of National Council in an Election Year

The first order of business at Annual Meeting of National Council in an election year after credentialling shall be the election of the National Executive Officers in accordance with rule 12 "Election of National Executive Officers".

7.6 Special National Council Meetings

7.6.1 National Council meetings shall be convened in between the Annual Meeting of National Council in accordance with these Rules in the following circumstances:

7.6.1.1 as may be deemed necessary by the National Executive Officers; or

7.6.1.2 upon written request of one of the divisions authorised by a Divisional Council or Divisional Executive decision. This request shall be addressed to the National Secretary, delivered to the registered office and contain the minutes of the meeting in which the decision was made.

7.6.2 Such meetings of National Council may be held by the use of telephone or video conferencing.

7.7 National Council Decisions by Correspondence

7.7.1 When National Council is not in session, the National Executive Officers may submit any matter which is within the power of National Council as prescribed by "rule 7.1 Powers of National Council", to the members of the National Council for decision by correspondence.

- 7.7.2 Such matters may be forwarded by the National Secretary or someone nominated by him or her, either by post, facsimile transmission, electronic mail, to each National Councillor in such form as the National Executive Officers decide.

The National Secretary shall prescribe a time in which votes shall be returned which shall be a minimum of 7 days unless otherwise agreed by the National Executive Officers.

- 7.7.3 National Councillors shall record and sign their votes on the matter so submitted, and send them to the National Secretary within the prescribed time. Failure to vote within a prescribed time means that the vote is not recorded. Failure to lodge a vote within a prescribed time will not render the ballot invalid. The ballot will fail if the quorum requirements set out in rule 7.11 "Quorum of National Council" are not achieved.

- 7.7.4 The decision shall be determined in accordance with rule 7.17 "Carrying of National Council Resolutions" and shall be binding as if such a decision had been obtained by a vote at a duly constituted National Council meeting.

## 7.8 Order of Business at National Council Meetings

- 7.8.1 Unless otherwise determined by a decision of National Council the order of business of National Council meetings shall be:

- 7.8.1.1 Opening of meeting;
- 7.8.1.2 Credentiailling, when appropriate;
- 7.8.1.3 Elections, when appropriate;
- 7.8.1.4 Agenda items;
- 7.8.1.5 Divisional Reports, including financial reports;
- 7.8.1.6 Late agenda items;
- 7.8.1.7 Close of meeting.

## 7.9 Agenda for National Council Meetings

- 7.9.1 The Agenda paper shall be prepared by the National Secretary prior to each meeting of National Council.
- 7.9.2 The National Executive Officers shall have the power to place any matter on the agenda for a National Council meeting.
- 7.9.3 In regard to the Annual Meeting of National Council, each Divisional Council or Divisional Executive, shall notify the National Secretary of any business it may desire to place on the agenda at least 60 days prior to the date of the Annual Meeting. The National Secretary shall forward to each member of National Council a copy of the Agenda paper at least 30 days prior to the Annual Meeting.
- 7.9.4 Late agenda items may be placed on the agenda by a:
- 7.9.4.1 National Executive Officer; or
  - 7.9.4.2 Divisional Council; or
  - 7.9.4.3 Divisional Executive.

7.9.5 The order of agenda items submitted in accordance with rule 7.9.3 may be altered by the National Council at the beginning of the meeting. Late agenda items are dealt with after items notified in accordance with rule 7.9.3, unless the Council decides otherwise.

7.9.6 Where National Council deals with any matter not on the agenda, no resolution, decision or direction of the Council arising out of that matter shall be invalidated simply because it did not appear as an agenda item.

#### 7.10 Constitution of National Council

7.10.1 The National Council shall consist of the Divisional Secretary of each Division plus the Divisional President of the Communications Division. Provided that where the Divisional Secretary of the Plumbing Division is also a Divisional Branch Secretary, an alternative delegate shall be elected from that Branch in lieu of the Branch Secretary. This election shall be conducted in accordance with rule 49 "Branch Elections" in Section C "Plumbing Division" rules.; and

7.10.2 one (1) delegate from each branch in each of the Electrical and Plumbing Divisions making a total of twelve (12) such delegates; and

7.10.3 two (2) additional delegates from the two largest Branches of the Electrical Division;

