

Rules of a *State Industrial Organisation*  
registered under the *Industrial Relations Act 1996*

## **Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales**

as at 5 April 2013

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**TITLE**

1. The Association shall be called the Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales.

The Association may use and operate under either of the short titles of the Public Service Association of New South Wales or the Professional Officers' Association of New South Wales.

**OBJECTS**

2. The objects of the Association shall be:
  - (a) To promote the interests of the Public Service in matters relating to employment in the Public Service and to afford opportunity to discuss such matters.
  - (b) To conduct negotiations with the authorities or make application to industrial tribunals or effect industrial agreements for improved rates of pay and working conditions for its members, other than members whose conditions of service were on or before the twenty-fifth day of February, 1920, regulated by arbitration awards secured by the following industrial unions:

NSW Railway and Tramway Officers' Association.  
Firemen and Deckhands' Association of NSW.  
Australian Bookbinders' and Paper-Rulers' Federation Branch.  
The United Bridge and Wharf Carpenters' Union of NSW.  
The Federated Masters' and Engineers' Association of Australasia,  
NSW Branch.  
Letterpress Printers' Machinists' Industrial Union of Employees of  
NSW.  
Printing and Kindred Industries' Union of Australia, NSW Branch.  
Storemen and Packers' Union.

and other than members who are, or may be, covered by the following unions:

United Bank Officers' Association.  
NSW Dredge Employees' Association.  
Metropolitan Board of Water Supply and Sewerage Employees'  
Association.  
New South Wales Public School Teachers' Federation.

- (c) To co-operate with, lend assistance to, obtain assistance from, and otherwise deal with for mutual benefit, registered or unregistered trade unions, industrial organisations, or peak councils, and without limiting the generality of the foregoing, to enter into agreements with such bodies.
- (d) To amalgamate affiliate with or incorporate with other unions organisations or bodies having any objects in common with the Association or able to

assist it in the attainment of any of its objects and to be represented thereon and to pay subscriptions and make donations thereto.

- (e) To secure redress for any grievances in matters relating to employment to which members may become subject.
- (f) To inquire into and secure fair and reasonable adjustment on behalf of members in cases of any charge, suspension, reduction in rank, position, or grade and pay, dismissal, reclassification or retirement.
- (g) To advise and assist members in preparing and placing cases before the Public Service Board or any other authority acting on behalf of the Government.
- (h) To promote industrial peace and efficiency.
- (i) To ensure that all Government and Quasi-Government appointments and promotions are made without discrimination on the grounds of sex, marital status, ethnic origin, race, sexuality, age, political or religious belief, physical or mental capacity, and to ensure the specification of a single rate of pay for a position which is given to an employee, irrespective of sex, marital status, ethnic origin, race, sexuality, age, political or religious belief, physical or mental capacity.
- (j) To publish an Association journal to be known as "Red Tape" with issues to be made at least quarterly and all copies posted or distributed to the Private or Departmental address of members and to be forwarded regularly.
- (k) To secure by all lawful means preference to members of recognised Service Associations.
- (l) To provide for the acquisition of property, including the purchase or erection of a building for office and other accommodation.
- (m) To enter into agreements with any employer or any person or body acting on behalf of the Crown, or the Government of the State or any employer,
- (n) To negotiate enterprise agreements with any employer,
- (o) To provide means for combined action in matters affecting the welfare of members.
- (p) To promote and encourage the social fellowship of members and to promote and encourage the interest and education of members in the historical and current aspects of Trade Unionism in Australia as it affects Public Servants.
- (q) To make financial provision for carrying out any of these objects.
- (r) To engage officers and employees for the furtherance of the Association's objects, to remunerate such officers and employees by salaries, wages and

other emoluments and to make contributions to superannuation schemes for their benefit.

- (s) To enter into an agreement with the CPSU providing for the payment to the Branch Fund of the Branch of the CPSU in NSW which represents members of the Association of an amount determined by Central Council being not less than an amount calculated by reference to the total amount of members of the Association who have applied for membership of that Branch multiplied by the entrance fees and subscriptions otherwise payable by each member to that Union under its rules.
  - (t) To provide a Provident Fund to pay a benefit upon a member's death to the member's spouse, next-of-kin or other nominated person.
  - (u) To enter into an agreement with the Community and Public Sector Union pursuant to Section 202 of the Commonwealth Industrial Relations Act 1988 or any statutory provision amending, replacing or supplementing that provision.
  - (v) To apply for membership of the Community and Public Sector Union for and on behalf of any member who is eligible to belong to that organisation.
  - (w) To make donations for charitable purposes.
  - (x) To operate a Legal Aid Fund to provide financial assistance for the payment of legal expenses for members belonging to the Prison Officers' Vocational Branch who are criminally charged with respect to any matter which occurs whilst on duty as a prison officer.
  - (y) To do all such things as may be necessary or convenient for the furtherance of these objects.
3. The Association shall be non-sectarian.
4. The Association shall have absolute right to determine, publicise and publicly prosecute its official attitude or opposition to, or support, approval or disapproval, of the policy or lack of policy of any political party or any parliamentary candidate.

### **CONSTITUTION**

5. (1) The Association shall be constituted of-
- (a) Employees of the Crown in the State of New South Wales; for the purpose of this Constitution the term "employees of the Crown" without limiting the ordinary meaning of the term shall include employees of any person, firm, board, trust company or corporation employing persons on behalf of the Government of the State, and

- (b) Foremen, Engineers and Administrative Officers exercising supervisory duties employed by the Board of Fire Commissioners, and
- (c) 1. An unlimited number of persons, other than Academic Staff, wholly or substantially employed in the higher education industry who are:
  - (i) Employees employed by Macquarie University as General Library Assistants, Library Assistants, Senior Library Assistants, Assistant Librarians, Librarians, Librarians-in-Charge, Senior Librarians, Library Technicians, Assistant Library Technicians and Library Officers;
  - (ii) Employees employed by the University of Technology, Sydney or the University of Western Sydney;
  - (iii) Employees in professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations employed by the University of New England or the Southern Cross University;
  - (iv) Employees employed by the University of Sydney;
  - (v) Employees in professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations employed by the University of New South Wales and the University of Newcastle (other than employees employed by those two universities in their medical schools);
  - (vi) Employees in professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations employed by Charles Sturt University or the University of Wollongong;
  - (vii) Employees in professional (other than engineering), administrative and clerical occupations employed by the University of New South Wales at the Australian Defence Force Academy; or
  - (viii) Employees in professional, administrative, clerical and technical (except trades up to and including the level of leading hand) occupations employed by the Australian Catholic University in New South Wales.
- 2. In the interpretation of the terms professional, administrative, clerical, technical and trades occupations which appear in this Sub-Rule, assistance in the ascertainment of the meaning of those terms shall be given by consideration of the broad functions described in, and the indicative classifications set out in the demarcation agreement between the former The State Public Services Federation

(now the Community and Public Sector Union) and the Federated Miscellaneous Workers Union (now the Australian Liquor Hospitality and Miscellaneous Workers Union) both being the organisations registered under the Industrial Relations Act 1988 of the Commonwealth, relating to coverage of general staff in Higher Education dated 24 August 1990 (which agreement is set out as Schedule F to these Rules).

- (d) Employees of the Administrative, clerical and general staff of the Legislative Assembly and of the Legislative Council, excluding persons covered by the Watchmen, Caretakers, Cleaners, Lift Attendants, &c (State) Award and person within the jurisdiction of the Watchmen, Caretakers, Cleaners, &c. (State) Conciliation Committee, and
- (e) Senior executives, managers - country branches, inspectors, sales supervisors, engineers, laboratory staff, floor and production management and senior clerical officers employed by the Egg Marketing Board for the State of New South Wales.
- (f) Without limiting the application of paragraphs (a), (c) and (d) hereof, all persons or classifications entitled to cover by the Association in the Department of Education, Technical and Further Education, Colleges of Advanced Education and in such other Departments, Sub-departments or Institutions entitled to such cover and who are employed by any New South Wales Education Commission or its agents.
- (g) Persons not otherwise eligible for membership who have been retrenched and who were members prior to retrenchment whilst, in the opinion of the Executive, they continue to be effectively unemployed.
- (h) Associates to Justices.
- (i) Without in any way limiting the application of paragraphs (a) and (c) hereof:
  - (i) Persons employed in regional offices of any Department of State or corporation or body established by statute administering or providing health services in the State of New South Wales and including such persons whose employment fulfils a function of such a regional office but who, due to the nature of their duties, are not employed within the precincts of that office.
  - (ii) Persons employed at the Sexually Transmitted Diseases Clinic and the Medical Examination and Immunisation Centre whilst such establishments are operated at locations not within the precincts of a Hospital by which such persons are employed.
  - (iv) Persons employed in or by or in connection with the administration of:

The Drug and Alcohol Authority

New South Wales State Cancer Council  
The United Hospitals Auxiliary  
The Institute of Psychiatry.

- (v) Persons employed in or by or in connection with the administration of any body (whether incorporated or unincorporated) established for the purpose of registering persons for the practice of any profession, calling or vocation in the State of New South Wales.

Provided that nothing in this paragraph shall render eligible for membership in the Association persons engaged in the professions of nursing or mental nursing employed as trained nurses, trainees and assistants in nursing.