7.10.4 the two (2) Assistant Divisional Branch Secretaries from the New South Wales and Victorian Branches of the Plumbing Division; and

7.10.5 the eight (8) Divisional Executive members from the Postal and Telecommunications Divisional Group and the Telecommunications and Services Group of the Communications Division in New South Wales and Victoria; and

7.10.6 the eight (8) Divisional Branch Secretaries from the Postal and Telecommunications Divisional Group and the Telecommunications and Services Group of the Communications Division in Queensland, South Australia, Western Australia and Tasmania; and

7.10.7 the four (4) Divisional Assistant Secretaries from the Communications Division; and

7.10.8 where the female membership in a Division exceeds 5% of the members in that Division there shall be one affirmative action delegate. In the case of the Communications Division the Affirmative Action delegate will be the Divisional Vice President Affirmative Action; and

7.10.9 Provided that on and from 1st August 2003 or upon the declaration of the ballot after that date the following provision shall apply in lieu of 7.10.7 above:

the two (2) Divisional Assistant Secretaries from the Communications Division.

7.11 Quorum of National Council

At all meetings of National Council each Division must be represented by a majority of its National Councillors or their proxies to constitute a quorum.

7.12 Election to National Council

Election to National Council shall be in accordance with rules 12 "Election of National Executive Officers" and 13 "Election of National Councillors".

7.13 Notifications of Meetings of National Council

All members of the National Council shall be notified of meetings of National Council in accordance with rule 9 "Manner of Summoning Meetings".

7.14 Voting on National Council

7.14.1 Voting power on National Council shall be in proportion to the number of financial members attached to a divisional branch.

7.14.2 To determine Branch Membership for the purpose of determining the number of votes held by delegates to National Council, the amount of income represented by the entrance fees and contributions paid by members, shall be divided by the figure determined for such purpose by the National Council as the annual average contribution rate. This figure shall be adjusted by the National Council at its annual meeting to reflect the annual change in the CPI or Divisional fee increases greater than the CPI.

7.14.4 The allocation of votes at National Council meetings shall be as follows:

7.14.4.1 At all Council meetings each Divisional Branch shall have the right to exercise one vote for every 100 members as determined in rule 7.14.2.

7.14.4.2 These votes shall be equally divided among the councillors attending from the Divisional Branch. Provided that a proxy or alternate national councillor, acting in accordance with rule 7.15 "National Council Proxies and Alternate National Councillors", shall be entitled to exercise the votes of the absent councillor as though the person was attending the meeting.

7.14.4.3 Where the votes are not equally divisible between the councillors present, such councillors may each exercise the highest number of votes which can be equally allocated to each of them and the remaining vote or votes may be exercised by such councillor as determined by the relevant branch committee of management. In the absence of such determination the delegates may decide the allocation of votes between themselves on a consensus basis. In the event that they fail to reach a consensus, the allocation of the additional votes may be decided by the drawing of lots.

7.14.5 In addition, nominal votes shall be exercised as follows:

- 7.14.5.1 the Divisional Secretaries of the Electrical and Plumbing Divisions shall split equally and exercise an equal number of nominal votes as the additional nominal votes allocated to the Communications Division. If the votes are equally divisible, the Divisional Secretaries of those Divisions shall decide among themselves who exercises the additional vote or votes. If agreement cannot be reached it shall be decided by the drawing of lots.
- 7.14.5.2 one (1) vote each shall be exercised by the Divisional Secretary and Divisional President of the Communications Division;
- 7.14.5.3 one (1) vote each shall be exercised by the Divisional Assistant Secretaries of the Communications Division. Provided that in the absence of a Divisional Assistant Secretary the nominal vote will be exercised by the Divisional Secretary or Divisional President of the Communications Division; and
- 7.14.5.4 one (1) vote each shall be exercised by the Affirmative Action National Councillors. Provided that, where a division does not have an Affirmative Action National Councillor, that vote will be exercised by the National Executive Officer representing that division.
- 7.14.6 For the purposes of rule 7.17 "Carrying of National Council Resolutions", nominal votes are to be allocated to the appropriate division.

7.15 National Council Proxies and Alternate National Councillors

7.15.1 A National Councillor from the Electrical or Plumbing Division who:

- 7.15.1.1 cannot attend a meeting of the Council, may appoint a divisional councillor representing the same division as the absent councillor to attend the meeting as his or her proxy.
- 7.15.1.2 cannot attend a session(s) of a meeting of the Council may appoint another national councillor present at the meeting who represents the same division as his or her proxy for that session(s).