- (j) Without limiting the generality of any of the foregoing paragraphs hereof, all employees of the Joint Coal Board.
- (k) The General Secretary and Assistant General Secretaries of the Association.
- (l) Employees of the Waste Planning and Management Boards and their successors.
- (m) Employees of Murray Irrigation Limited; Jemalong Irrigation Limited; Lower Murray Irrigation Limited; Murrumbidgee Irrigation Limited, Coleambally Irrigation Co-Operative Limited and any successor thereof, being Administrative and Clerical, Clerks, Clerical Officers, Channel Attendants, Professional Officers (excluding any such employees employed to work as professional Engineers), Senior Channel Attendants, Senior Operations Officer, Operations Manager, Works Manager, Weeds Inspectors, Mechanical Inspectors, Mechanical Service Officers, Technical Officers, Operations Superintendents, Engineering Assistants, Field Officers Environmental, Field Officers Water Distribution Channel Attendants (excluding Field Officers employed to carry out general labouring duties).
- (2) The Association shall also consist of an unlimited number of officers, male or female, employed in a professional capacity in the State of New South Wales by:-
- (i) The Crown in right of the State of New South Wales, or
- (ii) The New South Wales Public Service Board, or
- (iii) The Water Resources Commission, or
- (iv) The Department of Main Roads of New South Wales, or
- (v) The Electricity Commission of New South Wales, or
- (vi) The Maritime Services Board of New South Wales, or
- (vii) The University of New South Wales



or such other department or authority as shall at any time succeed to the functions of any of the foregoing. Without limiting the generality of the foregoing, the Association shall also consist of:

- (A) Dental Therapists employed under the Public Service Act, 1979.
  - (B) Any person who may be elected or appointed to any office or position on the staff of the Association excluding clerical staff, shall be eligible for membership of the Association whether or not employed or usually employed or qualified to be employed as otherwise provided by this Rule.
  - (C) Any person who is a medical practitioner, (other than Medical Practitioners employed in public and private hospitals, nursing homes and organisations registered or exempt from registration under the charitable Collections Act, 1934 and private medical practices), veterinary surgeon, pharmaceutical or analytical chemist, barrister, solicitor, conveyancer, architect, civil engineer, marine engineer (not being upon the articles of any ship or vessel), mining engineer, designing, constructing or supervising engineer, mechanical or electrical engineer, municipal or shire engineer, surveyor or draughtsman or computer, a student, articled clerk, pupil or apprentice training or qualifying for admission to any of the professions above-mentioned.
  - (D) Any person who is employed in a professional capacity in any of such profession or callings by or on behalf of the Government of New South Wales or by any corporation, company or person in that State shall be eligible to be a member of the Association.
- (3) Notwithstanding any other provision of this rule, and without limiting the provisions of sub-rule (1)(a):
- (i) persons employed or to be employed other than as Nurses in the NSW Department of Community Services and successors thereto;
  - (ii) persons employed or to be employed other than as Nurses in residential care facilities for the developmentally disabled and successors thereto;
  - (iii) persons employed or to be employed other than as Nurses in group homes, hostels and activity centres for the developmentally disabled and successors thereto;
  - (iv) persons employed or to be employed in the NSW Department of Health and successors thereto;
  - (v) persons employed or to be employed other than as Nurses in the NSW Department of Juvenile Justice and successors thereto.
- (4) Notwithstanding any other provision of this rule, the Association shall not consist of persons employed in:
- (i) health services and public hospitals and successors thereto;



- (ii) private hospitals, nursing homes and organisations registered or exempt from registration under the Charitable Collections Act, 1934 and successors thereto;
  - (iii) nursing classifications in the Department of Community Services employed in residential centres.
- (5) Any member of the Association (other than a life member) who is the subject of demarcation orders of her Honour Justice Schmidt operative from 1st June, 1998 (Matters No. IRC6733 and IRC6735 of 1997) will cease to be a member of the Association within three months of the 1st June, 1998 and thereafter as notified by the General Secretary to the Executive, be removed from the register of members by the Executive and that a person shall from that time cease to be a member of the Association.
- (6) The Association shall consist of persons who are, or usually are, employees in the New South Wales electricity supply industry supplying electricity directly or indirectly to the public in a professional or para professional capacity requiring theoretical or technical knowledge of accountancy, architecture, economics, engineering, law, medicine, science, or surveying or requiring specially acquired knowledge other than that required for crafts, trades or purely clerical work, shall be eligible for membership of the Association. Subject to the Industrial Relations Act 1991, the Committee shall determine on written application whether an applicant for admission to the Association possesses the above requirements.
- (7) The Association shall also consist of persons employed or engaged to work in:
- (i) any correctional facility, other than the Junee Correctional Centre; and
  - (ii) prisoner transport, including the provision of security escort services to and from correctional facilities, court and/or hospitals.

Provided that nothing in this sub-paragraph will render persons employed as teachers or nurses or persons employed by the NSW Government working for Justice Health, a Statutory Health Corporation established under the *Health Services Act 1997*, eligible for membership of the Union.

Provided further that nothing in this sub-paragraph will render employees eligible for membership of the Union who are:

- (a) not directly employed or engaged by operators of correctional facilities or prisoner transport activities; and
- (b) who are employed, or who become employed, performing either construction, refurbishment or installation work in private prisons or the maintenance or repair of private prison transport vehicles.

## **ASSOCIATES**

6. The following persons shall be entitled to be admitted as Associates of the Association if not eligible for membership of the Association but who are:
- (a) retired persons who prior to retirement were members of the Association; or
  - (b) widows or widowers of persons who prior to retirement or death were members or Associates of the Association; or
  - (c) trainee or cadet officers; or
  - (d) persons admitted as Associate members before the second of July, 1974 or
  - (e) persons not otherwise eligible to be enrolled as an Associate who were, prior to their retirement, financial members of an association or Union affiliated with the Combined Public Service Unions; or
  - (f) students attending any recognised university or other tertiary institution and engaged in a course of study which would, upon its successful completion, render the student suitable for employment in any of the professions, callings or avocations followed by members of the Association; or
  - (g) persons eligible to be an Associate of the New South Wales Branch of the State Public Services Federation.
7. The Central Council shall have power to:
- (a) fix and collect enrolment fees and subscriptions for Associates;
  - (b) determine the conditions under which a person shall cease to be an Associate;
  - (c) organise groups and committees of Associates, and provide administrative and financial support for their activities;
  - (d) provide for the participation of Associates in Provident or welfare Funds or other activities of or supported by the Association;
  - (e) provide for the participation in activities of Associates (including groups or committees) of financial members of the Association who are also persons of one of the kinds described in the preceding paragraph.
  - (f) provide for the participation of the Retired Associates Group in the activities of other retiree groups and for affiliation with appropriate

Councils and organisations which seek to promote the welfare of pensioners, superannuants and senior citizens.

Enrolment as an Associate shall not entitle a person to any of the rights of membership.

#### **7A. RECOGNITION OF SERVICE**

- (a) Any member may, by resolution of Central Council, be elected an Honorary Life Member of the Association for valuable and distinguished service.

The Honorary Life Member so elected shall thereafter be entitled to all rights and privileges of membership but shall be exempted from the payment of membership subscriptions or levies, provided that if an Honorary Life Member ceases to be in one of the classes of person eligible to join the Association they shall not be entitled to hold any office of the Association or attend or vote at any meeting, or nominate or be nominated or vote in any election or ballot unless they have paid the amount of subscription and levies for which, but for this Rule, they would be liable in order to remain a financial member.

- (b) Any member who has served on Central Council for a period of at least 15 years, or in exceptional cases a lesser period, may by resolution of Central Council be awarded a scroll and a medallion for having contributed in a substantial manner to furthering the objects of the Association. Service on the Council of the Professional Officers' Association of New South Wales and the Central Council of the Public Service Association of New South Wales shall be regarded as service on Central Council for this purpose.
- (c) Central Council of the Association may by resolution bestow Honorary Membership on a person who has given long and faithful service to the interests of the Association notwithstanding anything contained in this Constitution and these Rules which may otherwise prohibit such membership.

An Honorary Member who is not otherwise entitled to the rights of membership shall not be entitled to hold any office of the Association or attend or vote at any meeting, or nominate or be nominated or vote in any election or ballot.

#### **MEMBERSHIP**

8. Every application for admission to the Association shall be on a form approved for the purpose by the General Secretary and including the matter in Schedule A and shall be accompanied by not less than one quarter's subscription or by an authority for deduction to be made from salary, or by an authority in accordance with an arrangement approved by the Executive providing for payment of subscriptions by instalment deducted from a bank, building society, credit union or similar account.

Every applicant for membership shall be informed in writing of the financial obligations arising from membership and the circumstances and the manner in which a member may resign from the Association.

9. Membership shall continue from year to year, unless determined in accordance with the provisions of these Rules.

10. The amount of members' subscriptions to the Association shall be determined by the Central Council in accordance with this Rule. The amount of the subscription so determined shall, except as provided for in paragraphs (f) and (g), apply from the date upon which the annual rate of salary payable for employees paid at Common Salary Point 39 in the Crown Employees (Common Salary Points) Award is increased by Award or Order of the Industrial Relations Commission of New South Wales. The subscriptions shall consist of the following :

(a) For ordinary adult members, that is members whose annual salary equals or exceeds that for a position for which the salary is set at that for Common Salary Point 39 in the Crown Employees (Common Salary Points) Award:

A general subscription of one per cent of the annual salary payable for a position for which the salary is set at that for Common Salary Point 49 in the Crown Employees (Common Salary Points) Award at the time of the Central Council Meeting at which the subscription is determined. The amount so calculated shall be rounded upwards to the nearest amount exactly divisible by 104 such that there are no fractions of cents involved in weekly payments.

(b) For ordinary members whose annual salary is less than that for a position for which the salary is set at that for Common Salary Point 39 in the Crown Employees (Common Salary Points) Award:

A general subscription of 75% of the amount payable by an ordinary adult member.

(c) For ordinary members whose annual salary is less than that for a position for which the salary is set at that for Common Salary Point 9 in the Crown Employees (Common Salary Points) Award:

A general subscription of 50% of the amount payable by an ordinary adult member.

(d) For ordinary members whose annual salary is less than 25% of that for a position for which the salary is set at that for Common Salary Point 9 in the Crown Employees (Common Salary Points) Award:

A general subscription of 25% of the amount payable by an ordinary adult member.

- (e) For Associates and members under Rule 5(i) (provided that Central Council shall have the discretion to waive the subscription in cases of special hardship):

A general subscription of one-twentieth of the amount payable by an ordinary adult member.

- (f) For ordinary adult members and members to whom paragraph (b) (c) and (d) of this Rule applies, an additional amount of \$5.20 for the purposes of membership to the Provident Fund.
- (g) For members and Associates to whom paragraph (e) of this Rule applies, who are eligible under the By-Laws for membership of the Provident Fund, an additional amount of \$5.20 for the purposes of membership to that Fund.
- (h) For ordinary adult members an additional amount of \$23.40 and for members to whom paragraph (b) of this Rule applies an additional amount of \$11.70, for the period from 1 October 1985 to 29 September 1986 inclusive, this amount to be applied by the Central Council to meeting expenses incurred in connection with the promotion of members' interests.
- (i) For all ordinary members under Rules 10(a), (b), (c) and (d) an additional amount of \$5.00 per annum to provide cover under the Association's group accident insurance scheme.

11. Each subscription shall include twenty cents per issue for the purchase of the Association journal "Red Tape" which shall be distributed to members. One per cent of the amount of general subscriptions shall be allocated to a promotional fund.

12. All subscriptions shall be paid in advance. Subscriptions of Associates and members under Rule 5(i) shall fall due on the 1st July.

If an authority is in effect for the deduction of a member's subscription from salary by arrangement with the appropriate employing authority then the member's subscription shall fall due by instalments in the first day of each pay period.

If a member has entered into an arrangement approved by the Executive providing for payment of subscription by instalments deducted from a bank, building society, credit union or similar account, at monthly or more frequent intervals then the member's subscription shall fall due by instalments on the first day of each payment period.

In all other cases subscriptions shall fall due by quarterly instalments on the 1st January, 1st April, 1st July and 1st October.

Where an authority for deduction from salary or an arrangement for deduction from an account ceases for any reason to be effective then the balance, if any, of the subscription for the current quarter shall become due immediately.

13. Members who are on leave without pay, including maternity leave for a period in excess of three months, shall not be liable for the payment of subscriptions and levies in respect of that period in excess of an amount which bears the same proportion to the annual subscription for an Associate as the period of leave without pay does to one year.

The amount of subscription for the purposes of membership to the Provident Fund for the period shall be deemed to be included in that amount.

Such a member shall not during that period hold any office of the Association or attend or vote at any meeting, or nominate or be nominated or vote in any election or ballot unless they have paid the amount of subscription and levies for which, but for this Rule, they would be liable in order to remain a financial member.

14. Subscriptions shall be payable at the office of the Association, or by an authority made for deductions from salary, but may be paid to an authorised collector.
15. In the month of November or December in each year the General Secretary shall furnish every unfinancial member with a statement of their subscription account, together with a reminder of the subscriptions for the ensuing quarter.
16. Levies may be imposed for the following purposes:-
- (a) To defray expenses of any application to an Industrial Court.
  - (b) To meet the expenses connected with the promotion, printing or circulation of the Association Journal.
  - (c) To provide funds for the furtherance of any or all of the objects of the Association.
17. Levies may be imposed on the membership at large only by a General Meeting of the Association or where there is some urgency in the matter, by Central Council.
18. Levies shall be payable at the office of the Association but may be paid to an authorised collector and shall be paid within one month of the imposition of the levy or such longer period as may be determined by the meeting imposing the levy.
19. A member whose payments of subscription, levies or fines are not more than three months in arrears shall be a financial member.
20. An unfinancial member shall not hold any office of the Association or attend or vote at any meeting, or nominate, be nominated or vote in any election or ballot.
21. Subject to the Industrial Relations Act 1991
- (a) A member shall be liable for all sums due to the Association up to the date of expiration of notice of resignation, and where a member ceases to be employed by their employer then unless within three months they pay to the Association not less than one quarter's subscription or provide an authority

for deduction to be made from salary or an arrangement for deduction of subscriptions from an account then they shall cease to be a member, and shall not be liable for payment of any subscriptions which would have become due after their last day of duty.

- (b) Any member whose subscription or levy or fine is in arrears for six months, may be expelled from the Association by the Central Council which, at its discretion, may sue for any subscriptions, levies, or fines due to the Association and in arrears.
  - (c) Before a member ceases to be a member, other than by resignation, the member shall be notified of any action to be taken pursuant to paragraphs (a) or (b) of this Rule, and such notification shall specify the ground or grounds upon which such action is to be taken and shall be sent by post to the member concerned at the last known address shown on the register of members.
  - (d) If such a member fails within 14 days to show cause why their name should not be removed from the register of members the Central Council may direct that their name be removed without further enquiry.
  - (e) Any member whose name has been removed from the register of members under the provisions of this Rule may appeal to a meeting of the Central Council.
  - (f) Subject to paragraph (a) of this Rule and to the requirements of or under any Act any dues payable but not paid by a former member of the Association in relation to a period before the person ceased to be a member may be sued for and recovered in a court of competent jurisdiction as a debt due to the Association.
22. (a) The General Secretary shall during the month of January in each year prepare a summary showing the number of financial members in each Workplace Group as at the 31st December last.
- (b) The General Secretary shall during the month of January in each year prepare a summary showing the number of financial members in each Division, Sub-Division, Branch and Departmental Group as at the 31st December last.
- (c) For the purposes of determining the rights of bodies within the Association and any other electorates or constituencies to elect delegates and the number of delegates concerned, the summaries prepared under paragraphs (a) and (b) above shall be conclusive that the number of financial members and their disposition is as stated therein.
23. A member expelled for any reason who may seek re-admission to the Association must make written application to the Central Council which shall determine the application.

24. (a) A member may resign from the Association at any time by giving notice in writing to the General Secretary of their intention.
- (b) If the member ceases to be eligible to become a member of the Association their resignation shall take effect:
- (i) on the day on which the notice is received by the Association; or
  - (ii) on the day specified in the notice, that is a day not earlier than the day when the member ceases to be eligible to become a member,
- whichever is later.
- (c) In any other case a resignation shall take effect:
- (i) at the end of three months after the notice is received by the Association; or
  - (ii) on the day specified in the notice,
- whichever is later.

### **CONSULTATION**

25. Any offer received with regard to the salaries payable to or conditions affecting any particular group or class of members shall be referred to those members directly or by reference to a committee authorised to advise on their behalf.
26. Any class or group of members shall be entitled to be represented at any conference with an employing authority in connection with any matters affecting their particular interests.
27. (a) The Central Council or the Executive may establish an Industry or Advisory Group for any class or group of members.
- (b) The functions of each Industry and Advisory Group shall be to enquire into, consider and report to and advise the Association upon matters of concern to the particular class or group of members, and to exercise such other functions as may be delegated to it by the Central Council, or the Executive. No such Group or committee of a group shall exercise any functions of management of the Association, as defined in Rule **151(d)**.
- (c) Industry and Advisory Groups shall be subject to decisions of the Central Council, Executive and General Meetings and shall comply with any directions given to them by the Executive or Central Council.



- (d) The Central Council may make By-Laws not inconsistent with these Rules to regulate the constitution, powers, duration, terms of appointment, business, meetings and conferences of Industry and Advisory Groups either generally or in any particular case. Subject to any such by-laws the Executive may give such directions as it thinks expedient to provide for the management of Industry and Advisory Groups.
- (e) Where any general committee is established in an Industry or Advisory Group the Central Council or Executive shall make such provisions as are appropriate, having regard to the composition of the Group, to ensure reasonable representation of both women and men on the committee, and shall take as a general guide the provisions regarding reserved positions on the Central Council.
- (f) Groups shall be maintained under this Rule for members employed by the Joint Coal Board, Forestry Field Officers and Tick Quarantine Area Staff.
- (g) On the date of effect of this Rule each of the following bodies established before that date shall become an Advisory Group:
  - (i) District Branches,
  - (ii) Vocational or other Branches established by a former Division of the Association,
  - (iii) Sub-Divisions,
  - (iv) Departmental Committees,
  - (v) Representative Committees.

Each such Group shall exercise the functions of an Advisory Group under this Rule. Their constitution, powers, duration, terms of appointment, business, meetings and conferences shall continue to operate in the manner provided in any rules or by-laws of or applying to the body concerned until Central Council or the Executive makes alternative provisions.

**28. Special Provisions for members employed by the Joint Coal Board.**

Notwithstanding any other provision in these Rules:

- (a) All members employed by the Joint Coal Board (hereinafter referred to as the Board") will be organised into a single body within the Association with its own Committee.
- (b) The said body will be known as the Joint Coal Board Industry Group. Neither the Industry Group nor the Committee shall exercise any functions of management of the Association, as defined in Rule 151(d).
- (c) The said Industry Group will be entitled to:
  - (i) be represented by at least one delegate to the Conference held pursuant to Rules **56-75** hereof,

- (ii) participate in the election of Central Councillors.

In each case the Industry Group will be entitled to additional representation if the number of members warrant it in accordance with the relevant Association Rules.

- (d) Retired Officers who were, prior to their retirement, financial members of the Joint Coal Board Staff Association, and the widows or widowers of such officers shall be deemed to be entitled to be admitted as Associates of the Association pursuant to Rule 6.
29. (a) There shall be a Retired Associates' Group, consisting of Associates referred to in paragraphs (a), (b), (d) or (e) of Rule 6, which shall have the right to elect two Observers to the Central Council and two Observers to Conference, and subject to the decisions of Central Council and sub-rule (d) hereunder, act on behalf of Associates in respect of matters which affect their retirement, and shall have the right to address Central Council and Conference.
- (b) There shall be a Students and Trainee Associates' Group consisting of Associates referred to in paragraphs (c) and (f) of Rule 6, which shall have the right to elect one Observer to the Central Council and one Observer at Conference, who shall have the right to address Central Council and Conference on any matters that affect the interests of Associates of that Group.
- (c) Associate Observers shall not be members of Central Council or Conference and shall not have the right to vote on matters coming before these bodies.
- (d) Each Associates' Group shall function in accordance with By-Laws made by Central Council.

### **WORKPLACE ORGANISATION**

30. (a) Members shall be organised on a Workplace basis into Workplace Groups.
- (b) The Central Council shall adopt and may vary an Association Charter for Workplace Groups. Each Workplace Group shall function within the Association in accordance with this Charter.
- (c) In this Rule, "Workplace" includes:
- (i) a building or group of adjacent buildings together with their surrounding grounds wherein one or more members normally carry out their work;

- (ii) a field workplace; that is an area within which one or more field officers normally carry out their work, centred on their common base of operations.

"Field Officer" means and includes any member who is commonly recognised as a Field Officer or whose work normally involves frequent travelling, camping or the like;

- (iii) a special workplace; that is where there are attached to a workplace ten or more members, who are shift workers or whose hours of work are substantially different from those of other members of that workplace, those members may be deemed to be attached to a special workplace.

A reference to the workplace to which a member is attached is a reference to the workplace where the member normally carries out work.