7.15.2 If a National Councillor from the Communications Division:

- 7.15.2.1 cannot attend a National Council meeting, the Alternate National Councillor elected from the same Divisional Branch shall attend the meeting in his or her place. Where there is more than one elected alternate delegate, the delegate to attend the meeting shall be determined by the relevant divisional branch committee of management.
- 7.15.2.2 cannot attend a National Council meeting and neither can the Alternate National Councillor elected from the same Divisional Branch attend the meeting, the divisional branch committee of management may appoint a divisional councillor representing the same divisional group as the absent councillor to attend the meeting as his or her proxy.

7.15.2.3 or his or her Alternate referred to in 7.15.3 (if attending the meeting in place of the Councillor), cannot attend a session(s) of the meeting, he or she may appoint another councillor present at the meeting who represents the same divisional group as his or her proxy for that session(s).

7.15.3 Proxies and alternate delegates shall have all the same rights, duties and powers of the absent National Councillor they are representing and shall exercise the votes of the absent Councillor in addition to any existing voting entitlement of their own.

#### 7.16 Notification of Councillors attending the Annual Meeting of National Council

Each Divisional Branch Secretary shall notify the National Secretary of the names and addresses of its councillors to attend the Annual Meeting of National Council.

#### 7.17 Carrying of National Council Resolutions

Except as provided by rule 21 "New Rules and Alterations to Rules", a resolution put to National Council is carried if sixty percent (60%) of votes are cast in favour of the resolution.

#### 7.18 Chairing National Council Meetings

In the absence of both the President and Vice President the meeting may elect a person to chair the meetings.

### 7A - NATIONAL EXECUTIVE

#### 7A.1 Constitution of National Executive

There shall be a National Executive which shall be comprised of sixteen (16) members as follows:

7A.1.1 the four (4) National Executive Officers who shall represent their respective divisions or divisional groups; and

7A.1.2 twelve (12) National Executive members representing each of the Divisions as follows;

7A.1.2.1 three (3) National Executive members from the Electrical Division;

7A.1.2.2 three (3) National Executive members from the Plumbing Division;

7A.1.2.3 three (3) National Executive members comprising (1) one from Lines and General Divisional Section; (1) one from the Postal Divisional Section and (1) one affirmative action position being elected from eligible female members of National Council; and

7A.1.2.4 three (3) National Executive members comprising (2) two from the Telecommunications and Services Group and (1) one affirmative action position elected from eligible female members of National Council.

elected from the National Councillors of each Division or Divisional group as the case may be in accordance with rule 13A "Election of the National Executive".

7A.2 Powers and functions of the National Executive

Subject to the overriding control of the National Council, the National Executive shall exercise all of the powers of the National Council in between meetings of the National Council, except for Council's power under sub rules 7.1.2.2 and 7.1.2.9.

7A.3 Election to National Executive

7A.3.1 The first National Executive shall be elected by postal ballot as soon as practicable after the 1996 annual meeting of National Council and remain in office until the first

quadrennial elections in 1999. Thereafter, the National Executive shall be elected quadrennially commencing from the annual meeting of National Council in 1999.

7A.3.2 The election of the National Executive shall be conducted in accordance with rule 13A "Election of the National Executive".

7A.4 Quorum on National Executive

A majority of National Executive members shall constitute a quorum, provided each Division and Divisional Group is represented.

7A.5 Voting on the National Executive

7A.5.1 Subject to rule 7A.5.3, each National Executive member shall exercise one quarter of the voting power allocated to his or her Division or Divisional Group as the case may be.

7A.5.2 Divisional voting power is determined by adding the voting power of each Branch of the Division or Divisional Group which in turn is determined in accordance with sub rules 7.14.2 and 7.14.3.

7A.5.3 These votes shall be divided equally among the Executive members attending the meeting or voting in a postal ballot.

7A.5.4 A resolution put to the National Executive is carried if 60% of all votes are cast in favour of the resolution.

7A.5.5 In the event of a tied vote, the resolution shall be declared lost.