- (d)
  - (i) Where there are attached to a workplace forty or more members one or more workplace groups including those members may be established.
  - (ii) Where there are attached to a workplace forty or more members in a distinct organisational unit such as a sub-department, division or branch of a department, a workplace group including those members may be established.
  - (iii) Where there are attached to a workplace at least ten but less than forty members a workplace group including those members may be established.
  - (iv) Where there are attached to a workplace less than forty members a workplace group may be established including those members and members attached to other workplaces, provided that there are at least ten members in the group.
- (e)
  - (i) Each workplace group shall elect annually from amongst its members one workplace delegate for every forty financial members or part thereof.
  - (ii) Each workplace group shall elect annually a Chairperson, Secretary and such other positions as may be required.
  - (iii) A workplace group may provide for the election of sub-group delegates from sub-groups of members within the group.
- (f) There shall be a workplace committee of each workplace group which shall consist of:
  - (i) the workplace delegates;

- (ii) the sub-group delegates, where the group has provided for their election;
  - (iii) the Chairperson, Secretary and such other positions as may be required;
  - (iv) any Officers of the Association who are members of the Group;
  - (v) the Women's Contact elected by and from the women members of the Workplace Group.
- (g) A Workplace Group
- (i) shall be entitled to be represented at any conference with an employing authority or with the Executive Head of any Department, Authority or other employer in connection with any matters affecting their particular interests.
  - (ii) shall be subject to decisions of the Central Council, Executive and General Meetings and shall comply with any directions given to it by the Executive or Central Council. Persons elected under paragraph (e) may act only in accordance with directions given by Central Council, Executive and General Meetings for the purpose of implementing existing policy of the Association or decisions concerning the Association.

No Workplace Group or workplace committee shall exercise any functions of management of the Association, as defined in Rule **151(d)**.

- (h) Any matters coming before a workplace group which affect members in other groups shall be referred to the General Secretary.
- (i) Meetings of the workplace groups shall be held as far as practicable at times and places which make it reasonably practical for all members of the groups to attend.
- (j) The Executive:
  - (i) shall determine and where necessary amend, the boundaries of each workplace group;
  - (ii) shall approve the establishment of each workplace group and may make By-Laws not inconsistent with these Rules to regulate the constitution, powers, duration, terms of appointment, business, meetings and conferences of workplace groups generally or in any particular case;
  - (iii) subject to any such By-Laws may give such directions as it thinks expedient to provide for the management of workplace groups; and

- (iv) shall determine where necessary the workplace group to which any member is attached.
  - (k) Where a new workplace group is established or the boundaries of a group altered, the General Secretary shall prepare a report showing the number and disposition of financial members within the group and for the purposes of determining the numbers of delegates to be elected by members of the group the report shall be binding and shall be conclusive that the number of financial members and their disposition is as stated therein.
  - (l) Where the Executive is satisfied that any body substantially satisfies the requirements for and will perform the functions of a workplace group, the Executive may recognise that body as a workplace group and such recognition shall be deemed to establish the body as a workplace group for the purposes of these Rules.
- 31.**
- (a) Each Workplace Group with 75 financial members or more shall either form a constituency by itself or shall be grouped with other Workplace Groups which have less than 75 financial members for the purpose of electing delegates to Annual Conference.
  - (b) Each Workplace Group with less than 75 financial members shall be grouped with other Workplace Groups to form a constituency.
  - (c) Central Council shall determine the constituency groupings before the 15th February and shall have regard to geographical boundaries but shall not be bound by them.
  - (d) Each constituency shall be entitled to elect one delegate to Conference for each one hundred members, with any fractional remainder rounded to the nearest whole number.
  - (e) The delegates and alternate delegates to Conference from any constituency shall be elected not later than the 31st March in such manner as Central Council may from time to time provide.
  - (f) For the purposes of this Rule "financial members" means "financial members on the 31st day of December in the year preceding each Annual Conference.

### **WOMEN'S COUNCIL**

- 32.**
- (a) A body known as the Public Service Association Women's Council shall be constituted, consisting of all women members of the Association. The object of the Women's Council is to watch the interests of women members of the Association and to consider any question which affects women members. It shall be competent for Women's Council to discuss salary matters in order that their attitude as a body may be known.

- (b) The Women's Council shall hold an annual general meeting each year in the month of September.
- (c) Subject to the control of members at a general meeting assembled, the affairs of the Women's Council shall be managed by a Women's Council Committee.
- (d) The Women's Council Committee shall consist of:
  - (i) Members elected by financial women members in such manner as the By-Laws of the Women's Council may provide.
  - (ii) Female members of the Executive or Central Council who shall be ex-officio members of the Women's Council Committee.
- (e) There shall be elected by the Women's Council Committee from the members of the Committee elected under the preceding sub-rule a Chairwoman, a Vice-Chairwoman and an Honorary Secretary.
- (f) The position of an elected member of the Women's Council Committee shall become vacant by the person's:
  - (i) Resigning the position by notice in writing;
  - (ii) Dying or becoming of unsound mind;
  - (iii) Ceasing to be a financial member;
  - (iv) Ceasing to be a member of the electorate or electoral group from which they were elected;
  - (v) Absence from three consecutive meetings of the Committee without leave of absence;

or declaration by a General Meeting. In the event of a vacancy in the position of an elected member, the electorate or electoral group concerned should nominate a member to fill the position for the unexpired balance of the term, subject to acceptance of credentials by the Committee. Nominations shall be made in such manner as the By-Laws of Women's Council may provide.
- (g) The Women's Council Committee shall meet at least four times a year.
- (h) Women's Council and the Women's Council Committee shall not exercise any functions of management of the Association, as defined in Rule 151(d).

**33.** The Women's Council may, subject to approval by Central Council, prescribe its own By-laws, which shall, however, be in conformity with the Rules of the Association. In

matters not provided for in such By-laws, the Rules of the Association shall apply so far as may be practicable.

### **CENTRAL COUNCIL**

34. The management of the Association shall be vested in the Executive and Central Council.
35. (a) The Central Council shall consist of the Executive Officers and forty-five Delegates to the Central Council who shall be elected according to Schedule C of these Rules.
- (b) There shall be a number of positions of Delegate reserved for members who work in Higher Education and for members who work in School Education. Each of the numbers of reserved positions shall be calculated by multiplying twice the number of financial members in the class concerned by the number of Delegates to the Central Council and dividing the result by three times the number of financial members in the Association.
- (c) A number of positions of Delegate to Central Council shall be reserved for women and a number reserved for men. Each of the numbers of reserved positions shall be calculated by multiplying twice the number of financial members who are women or men as the case may be, by the number of Delegates to the Central Council and dividing the result by three times the number of financial members in the Association.
- (d) In any of the above calculations any fractional remainder shall be disregarded. If the result of the calculation is zero then the number of reserved positions shall be one.
- (e) If in any election the number of members nominated from any of the classes for which a position is reserved is less than its number of reserved positions then for the purposes of that election the number of reserved positions shall be equal to the number of members nominated from the class.
- (f) In this Rule a reference to "financial members" is a reference to financial members as at 31st December in the year preceding an election.

The General Secretary may as soon as practicable after the 31st December in each year but no later than the 28th February of the next year provide to a meeting of the Central Council a report on membership as at the 31st December of that year showing the number of financial members in the Association and in each class of members relevant to determining any matter under this Rule. If such report is provided it shall be conclusive that the number of financial members and their disposition is as stated therein.



The disposition of financial members into a class of members relevant to determining any matter under this Rule shall be determined by the General Secretary by reference to the membership and subscription records held by the Association. The membership and subscription records are deemed to be conclusive as to the disposition of financial members. Where a member may be in more than one class of members relevant to determining any matter under this Rule the General Secretary shall determine the disposition of the member.

- (g) At every meeting of the Central Council the quorum necessary for the transaction of the business of the Central Council shall be twenty.
- 36.** (a) The Central Council shall meet at least twice in each quarter in separate months and at such other times as Central Council or Executive shall deem necessary.
- (b) The President and General Secretary acting together shall have power to convene special meetings of Central Council and to determine when where and for what purpose such meeting shall take place.
- (c) The General Secretary shall on the requisition of any ten members of the Central Council convene a Special Meeting of the Central Council within seven days of the receipt of such requisition. At least seven (7) clear days notice of any such meeting shall be given to each member of Central Council.
- (d) Meetings of the Central Council shall be convened by notice signed by the President or failing them a Vice-President or failing a Vice-President the General Secretary.
- 37.** Central Council meetings shall be open to financial members of the Association to attend as observers.
- 38.** Any decision of Central Council which has been arrived at either by affirmation or negation may be rescinded or reversed by notice of the intention to rescind or reverse, such notice being given in writing by the mover at least fourteen days before a subsequent meeting of Central Council and must be signed by nine other members of Central Council.
- 39.** The Central Council shall exercise all the powers specially conferred upon it by these Rules, and may exercise all such powers and do all such acts and things as may be done by the Association, and as are not hereby required to be exercised or done by the Association in General Meeting assembled and in addition shall, subject to the decisions of General Meetings, be the governing body of the Association.
- 40.** Without prejudice to the general powers conferred by the last preceding Rule, and to the other powers conferred by these Rules, it is hereby expressly declared that the Central Council shall have the following powers, that is to say:



- (a) To acquire, purchase, take on lease and hold on behalf of the Association any real or personal property, and to sell, lease, mortgage, exchange or otherwise dispose of or deal with the same.
- (b) To grant leave of absence from meetings of the Central Council, or the Executive, or from the performance of any office for a period not exceeding three months.
- (c) To investigate complaints by members of the Association and take such action as may be deemed necessary in regard thereto.
- (d) To appoint employees and agents of the Association and to determine the nature and extent of their duties, their conditions and benefits of employment and fix and pay their salaries or emoluments.
- (e) To terminate the employment of any employee of the Association.
- (f) To make contributions for the benefit of any officer or employee to the State Superannuation Fund, or to make contributions to another Superannuation scheme, which would not involve the Association in any greater liability than would the State Superannuation Fund, for the benefit of any officer or employee who is not a contributor to the State Superannuation Fund and
  - i) is entitled to continue in such a scheme and where that continuation would be more favourable to him than the State Superannuation Fund; or
  - ii) is not entitled to contribute to the State Superannuation Fund.
- (g) To delegate to the Executive or to any Executive Officer its powers under this Rule in respect of the staff other than the General Secretary and Assistant General Secretaries.
- (h) To effect and maintain guarantee policies, in a company to be approved of by the Central Council, with respect to the General Secretary, and other employees of the Association.
- (i) To make, vary or repeal By-Laws for the regulation of the affairs of the Central Council, its officers and employees and for the conduct of business at any meeting of the Central Council or of the Association.
- (j) To make any arrangements necessary for the election of representatives to the Central Council.
- (k) To appoint such Committees and delegations as deemed necessary except where otherwise provided for in these Rules, provided that:
  - (i) the President and General Secretary shall be members of all Committees;