7A.6 National Executive Proxies and Alternates

7A.6.1 In the case of the Electrical and Plumbing Divisions, each National Executive member shall be entitled to nominate a proxy to attend and vote at meetings of the National Executive. Provided that such a proxy is a member of the National Council representing the Division of the absent Executive Member.

7A.6.2 In the case of the Communications Division:

7A.6.2.1 An alternate National Executive member shall be elected for each National Executive member elected in accordance with rules 7A.1.2.3 and 7A.1.2.4.

7A.6.2.2 If a National Executive member cannot attend a National Executive meeting, an elected Alternate National Executive member, where necessary selected in the order determined by Divisional Executive, on the recommendation of the relevant Divisional Council, shall attend the meeting in his or her place.

7A.7 Reference to National Council

Where requested by the majority of the Executive members of a particular Division or Divisional Group, including the relevant National Executive Officer, any matter before the Executive shall be referred to National Council for its determination.

7A.8 Convening Meetings of National Executive

The National Executive shall meet:

7A.8.1 when determined by the National Secretary and National President.

7A.8.2 when the majority of the members of the National Executive request that the National Secretary convene a meeting of the National Executive.

7A.8.3 when a resolution of the National Executive or the National Council calls for a meeting.

7A.8.4 where requested by a Division.

7A.8.5 upon receipt by the National Secretary of a request in writing by not less than four Divisional Branches authorised by the relevant branch committees of management.

The request shall include the matter(s) to be discussed and include the minutes of the meetings of Branches calling for the National Executive meeting. The National Secretary shall convene a meeting within 14 days of receiving the request.

7A.9 Notification of National Executive Meetings

All members of the National Executive shall be notified of National Executive meetings in accordance with rule 9 "Manner of Summoning Meetings".

7A.10 Agenda for National Executive Meetings

The agenda for a meeting of the National Executive shall be prepared by the National Secretary, provided that any member of the Executive may add items to the agenda. Matters raised by a least four Divisional Branches under rule 7A.8.5 shall be dealt with as a priority.



7A.11 Meetings of National Executive by Telephone and/or Video Conferences and Postal Voting

7A.11.1 Where, in the opinion of the National President and the National Secretary it is more practical to hold a meeting of the National Executive by telephone or video conference, the rules applying to the holding of and voting at National Executive meetings will apply. Provided that any vote taken by telephone or video conference shall be confirmed in writing to the National Secretary.

7A.11.2 Where in the opinion of the National President and National Secretary it is considered impractical to hold a meeting of the National Executive, the National Secretary may submit a question to the National Executive members by post or facsimile. A decision shall be deemed in the affirmative if the conditions of rule 7A.5 are met.

7A.11.3 The National Secretary shall ensure that details of any decision made pursuant to this rule are communicated to each Divisional Secretary and the Divisional President in the case of the Communications Division, within seven (7) days of the decision being taken.

7A.12 Minutes of National Executive Meetings

The National Secretary shall ensure that minutes of the National Executive meetings are prepared and circulated to the National Executive members within 28 days after the meeting.

7A.13 Chairing National Executive Meetings

National Executive meetings shall be chaired by the National President and in his or her absence, the National Vice President. In the absence of both the National President and National Vice President the meeting shall elect an Executive member to chair the meeting.

7A.14 The Committee of Management for Amalgamation

For all purposes of the Industrial Relations Act 1988, as amended, and without limiting the generality thereof, for the purpose of amalgamation of this Union with other organisations, subject to the authorisation by National Council the National Executive shall, notwithstanding any other rule to the contrary, be the Committee of Management and shall be authorised to take all steps to effect an amalgamation and alter any rules for that purpose.

**8 - NATIONAL EXECUTIVE OFFICERS**

8.1 National Executive Officers

8.1.1 National Executive Officers of the Union shall be the National President, National Vice President, National Secretary Assistant National Secretary.

8.1.2 The National Executive Officers shall be elected in accordance with rule 12 "Election of National Executive Officers".