- (ii) where Committees are allocated authority by Central Council to act on behalf of the Association including the exercise of functions of management as defined in Rule 151(d) of these Rules such Committees shall comprise only members of Central Council;
  - (iii) Central Council may provide for Committees including or comprising members of the Association who are not members of Central Council and may determine how and by whom such additional members may be nominated, but where such Committees are appointed they shall have no powers to act on behalf of the Association and may make recommendations only to Central Council or Executive for those latter bodies to consider; and
  - (iv) delegations may comprise both members of Central Council and other members of the Association, and Central Council may determine how and by whom such non members of Central Council may be nominated to delegations;
- (l) To promote, print, and publish the official journal of the Association, which shall be non-party political in character, and shall afford information on Public Service and other topics, and be a means of effecting the objects of the Association.
  - (m) Disburse or authorise the disbursement of moneys for any purpose within the objects of the Association;
  - (n) To remit entrance fees, subscriptions, fines, levies, or other moneys, payable to the Association.
  - (o) To authorise the investment of the funds of the Association in such investments as are prescribed by Rule **122**.
  - (p) To make, vary or repeal By-Laws for the regulation of the Provident Fund and its officers and for the conduct of business of the Provident Fund.
  - (q) To enter into an agreement with the Community and Public Sector Union pursuant to Section 202 of the Commonwealth Industrial Relations Act 1988 or any statutory provision amending, replacing or supplementing that provision.
- 41.** The Central Council shall have authority to interpret any Rules and shall finally determine any matter relating to the Association on which the Rules are silent.
- 42.** (a) An employee of the Association may be dismissed by the Executive if a charge has been laid by an executive officer and found proven to the satisfaction of the Executive at a meeting of which fourteen days' notice has been given to the employee concerned and to the members of the Executive.

- (b) The employee shall be entitled to receive fourteen days' notice of the matters complained of and to be present and to be accompanied by an advocate at the hearing of the charge.
- 43.
- (a) Any employee of the Association, or the relevant union on their behalf, may appeal against any decision affecting that employee's service, salary or conditions of employment, or against any instructions of that employee's senior officer considered to be detrimental to the employee. Any appeal under this Rule shall be lodged with the General Secretary in writing no later than fourteen days after the making of the decision being appealed against.
  - (b) Appeals against decisions of the Central Council, or against decisions by the Executive on appeals shall be made to the Central Council. Appeals against all other decisions of the Executive may be made to Central Council or the Executive. All other appeals shall be made to the Executive.
  - (c) Seven days notice of the nature of the appeal shall be given to the Executive or the Central Council, and the appeal shall be heard at the next ordinary meeting.
  - (d) The appellant or the relevant union representative shall be entitled to attend the meeting and speak in support of the appeal.

#### ***THE EXECUTIVE***

- 44.
- (a) The Executive shall consist of the Executive Officers.
  - (b) At every meeting of the Executive the quorum necessary for the transaction of the business of the Executive shall be a majority of those entitled to attend and vote thereat.
- 45.
- (a) Executive shall meet at least once a month and whenever required by the President after consultation with the General Secretary.
  - (b) A Special Meeting of the Executive shall be convened by the General Secretary on receipt of a requisition signed by three members of the Executive.
- 46.
- The Executive shall exercise all the powers specially conferred upon it by these Rules, and may exercise all such powers, and do all such acts and things as may be done by the Association and as are not hereby required to be exercised or done by the Central Council, or by the Association in General Meeting assembled, subject to the decisions of Central Council and of General Meetings.
- 47.
- Without prejudice to the general powers conferred by the last preceding Rule, and to the other powers conferred by the Rules, it is hereby expressly declared that the Executive shall have the following powers, that is to say:

- (a) To give effect to resolutions of the Conference, General Meetings or Central Council;
  - (b) To investigate any matter affecting the Association or its members and report thereon to Central Council or Conference;
  - (c) To present to the Central Council an annual budget of Income and Expenditure and to report at least quarterly to the Central Council on the financial position of the Association, any significant variations from the budget in Income or Expenditure and any necessary alterations to the Budget.
  - (d) To summon any member to appear before it to answer any questions in connection with any alleged breach of an award or agreement, or of these Rules, or in connection with any matter which may involve the industrial or economic welfare of the Association.
  - (e) To grant leave of absence from any of its meetings.
- 48.** At each meeting of the Central Council, the General Secretary shall submit a report showing the business transacted by the Executive since the last ordinary meeting of Central Council.
- 49.** The Executive Officers shall be:
- the President
  - three Vice Presidents
  - the General Secretary
  - two Assistant General Secretaries.
- 50.** The President shall:
- (a) Preside at all General Meetings of the Association and meetings of the Central Council and Executive and sign the minutes thereof;
  - (b) In consultation with the General Secretary determine the date time and place of meetings of Central Council and Executive whenever such date time and place has not been determined by Central Council or Executive;
  - (c) Exercise a deliberative vote only if he or she so desires at all meetings of Central Council and Executive;
  - (d) Ensure as far as possible that the Rules of the Association are performed and observed by officers and members of the Association;
  - (e) Request and receive an explanation from any officer or member of the Association in any case where the President believes that the Rules of the Association have not been performed or observed and report thereon to Executive and Central Council;

- (f) Report to the Executive or Central Council any neglect of duty on the part of any person holding office in the Association;
- (g) Have power on his or her own motion or a written complaint by a member of the Executive to suspend any Officer of the Association for misappropriation of the funds of the Association, a substantial breach of the Rules of the Association, gross misbehaviour or gross neglect of duty until the next ensuing meeting of the Executive or Central Council and to appoint a substitute for the time being in place of any Officer so suspended , subject to the power of the Executive to lift or continue such suspension until the next meeting of Central Council;
- (h) Be ex officio Chairperson of all committees appointed by Central Council;
- (i) Present a report at the Annual Conference dealing generally with the position of the Association and the proceedings of Central Council for the previous twelve months;
- (j) Be ex officio a member of any Committee in the Association;
- (k) Have power to call at any time a meeting of any committee in the Association and of any Industry or Advisory Group;
- (l) exercise the rights and duties of the General Secretary in the absence from duty of the General Secretary and Assistant General Secretaries; and
- (m) Generally act to safeguard the reputation, unity, autonomy and property of the Association.

**51.** A Vice President shall:

- (a) exercise all of the rights and perform all of the duties of the President in the absence or absence from duty as the case may require of the President and any more senior Vice-President or whenever the President requests or the Central Council or Executive instructs them to do so;
- (b) advise and assist the President in the performance of the President's duties;
- (c) by agreement with the President, exercise such of the President's powers as the President may delegate in respect of any matter.

**52.** The Trustees of the Provident Fund shall not be members of the Executive. There shall be five Trustees elected by and from the members of Central Council. The President shall be the Chairperson of the Provident Fund Trustees.

**GENERAL SECRETARY**

53. A General Secretary or Assistant General Secretary who is not re-elected or is not a candidate for re-election may continue as an employee of the Association on the same salary, emoluments and conditions and benefits of employment to advise and assist their successor for a period of 28 days in the case of a General Secretary and 14 days in the case of an Assistant General Secretary.
54. The General Secretary shall:
- (a) Be the registered officer of the Association;
  - (b) conduct correspondence on behalf of the Association and ensure the keeping and maintenance of all documents, vouchers and papers belonging to the Association;
  - (c) attend, wherever practicable, all meetings of the Conference, Central Council and Executive and any committee of the Association;  
  
prepare and place before the President and circulate in accordance with these Rules an accurate agenda of the business to be transacted at each such meeting;  
  
keep accurate minutes of the business transacted at each such meeting and circulate such minutes in draft where required by these Rules and present a true copy of the minutes in each case to the subsequent meeting of the same body;
  - (d) be responsible for ensuring the keeping of the accounts of the Association in a correct and proper manner, including maintenance of appropriate accounting, receipting and banking procedures;
  - (e) sign all cheques and drafts upon the Association as required by Rule **128**;
  - (f) ensure the preparation of an Annual Statement of Accounts;
  - (g) prepare and furnish all returns or other documents required by or under any Act;
  - (h) prepare and furnish to the Central Council or Conference such returns as may be required;
  - (i) have control and supervision of staff of the Association;
  - (j) have power on his/her own motion or written complaint by a member of the Executive to suspend any employee of the Association for misconduct or neglect of duty, until the next ensuing meeting of the Executive or Central Council, subject to the power of the Executive to lift or continue such suspension until the next meeting of Central Council;

- (k) report to the Executive or Central Council any neglect of duty on the part of any person holding office in the Association;
- (l) carry out the instructions of the Central Council and Executive and exercise a general control over the affairs of the Association;
- (m) keep a Register of the names of Officers and members of the Association in such forms as may be prescribed by the Central Council.
- (n) present a monthly Income and Expenditure statement to Central Council.
- (o) inform the President of any matter affecting or likely to affect the Association and report thereon to Central Council and Executive;
- (p) ensure that all matters required to be attended to by or under any Act are attended to within the times and in the mode prescribed in the Act and the Regulations;
- (q) sign any process or document proper to be signed on behalf of the Association by an officer thereof and to appear or to authorise another to appear before any Court, Commission or Industrial Tribunal before which the Association should be represented;
- (r) generally pursue by all lawful means the objects of the Association.
- (s) apply for membership of the Community and Public Sector Union for and on behalf of any member who is eligible to belong to that organisation provided that on each occasion that such an application is intended to be made the General Secretary shall write to the member advising:
  - (i) of the financial obligations arising from membership,
  - (ii) the circumstances and the manner in which a member may resign from the Federation and
  - (iii) that the application will be made on a specified date unless the member instructs the General Secretary otherwise.

**55.** The Assistant General Secretaries shall:

- (a) exercise all of the rights and perform all of the duties of the General Secretary when appointed to do so by the General Secretary or if the General Secretary is absent from duty and no such appointment has been made, by Central Council, Executive or the President;;
- (b) advise and assist the General Secretary in the performance of the General Secretary's duties;

- (c) whenever the General Secretary requests or Central Council or Executive instructs perform the duties of the General Secretary or such of those duties as may be specified in each request or instruction;
- (d) attend, wherever practicable, all meetings of the Conference, Central Council and Executive and any committee of the Association.