- 8.1.3 National Executive Officers shall have the right to attend and address any conference, council or committee of the Union.
- 8.2 National President
  - 8.2.1 The National President shall be an honorary position.
  - 8.2.2 As far as possible the President shall attend and chair all meetings of the National Council.
  - 8.2.3 The President shall take all steps necessary to ensure the proper conduct of business at meetings of the National Council and upon adoption, shall sign the minutes of those meetings.
  - 8.2.4 The President shall be responsible for the interpretation of Section A of the rules of the union subject to any dissent by the National Council.
- 8.3 National Vice President
  - 8.3.1 The National Vice President shall be an honorary position.
  - 8.3.2 The Vice President shall assist the President in the performance of his/her duties.
  - 8.3.3 In the absence of the President, the Vice President shall carry out the duties and assume the responsibilities of the President.
  - 8.3.4 As far as possible the Vice President shall attend all meetings of the National Council.
- 8.4 National Secretary
  - 8.4.1 The National Secretary shall be an honorary position.
  - 8.4.2 The National Secretary shall be responsible for the day to day administration of the Union. In addition to the powers elsewhere set out in these rules, the National Secretary shall:
    - 8.4.2.1 prepare and keep all necessary documents including all appropriate accounting records, for the National Council and auditors;
    - 8.4.2.2 prepare and forward records and returns to the Industrial Registrar in accordance with the Industrial Relations Act 1988;
    - 8.4.2.3 submit the appropriate accounting records annually to the auditor(s) and publish a financial report each year;
    - 8.4.2.4 as far as possible call all meetings of the National Council;
    - 8.4.2.5 as far as possible attend all meetings of the National Council and ensure the minutes of those meetings are taken;
    - 8.4.2.6 produce, answer and file all necessary correspondence or copies thereof;

- 8.4.2.7 keep minutes of all resolutions passed or other business transacted by the National Council;
- 8.4.2.8 within 35 days following a National Council decision lodge with the Industrial Registrar of the Industrial Relations Commission, amended rules for registration;
- 8.4.2.9 in accordance with rule 7.2 "Minutes of National Council Meetings", forward to all national councillors copies of all minutes of meetings and decisions of National Council.
- 8.4.2.10 expend such monies as are necessary for the administration of the union in accordance with rule 7.1 "Powers of National Council" and rule 19 "Property and Funds of the Union".

8.5 Assistant National Secretary

- 8.5.1 The Assistant National Secretary shall be an honorary position.
- 8.5.2 In the absence of the National Secretary the Assistant National Secretary shall carry out the duties and assume the responsibilities of the National Secretary.
- 8.5.3 As far as possible the Assistant National Secretary shall attend all meetings of the National Council.
- 8.5.4 The Assistant National Secretary shall act as minutes secretary at meetings of the National Council and be responsible for ensuring they are ready to meet the distribution deadlines prescribed by these rules.

8.6 Temporary Absences of National Executive Officers

- 8.6.1 In the temporary absence of both the President and Vice President, the National Council may appoint a member of the Council from the same Division or Divisional Group to act as the President.
- 8.6.2 In the temporary absence of both the National Secretary and Assistant National Secretary, the National Council may appoint a member of the Council from the same Division or Divisional Group to act as the National Secretary.

**9 - MANNER OF SUMMONING MEETINGS**

9.1 Summoning Meetings of National Council

All members of the National Council shall be notified in writing by the National Secretary (or person acting on his/her behalf) of the time, date, place and agenda of any meeting of the National Council. Such notification shall occur not less than 30 days prior to the Annual Meeting of National Council. Where a special meeting of Council has been called such notice as is practical in the circumstances shall be given.

9.2 Summoning Meetings of the National Executive

All members of the National Executive shall be notified in writing by the National Secretary of the time, date, place and agenda of any meeting of the National Executive. Such notice as is practical in the circumstances shall be given.

## 12 - ELECTION OF NATIONAL EXECUTIVE OFFICERS

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### 9.3 Summoning Divisional Council, Divisional Executive and Divisional Branch Meetings

Divisional Council, Divisional Executive and Divisional Branch meetings shall be summoned in accordance with the divisional rules.

## 10 - EXPENSES FOR UNION BUSINESS

### 10.1 Expenses for National Council Business

All reasonable expenses of National Councillors and officers and employees of the National Council shall be met from the funds of the Union when attending meetings of the National Council or when engaged on union business at the request of the National Council or the National Executive Officers.

### 10.2 Expenses for National Executive Business

All expenses of National Executive members shall be met by the Division or in the case of the Communications Division Divisional Group the Executive member represents.