### **CONFERENCE**

- 56.** Conference shall consist of:
- (a) The members of the Executive.
  - (b) The members of the Central Council.
  - (c) Delegates elected by Workplace Groups as provided in Rule **31**.
  - (d) Observers from Associates' Groups as provided in Rule **29**, who shall have the rights provided in Rule 7.
- 57.** Any person who has filled the office of President of the Association shall be entitled to attend any Conference ex-officio while remaining a financial member of the Association, and shall have all the rights of a delegate excepting the right to vote.
- 58.** The Association shall hold an Annual Conference in Sydney commencing during May in each year at such date and place as the Central Council shall determine.
- 59.** Notice of the Annual Conference, together with a copy of the Agenda, shall be sent to each body within the Association which is entitled to be represented at Conference, at least 30 days before the commencement of the Conference.
- 60.** The Annual Conference Agenda Paper shall be prepared by the General Secretary and approved by the Central Council. Copies of the approved Agenda shall be distributed to all Councillors and to all delegates at least fourteen days before the day fixed for the opening of Conference.
- 61.** A Special Conference may be convened by a resolution of two-thirds of the members of the Central Council present at a Special Meeting convened for that purpose.
- 62.** A Special Conference shall be held within 30 days of the resolution authorising the Conference, provided that each body within the Association which is entitled to be represented at Conference shall receive at least 14 days' notice thereof.
- 63.** In cases of emergency the Central Council may convene a Special Conference, to be held not sooner than fourteen days after notification by advertisement in a newspaper circulating in the City of Sydney.



- 64.** At least seven days' notice of the business to be submitted at a Special Conference shall be given to all delegates and to all bodies entitled to be represented at Conference.
- 65.** The hour of commencement of Conference shall be determined by the Executive.
- 66.** At the opening of the Conference, delegates other than members of the Executive or the Central Council shall produce to the General Secretary a credential signed by the Chair and Secretary of the body which they represent, or in the case of a workplace group by another elected officer of the workplace committee, or signed by the Returning Officer or Deputy Returning Officer if their constituency consists of more than one body. The credential shall certify to the delegate's election as a delegate, to the delegate belonging to the relevant constituency, and to the financial membership of the delegate. A copy of such credential shall be forwarded by the Secretary of the body or by the Returning Officer so as to reach the General Secretary at least three days before the opening of the Conference.
- 67.** The following shall be the order of business at the Annual Conference:
- (a) Opening.
  - (b) General Secretary's Report re delegates' credentials.
  - (c) Fixing the hours of Conference.
  - (d) Correspondence.
  - (e) President's Report, to be presented and completed on the first day of Conference.
  - (f) General Secretary's report on membership.
  - (g) Industrial Reports of the General Secretary and Papers on policy submitted by the Executive or Central Council.
  - (h) Motions of which 60 days' notice has been given.
  - (i) Annual reports of bodies within the Association.
  - (j) General business.
  - (k) Closing.
- 68.** Where an Annual Conference does not complete its business the President shall within one month of the close of the Conference call a meeting of the Central Council for the purpose of dealing with the unfinished business. Notification of that meeting shall be given to all bodies which had given notice under Rule **67(h)** of motions which are to be dealt with at the meeting. Those bodies shall be entitled to give a written explanation through the General Secretary as to the intention of their

motion. The meeting shall, if necessary, be adjourned from time to time until all its business has been dealt with.

Within two months of the close of Annual Conference, the Executive shall report to the Central Council on any of the minutes of Annual Conference which have not already been confirmed as to the correctness of the minutes and Central Council shall then consider the confirmation of those minutes. The minutes of a meeting of Central Council called under this Rule shall be similarly dealt with.

69. The following shall be the order of business at a Special Conference:
- (a) Opening.
  - (b) General Secretary's report re delegates' credentials.
  - (c) Fixing the hours of the Conference.
  - (d) Business stated in the notice convening the Conference.
  - (e) Presentation and confirmation of such of the minutes as are available, the balance to be approved at the next meeting of Central Council.
  - (f) Closing.
70. Annual or Special Conference may with the approval of two-thirds of the delegates present deal with any matter of an urgent nature, notice of which had not been previously given and/or placed on the Agenda.
71. A quorum shall consist of one-third of the total number of the members of the Conference.
72. Notices of motion to be moved at Conference shall only be given by:
- (a) The Central Council,
  - (b) The Executive,
  - (c) Industry and Advisory Groups,
  - (d) The Women's Council,
  - (e) A Workplace Group,
  - (f) An Associates Group.
73. Notices of motion to be submitted by bodies within the Association to be moved at an Annual Conference, must first have been approved by meetings of the bodies or by the Councils or Management Committees of the bodies, and must be forwarded to the General Secretary at least 60 days before the first day of Conference.
74. All decisions of Conference shall be reported to the Executive and Central Council. The General Secretary shall report to Annual Conference on any action taken on matters dealt with in decisions of the previous Annual Conference.

The Conference shall not exercise any functions of management of the Association, as defined in Rule **151(d)**.

75. Industry and Advisory Groups and the Women's Council may submit to the Annual Conference a report on their work for the year, which shall be signed by the Chair and Secretary of the body and forwarded to the General Secretary at least 30 days before the first day of Conference.

### **GENERAL MEETINGS**

76. (a) General meetings of members may be convened by:
- (i) Resolution of the Central Council or Executive specifying the motions to be considered by the meetings and the date of the meetings.
  - (ii) The President acting on receipt of a requisition in writing specifying the motions to be considered by the meetings and signed by not less than five hundred financial members of the Association.

Upon the receipt of such a requisition, meetings shall be held within twenty-eight days from the time of the requisition being lodged. If the meeting shall not have been convened within fourteen days from the date of such requisition being lodged, the requisitionists may themselves convene meetings in the manner provided in this Rule.

- (b) In accordance with such a resolution meetings shall be held in Sydney and in such other places as Central Council or Executive determines. As far as practicable the Central Council and Executive shall arrange meetings in each country town or city in which more than 250 members work. A member may record a vote at one meeting only.
- (c) At least seven days notice of the meetings shall be given by advertisement in at least one Sydney, Melbourne and Brisbane metropolitan daily newspaper and at least one local newspaper circulating in each town in which a meeting is to be held. Every notice of meeting under this paragraph shall include the terms of the motions to be considered.
- (d) Meetings shall be chaired by the President or a delegate of the President. The Chairperson of each meeting shall bring to the attention of the meeting any reports provided by the Executive or the General Secretary.
- (e) Each motion shall be put to each meeting in the form notified without amendment. Each vote shall be taken by a count and the number of members voting for and against each motion shall be recorded.
- (f) At the conclusion of each meeting, the Chairperson shall notify the General Secretary by telex, facsimile or telegram of the numbers of members recorded as voting for and against each motion. These numbers



shall be tallied by the General Secretary and the total vote so arrived at shall determine each motion, provided that no resolution shall be carried in this manner unless at least five per cent of the financial members of the Association, as shown in the latest summary prepared under Rule 22, have voted.

- (g) Central Council may reconvene the meetings at not less than 24 hours notice by adequate notice in the media to consider reports and recommendations by the Council relating to the matters dealt with.
  - (h) Each motion and recommendation to be considered by meetings held under this Rule shall specifically define any action to be taken by the Association or its members if the motion is adopted.
  - (i) Every motion that is carried at a General Meeting shall be binding unless it is rescinded at a subsequent General Meeting convened in accordance with this Rule.
  - (j) Each motion to be considered at a general meeting shall deal with a singular item.
77. No objection shall be made to the validity of any vote, except at the meeting at which it is tendered, and every vote not disallowed at such meeting shall be deemed valid.

### **BALLOTS**

78. (a) A General Meeting or the Central Council may submit any question other than an amendment or deletion of a Rule or a proposed new Rule to a ballot of members.
- (b) A General Meeting which decides to submit a matter to a ballot of members for decision before implementation, shall do so in the following manner:
- (i) The ballot shall be conducted by the Returning Officer at a time fixed by the Returning Officer, and the date for the despatch of ballot papers shall not be fixed earlier than 90 days after the General Meeting.
  - (ii) The General Meeting which decides to submit the question to a ballot may decide that space to the extent it determines be made available in "Red Tape" for the publication of views on the question being submitted to the ballot. If it so decides it shall also appoint not less than two persons who fairly represent the affirmative and negative views taken on the question to be submitted. Each group of members so determined shall be entitled to use one half of the space allocated for the publication of relevant material on the question submitted. This shall not preclude the publication in the ordinary

course of publication of "Red Tape" of other material bearing on the question submitted.

### **ELECTIONS**

79. (a) Every election to an office within the Association shall be conducted by a Returning Officer not being the holder of any other office in, and not being an employee of, the Association.
- (b) There shall be an Association Returning Officer, who shall be appointed by Central Council following a call for nominations to such appointment to the Association's journal. The Association Returning Officer shall hold office at the pleasure of the Central Council and shall not be the holder of any other office in or an employee of the Association, nor a candidate for election as Executive Officer or Delegate to Central Council. The Association Returning Officer shall conduct any ballots or plebiscites required by the Central Council or Executive and elections specified by Central Council or Executive which are not required by or under an Act to be performed by some other person.
- (c) The Central Council or the Association Returning Officer, if deputed by Central Council, may appoint Deputy Returning Officers from persons qualified for appointment as Association Returning Officer. Their duties shall be specified by Central Council or the Association Returning Officer.
- (d) A casual vacancy in the office of Association Returning Officer may be filled by appointment by Executive where such appointment is necessary to avoid delay in the holding or in the completion of an election.
- (e) If there is a casual vacancy in the office of Association Returning Officer a Deputy Returning Officer may be asked by the General Secretary to conduct the ballot or failing a Deputy Returning Officer a person appointed by the Executive to carry out the duties of Association Returning Officer or in default of such appointment by a person appointed by the General Secretary to carry out such duties (being a person eligible for appointment as Returning Officer).
80. Rules 81 to 101 inclusive shall, except where contrary provision is made by or under the Industrial Relations Act 1991, apply to the election of officers of the Association as defined in Rule 151(a)(v). Rules 81 and 82 shall apply to any other election in the Association and Rules 83-101 inclusive shall apply to such other elections as the Rules may provide or as may be specified by Central Council or Executive.
81. Any candidates in any election in the Association may be represented at the preparation, checking and counting of the ballot by a scrutineer, nominated by them in writing to the Returning Officer prior to the closing of the nominations.

The scrutineer shall not be a candidate for election to the office. In the case of an election to an office on the Executive or Central Council the scrutineer shall not be a



candidate for election to any other office on the Executive or Central Council which is being contested at the same time. A scrutineer need not be a member of the Association.