## 11 - TERMS OF OFFICE

### 11.1 Length of Term of National Council Office

All terms of National Council office shall be four years. Provided that if for some reason beyond the control of the National Council successors have not been declared elected, the incumbents shall continue to hold office until successors are declared elected.

### 11.2 Altering a Term of National Council Office

For the purpose of synchronising elections for offices of National Council, the National Council may, subject to s.199 of the Industrial Relations Act 1988, alter the rules to prescribe an altered term of office provided that no incumbent holder of office shall have their term shortened.

## 12 - ELECTION OF NATIONAL EXECUTIVE OFFICERS

### 12.1 Frequency of Elections

Elections of National Executive Officers shall be held every four years commencing in 1995.

### 12.2 Candidates for the National Executive Officers

12.2.1 The four National Executive Officer positions shall be filled by the Divisional Secretaries of each Division and the Divisional President of the Communications Division.

12.2.2 Neither the Electrical and Plumbing Divisions (taken as one) nor the Communications Division shall occupy both the offices of National President and National Secretary.

12.2.3 Neither the Electrical and Plumbing Divisions (taken as one) nor the Communications Division shall occupy both the offices of National Vice President and National Assistant Secretary.

12.3 Nominations for National Executive Officers

12.3.1 Nominations for the National Executive Officers' positions must be in writing.

12.3.2 Each candidate for a National Executive office must be nominated:

12.3.2.1 in the case of the Electrical and Plumbing Divisions by another member of the National Council from his/her own division; and

12.3.2.2 in the case of the Communications Division by another member of the National Council from either the Postal and Telecommunications Group or the Telecommunications and Services Group as the case may be.

12.3.3 The Returning Officer shall notify any candidate of any defect in their nomination and give them an opportunity to rectify the defect.

12.3.4 Where only one candidate nominates for a position then that candidate shall be declared elected to the position.

12.3.5 If no nomination is received, nominations for the position shall be called again. If there is still no nomination then the position shall be declared vacant.

12.4 Electorate of National Executive Office Positions

National Executive Officers shall be elected by all the National Councillors. National Executive Officers may vote in their own election.

12.5 Order of Election of the National Executive Officers

The order of election of the National Executive Officers shall be the National Secretary first, followed by the National President, then the Assistant National Secretary and finally National Vice President. The Returning Officer shall declare each position before opening the nominations for the next position.

12.6 Duties of the Returning Officer

12.6.1 The Returning Officer shall have complete control of the ballot and in any disputed matter, the decision of the Returning Officer shall be final.

12.6.2 The Returning Officer shall issue one ballot paper for each vote to which a divisional branch is entitled in accordance with rule 7.14 "Voting on National Council". The ballot papers shall be distributed equally between all the councillors representing that divisional branch. In the event of equal division not being possible in respect of such councillors, the Returning Officer shall distribute the surplus ballot paper or papers to the Councillor of that Divisional Branch nominated by the Councillors representing that branch. In the event of a disagreement the Returning Officer shall allocate the surplus ballot paper or papers to a Branch Councillor chosen by a drawing of lots.

12.6.3 In the case of nominal votes the Returning Officer shall issue one ballot paper to each councillor entitled to cast a nominal vote.

12.7 Method of Voting

12.7.1 National Councillors shall record their vote on the ballot paper with a tick or a cross. Where the intention is clear the vote will be included in the count. Where the intention is in dispute, the decision of the Returning Officer shall be final. The candidate who receives the highest number of votes shall be elected.

12.7.2 When the voting is equal in any election conducted under this rule, in the event of one of the candidates being the retiring office holder, such candidate shall be declared elected. In other cases the matter shall be decided by the drawing of lots.

12.7.3 Voting for National Executive Officers shall be in accordance with the provisions of rule 7.14 "Voting on National Council" but the provisions of rule 7.17 "Carrying of National Council Resolutions" shall not apply. Counting of votes shall be by the "first past the post" method.

12.7.4 The ballot shall be a secret ballot.

12.8 Scrutineers

12.8.1 Each Division or candidate shall have the right to appoint scrutineers who shall be a member of the Division, to represent them at the ballot.

12.8.2 Scrutineers shall have the right to inspect ballot papers but shall not handle ballot papers.

12.8.3 Scrutineers shall accept responsibility for being present during the times fixed by the Returning Officer for the counting of the ballot, and counting of the ballot shall not be delayed by the absence of any or all of the scrutineers.