No scrutineer shall interfere with the conduct of any election and may at any time be directed by the Returning Officer to leave the place where a count is proceeding if in the opinion of the Returning Officer the scrutineer's presence or conduct is impeding the prompt ascertainment of a true result.

- 82.** Circulars, dodgers, "tickets", or the like, circulated or distributed by or on behalf of candidates or purporting to be issued by or on behalf of candidates, and purporting to advise electors how to vote shall, if they bear the words "Public Service Association" or "Professional Officers" Association", also bear a statement to the effect that they are not official documents or statements of the Association and shall be signed by a financial member.
- 83.** In all elections where nominations are required to be submitted to the Returning Officer on a date prior to the election, the Returning Officer shall notify all candidates for election of the receipt of the nomination form by use of a "tear off slip" similar to that provided in Schedule B.
- 84.** Nominations shall be called by the Returning Officer by notice in the journal of the Association. The election shall commence on the date determined by the Returning Officer as the date on which the Returning Officer submits the call for nominations for publication. Nominations must be in writing and forwarded to the Returning Officer.
- 85.** (a) Subject to paragraph (b) any candidate for election may withdraw his name from nomination by delivering a notice under their hand to the Returning Officer before the close of nominations for that election.
- (b) Where two or more candidates are included in a group under paragraph (c), any of those candidates may not, under paragraph (a), withdraw their name from nomination except with the consent of the others.
- (c) Two or more candidates nominated for an election in which more than one person is to be elected may, by notice in writing to the Returning Officer before the close of nominations for that election, claim -
- (i) to have their names included in a group in the ballot-papers to be used in that election; and
- (ii) to have their names included in that group in the order specified in that claim.
- (d) Subject to paragraphs (e), (f) and (g), candidates who have under paragraph (c) made a claim referred to in that paragraph shall, for the purposes of the election concerned, be included in a group in the order specified in the claim.

- (e) Two or more candidates who have made a claim under paragraph (c) may, by notice in writing to the Returning Officer before the close of nominations referred to in that paragraph, withdraw that claim.
- (f) A claim under paragraph (c) is of no force or effect if -
  - (i) the name of any candidate included in the claim is included in any other claim under that paragraph; or
  - (ii) the nomination of any candidate whose name is included in the claim is withdrawn under paragraph (a).
- (g) Where a claim is made under paragraph (c) and any one of the persons who made the claim:
  - (i) dies before the making of the declaration of the persons elected at that election;
  - (ii) is declared before the making of that declaration to be incapable of being elected at the election; or
  - (iii) is a person whose nomination is void,then where there:
  - (i) are two or more other persons who made that claim, the group shall thereafter consist of the remainder of those persons only; or
  - (ii) is only one other person who made that claim, the claim shall thereafter be of no force or effect;

provided that if the election is one for the position of an officer of the Association as defined in Rule 151(a)(v) and a candidate dies after the close of nominations, Regulation 50 shall apply and where required by that Regulation, the conduct of the election shall recommence.

- 86.** If the candidates duly nominated do not exceed the number required they shall be declared duly elected, but the Returning Officer shall not approach or communicate with any candidate with a view to ascertaining whether they intend the nomination to stand. If the candidates duly nominated exceed the number required a ballot shall take place on a date to be fixed by the Returning Officer.

Where a ballot is necessary and if, before the ballot papers are despatched to members, a candidate:

- (i) ceases to be eligible to be nominated; or
- (ii) dies,

the candidate's name shall be withdrawn from the ballot provided that if the election is one for the position of an officer of the Association as defined in Rule 151(a)(v) and a candidate dies after the close of nominations, Regulation 50 shall apply and where required by that Regulation, the conduct of the election shall recommence.

87. In the case of a ballot being required, the ballot papers containing the names and departments or employers of the candidates nominated shall be prepared by the Returning Officer.
88. The Roll of Electors for each electorate shall contain the names and addresses as shown on the membership records. Such roll shall be available for inspection by any candidate. A candidate may be provided with a copy of such roll, provided they serve notice in writing requesting a copy, and such notice is in the hands of the Returning Officer or Deputy Returning Officers prior to the closing of nominations.
89. Ballot papers shall be forwarded by post at least fourteen days before the date of the election to the home address of each member whose name appears on the Roll. If any members claim non-receipt of a ballot paper the Returning Officer shall issue to them a further ballot paper and a return envelope endorsed with his Roll number and the word "Duplicate" thereunder. The original envelope if returned shall not be admitted to the count. Candidates for election shall be notified of posting date at least seven (7) days prior to posting of ballot papers.
90. (a) If after the close of nominations for an election there are -
- (i) two or more groups of candidates for that election, the Returning Officer shall forthwith determine by lot the order in which those groups are to be entered on the ballot-papers; or
  - (ii) two or more candidates, not included in a group, for that election, the Returning Officer shall forthwith determine by lot the order in which those candidates' names are to be entered on the ballot-papers.

Any candidate or a scrutineer appointed by a candidate may be present at the drawing of the lots.

- (b) In printing the ballot-papers for an election -
- (i) for which there is only one group, the names of candidates included in that group shall be printed in a group before the names of candidates, if any, not included in that group.
  - (ii) for which there are two or more groups, the names of candidates included in the groups shall be printed in groups across the ballot-papers in the order determined under sub-paragraph (a)(i), before the names of candidates, if any, not included in any such group;
  - (iii) the order, within a group, in which the names of candidates in that group shall be printed in the ballot-papers shall be the order



specified in the claim made by them in accordance with Rule 85(c);  
and

- (iv) the names of candidates, if any, not included in any group shall be printed as a group, without any identification referred to in paragraph (d), in the ballot-papers in the order determined under sub-paragraph (a)(ii).
  - (c) In printing the ballot-papers for an election for which there are no groups, the names of the candidates shall be printed in the order determined under sub-paragraph (a)(ii).
  - (d) In printing the ballot-papers each group shall be identified by the word "Group" followed by a successive letter of the English alphabet, starting with the letter "A", and if there are more than 26 groups each group after the twenty-sixth shall be identified by such symbol as may be determined by the Returning Officer;
  - (e) a square shall be printed opposite the name of each candidate.
  - (f) Instructions as to the method of voting and the number of candidates from whom votes may be cast shall appear on each ballot paper.
- 91.**
- (a) The candidates included in a group for an election may, before the expiration of 24 hours after the close of nominations for the election, lodge with the Returning Officer 1 group voting ticket or 2 group voting tickets.
  - (b) A group voting ticket lodged with the Returning Officer -
    - (i) must indicate by consecutive numbers commencing with the number "1" an order of preference for at least 10 candidates, or the number of candidates to be elected, whichever is the less;
    - (ii) may indicate by consecutive numbers commencing with the next highest number a subsequent order of preference for some or all of the remaining candidates; and
    - (iii) must indicate preferences for the candidates included in the group lodging the group voting ticket -
      - (1) in the order in which the names of those candidates are to appear on the ballot-paper; and
      - (2) over all candidates in the election who are not included in that group.
  - (c) A group voting ticket may be lodged in the form of a ballot-paper duly completed with the required order of preferences.
  - (d) A group voting ticket may be signed -

- (i) by all the candidates included in the group;
  - (ii) by the candidate whose name appears first in the order, referred to in Rule **85(c)(ii)** in the group; or
  - (iii) by a person authorised to do so by all the candidates included in the group, by written instrument given to the Returning Officer at the time of the nomination of the candidates in the group.
- (e) The person or persons who signed a group voting ticket may (by notice in writing to the Returning Officer) withdraw that ticket before the expiration of 24 hours after the close of nominations for the election.
- (f) If the candidates included in a group duly lodge 1 group voting ticket or 2 group voting tickets under this Rule, the group shall (subject to paragraph (e)) be taken to have that ticket or those tickets registered for the purposes of the election.
- (g) If a group has 2 group voting tickets registered for an election, the Returning Officer shall hold a ballot (in accordance with the procedure prescribed by the regulations) to determine which group voting ticket will be ticket 1 and which will be ticket 2.
- (h) The word "Ticket" (or if there are 2 group voting tickets the words "Ticket 1" and the words "Ticket 2") shall appear on the ballot paper above the identification of the group and separated from it by a line. A square (or two squares if there are two tickets) shall be printed below the word or words.
- 92.** (a) The Returning Officer shall prepare a list showing all the group voting tickets registered for an election.
- (b) A list shall be so prepared that -
- (i) group voting tickets are displayed in vertical columns;
  - (ii) the tickets are displayed in the columns in the same order as the order on the ballot-papers of the groups concerned;
  - (iii) if a group has 2 or more tickets registered for the election, the tickets are displayed in the same column with each appropriately identified (as determined under Rule **91(g)** as ticket 1, ticket 2 etc; and
  - (iv) each group voting ticket is identified in the same manner as the group concerned is identified on the ballot papers (and not otherwise).

**93.** The balloting material forwarded to each elector shall comprise:

- (a) a ballot paper;
- (b) a small plain envelope in which the voters shall enclose their completed ballot paper; and
- (c) a postage free envelope addressed to the Returning Officer, care of a Post Office Box numbered in accordance with the Roll of Electors;
- (d) a candidate information sheet drawn up by the Returning Officer from information supplied by the candidates.
- (e) the list prepared under Rule 92.

On the return envelope the voters shall sign their name and write their address and provision shall be made on the back of the envelope for that purpose.

94. When necessary, the Post Office box shall be cleared and the envelopes placed in a sealed container and lodged with the Association's bank until the counting of the ballot. At any clearing of the Post Office box a candidate shall be entitled to be represented by a scrutineer nominated by the candidate in writing to the Returning Officer. After the close of the ballot, all remaining envelopes shall be cleared from the Post Office box and together with the envelopes contained in the containers, lodged with the Bank and counted to ascertain the number of envelopes for each electorate. After the roll has been marked, ballot papers shall be extracted from the envelopes in such a way that no paper can be identified with any voter; when this separation has been completed, the examination and counting of votes shall commence.

The Post Office box shall again be cleared after the counting of all ballot papers and before the declaration of the poll in order to report the number of papers returned too late for the count.

When declaring the poll, the Returning Officer shall certify as to the number of ballot papers printed, the number issued, the number unissued, the number returned to the close of the ballot and the number returned too late to be included in the count. All balloting material shall be preserved by the Returning Officer for a period of twelve months after the declaration of the poll.