12.9 Absent Voting

A National Councillor can appoint a proxy who is appointed or elected in accordance with rule 7.15 "National Council Proxies and Alternate National Councillors" to vote in his/her absence.

12.10 Unfinancial Divisions

In the event that any division is unfinancial in accordance with rule 19 "Property and Funds of the Union", the National Councillors from that division shall not be entitled to participate in the elections prescribed by this rule.

12.11 Declaration of Election

As soon as the counting of each ballot is concluded the Returning Officer shall declare the result to the Annual Meeting of National Council and the new office holders shall be installed immediately.

12.12 Election Irregularities

Any accidental or unavoidable omission or error in the conduct of this rule shall not invalidate an election if such omission or error appears not to have affected the result of the election.

**13 - ELECTION OF THE NATIONAL COUNCILLORS**

(other than the National Executive Officers)

13.1 Frequency of Election of National Councillors

13.1.1 Elections of National Councillors and Alternate National Councillors shall be held in conjunction with the divisional elections every four years commencing in 1995.

13.1.2 Elections of National Councillors shall be conducted in accordance with the relevant divisional rules.

13.2 Nominations for National Council

13.2.1 Except as provided in 13.2.2, persons nominated to or nominating for National Council can only be nominated to represent the Divisional Branch to which they are attached provided that persons nominated or nominating to be Affirmative Action delegates on National Council shall nominate to represent the Division or Divisional Group to which they are attached.

13.2.2 Persons nominated or nominating to represent the Divisional Sections of the Communications Division on National Council can only be nominated to represent the section to which they are attached.

13.3 Electorate of the National Council

13.3.1 National Councillors and Alternate National Councillors representing a Divisional Branch or Divisional Section shall be elected in accordance with the rules of that Division.

13.3.2 The Affirmative Action National Councillors shall be elected in accordance with the rules of the relevant division.

**RULE 13A - ELECTION OF THE NATIONAL EXECUTIVE**

13A.1 Frequency of Elections

The election of the National Executive shall be conducted in the quadrennial election year at the annual meeting of National Council. The first election at the annual meeting of National Council shall take place in 1999. The election shall be the first item of business after the elections for National Executive Officers have taken place.

13A.2 Prerequisite of office

13A.2.1 To be a National Executive member, the delegate must first hold office as a National Councillor. The loss of an office on National Council will disqualify the office holder from holding a position on the National Executive.

13A.2.2 Executive members who fail to retain office pursuant to the quadrennial National Council election, shall hold over in their position on the National Executive until a National Executive member is elected from the Council as his or her replacement.

13A.3 Nominations for National Executive

13A.3.1 Nominations for positions on the National Executive must be in writing.

13A.3.2 Each candidate for a National Executive position must be nominated:

13A.3.2.1 in the case of the Electrical and Plumbing Divisions by a member of the National Council from his/her own division; and

13A.3.2.2 in the case of the Communications Division by a member of the National Council from his or her respective Divisional Group.

13A.3.3 The Returning Officer shall notify any candidate of any defect in their nomination and give them an opportunity to rectify the defect.

13A.3.4 Where the number of candidates nominating does not exceed the number of positions those candidates shall be declared elected to the positions.

13A.4 Electorate of the National Executive

National Executive members can only be elected by and from among the National Councillors representing their own Division or Divisional Group.

13A.5 Duties of the Returning Officer

13A.5.1 The Returning Officer shall have complete control of the ballot and in any disputed matter, the decision of the Returning Officer shall be final.

13A.5.2 The Returning Officer shall issue one ballot paper to each National Councillor for each vote in accordance with the formula prescribed in rule 7.14.4.

13A.6 Method of Voting

13A.6.1 National Councillors shall record their vote on the ballot paper with a tick or a cross. Where the intention is clear the vote will be included in the count. Where the intention is in dispute, the decision of the Returning Officer shall be final. The candidate who receives the highest number of votes shall be elected.

13A.6.2 When the voting is equal in any election conducted under this rule, in the event of one of the candidates being the retiring office holder, such candidate shall be declared elected. In other cases the matter shall be decided by the drawing of lots.

13A.6.3 The ballot shall be a secret ballot.