95. Notwithstanding the terms of any other Rule relating to an election, the Returning Officer shall have the power to extend or vary the times prescribed in these Rules for the carrying out of the ballot or any part thereof, if satisfied that it is necessary to do so to avoid a failure of the election, and the Returning Officer shall have the power to make more than one such extension.
96. Notwithstanding anything contained elsewhere in these Rules the Returning Officer shall at his or her absolute discretion have the power to admit to the count ballot papers contained in ballot envelopes which may not contain any or all of the details required to be provided on the back of the ballot envelope, provided that the Returning Officer is satisfied that the absence of such details has not prevented the Returning Officer from identifying the voter on the roll.

97. Voting by proxy shall not be permitted.
98. The non-receipt of a ballot paper by any financial member shall not necessarily invalidate any election.
99. The Returning Officer shall declare elected the candidates entitled to election. In the case of the four-yearly elections of members of the Executive and Central Council the declaration shall be made when the Returning Officer has ascertained which candidates are entitled to be elected to all of these offices. Upon the declaration of the result, the Returning Officer shall forward a statement of the result to the General Secretary and each candidate. The candidates elected shall take office seven days after the declaration of the ballot.
100. Within 28 days after the closing of the ballot, the Returning Officer shall report to Central Council the names of the elected candidates, together with the particulars of the numbers of votes polled by all candidates and any other matters which the Returning Officer considers should be reported. The report shall be published in the journal of the Association.

#### ***ELECTIONS - CENTRAL COUNCIL***

101. (a) The election of the holder of each office within the Association shall be -
- (i) an election at which all financial members, or all financial members included in such class as is appropriate having regard to the nature of the office are subject to reasonable provisions with respect to enrolment, eligible to vote;
  - (ii) an election by and from the Central Council;
- (b) The Returning Officer conducting every such election shall -
- (i) Satisfy themselves as to the eligibility of those members entitled to vote and those persons entitled to nominate or be nominated and the Rules governing such election;
  - (ii) Call for accept or reject nominations by such means as will give reasonable notice to those entitled to nominate;
  - (iii) Set a date for and in all other respects decide the detailed arrangements for the conduct of the election including the printing of ballot papers, the printer's certificate as to numbers printed, spoiled papers and the destruction of the plate, the mailing list of all those entitled to vote, a post office box for the reply-paid envelope to accompany ballot papers, the opening and counting of the returned ballot papers and the declaration of the result;

- (iv) If they find a nomination to be defective, before rejecting the nomination forthwith notify the person concerned of the defect and where it is practicable to do so give them the opportunity of remedying the defect within not less than seven days of his being so notified.
- (c) Every election shall be by secret ballot, and shall be conducted by the voting system set out in schedule C unless otherwise specified elsewhere in these Rules.
- (d) For all purposes relating to elections conducted under these Rules the financial membership of persons eligible to nominate persons to offices within the Association, to accept nomination for election to those offices and to vote in any such elections shall be ascertained as follows:
  - (i) Those persons who are financial members of the Association as at seven clear days prior to the date upon which nominations for the office or offices the subject of the election or elections are to open shall be eligible to nominate persons for, or, inter alia, be candidates nominated for, such office or offices.
  - (ii) Those persons who are financial members of the Association as at the date on which nominations close for an election under these Rules shall be eligible to vote in such an election.
  - (iii) A roll of financial members eligible to vote in an election or elections under these Rules shall be prepared as at thirty clear days prior to the date upon which nominations for the office or offices the subject of the election or elections are to open.
  - (iv) A supplementary document shall be prepared comprising those persons who have become financial members between the date of preparation of the roll referred to in sub-paragraph (iii) hereof and the date on which nominations close for an election or elections and that document shall be added to the roll referred to in sub-paragraph (iii) hereof as comprising the roll of persons eligible to vote in that election or those elections.
  - (v) A further supplementary document shall be prepared comprising those persons who have ceased to be financial members between the dates referred to in sub-paragraph (iv) hereof and the names of the persons on that document shall be deleted from the roll referred to in sub-paragraph (iii) hereof and shall not be eligible to vote in the election or elections for which that roll was prepared.
- (e) Every candidate in every such election may appoint by notice in writing to the Returning Officer any person not being a candidate in such election or other election for office in the Association being conducted at the same time to act as scrutineer on his/her behalf and such scrutineer may if they

so request be present at the mailing out of the ballot papers, the opening of the post office box, the counting of votes and the declaration of the result.

- (f) No scrutineer shall interfere with the conduct of any election and may at any time be directed by the Returning Officer to leave the place where a count is proceeding if in the opinion of the Returning Officer his presence or conduct is impeding the prompt ascertainment of a true result.
  - (g) Upon the declaration of the result in every such election the Returning Officer shall forward a statement of the result signed by the Returning Officer to the General Secretary and each candidate.
  - (h) Where these Rules are silent the Returning Officer may subject to any relevant Act and to the Rules give such directions for the conduct of an election as may be necessary or convenient to ensure a prompt ascertainment of a true result.
  - (i) The Association and every officer of the Association who is able to do so shall take such steps as are necessary to ensure that all ballot papers, envelopes, lists and other documents used in connection with or relevant to an election for an office are preserved and kept at the registered office of the Association for a period of four years after the completion of the election.
  - (j) For the removal and avoidance of doubt these Rules are to be read subject to the following proviso: provided the fact that any election was commenced or declared after any date specified in these Rules, or the fact that any step was taken later than provided for or required by these Rules, does not invalidate the election in question.
- 102.** (a) The General Secretary shall be elected four-yearly by secret postal ballot of the whole of the financial membership of the Association. The persons eligible to accept nomination shall be:
- (i) All financial members of the Association;
  - (ii) The Branch Secretary, Assistant Secretaries and the elected members of the Branch Executive of the New South Wales Branch of the State Public Services Federation;
  - (iii) employees of the Association;
  - (iv) employees of the State Public Services Federation.
- (b) The Assistant General Secretaries shall be elected four-yearly by secret postal ballot of the whole of the financial membership of the Association. The persons eligible to accept nomination shall be:
- (i) All financial members of the Association;

- (ii) The Branch Secretary, Assistant Secretaries and the elected members of the Branch Executive of the New South Wales Branch of the State Public Services Federation;
  - (iii) employees of the Association;
  - (iv) employees of the State Public Services Federation.
- (c) The President and Vice-Presidents shall be elected four-yearly by secret postal ballot of the whole of the financial membership of the Association.

The persons eligible to accept nomination shall be:

- (i) All financial members of the Association;
  - (ii) The Branch Secretary, Assistant Secretaries and the elected members of the Branch Executive of the New South Wales Branch of the State Public Services Federation.
- (d) The delegates to Central Council shall be elected four-yearly by secret postal ballot of the whole of the financial membership of the Association. The persons eligible to accept nomination shall be:
- (i) all financial members of the Association;
  - (ii) The Branch Secretary, Assistant Secretaries and the elected members of the Branch Executive of the New South Wales Branch of the State Public Services Federation.
- (e) Each election under this Rule shall be conducted so that nominations close on a date to be fixed by the Returning Officer which is not earlier than the 14th of July and not later than the 30th of July, provided that in 1993 the closing date for nominations shall be the day fixed for the close of nominations in the election for Branch Officers and Delegates to Branch Council for the State Public Services Federation New South Wales Branch, unless in the opinion of the Returning Officer the closing of nominations on that date would make it impracticable to comply with the requirements of paragraph (f) of this Rule in which case the Returning Officer may fix another date for the close of nominations.
- (f) Nominations for elections under this Rule shall be called by the Returning Officer by notice in the Association's journal and by notice in a daily newspaper circulating in NSW, at least 21 days prior to the date on which nominations close. The Returning Officer shall fix the dates between which the ballot, if any, shall be conducted.
- (g) Nominations shall be in writing and shall be signed by the person accepting nomination and two members of the Association proposing them and specifying the office or offices for which they are being nominated.

### ***ELECTIONS - EXECUTIVE***

- 103.** Where there has been a ballot conducted for the election of persons to the offices of Vice-President the order of seniority of the Vice-Presidents shall be the order of their election. Where no ballot was required the order of seniority of the Vice-Presidents shall be fixed by agreement between the Vice-Presidents, advised in writing to the President or the chair of a Central Council Meeting. If no agreement has been received by the time the first meeting of Central Council after the elections is due to close the Central Council may determine the order. If an election is declared between Central Council Meetings and no agreement is advised to the President within one month of its completion the Central Council may determine the order by postal ballot. The most senior Vice-President shall be known as the Senior Vice-President.

### ***VACANCIES AND ABSENCES***

- 104.** (a) The General Secretary and Assistant General Secretaries shall hold office until the election of their successors and shall be eligible for re-election but the office shall be vacated by their:
- (i) resigning office by notice in writing; or
  - (ii) dying or becoming of unsound mind; or
  - (iii) being removed from office by a ballot of members authorised by Central Council under the provisions of paragraph (b).
- (b) (i) The General Secretary or an Assistant General Secretary may be dismissed from office by a ballot of members by which they are found guilty of misappropriation of the funds of the Association, a substantial breach of the Rules of the Association, gross misbehaviour or gross neglect of duty.
- (ii) Any member desiring to invoke the preceding sub-rule against an officer shall in writing charge that person with the conduct or circumstances alleged to justify their dismissal and shall forward the written charge to the President who shall forthwith forward a copy of the written charge to the person against whom the charge is made at the same time in writing requesting them to advise whether they admit or deny the charge against them or wish to make any comment thereon.
- (iii) At the next ordinary or special meeting of the Executive the charge and any reply made by the person against whom the charge is made shall be considered and the Executive shall either resolve that the said person be called upon to show cause to Central Council why they should not be dismissed from office or that no further action be taken.



- (iv) If the charge is proceeded with the person charged shall be called upon to attend before the Central Council at a stated time and place to show cause why they should not be dismissed from office and shall be furnished with particulars of the charge reasonably sufficient to enable them to know the nature of the allegation made against them and the circumstances alleged to justify their dismissal.
  - (v) The person charged shall be heard in person if they so desire or may submit a written statement and may call witnesses or evidence relevant to the charge and no person shall be present at the hearing of the charge other than the person charged and/or their legal representative, any witnesses called by them or by the person laying the charge or by the Council and then only for the time each witness's evidence is taken and the members of the Council.
  - (vi) After considering the charge and the submission and evidence thereon the Central Council may by a resolution carried by a two-thirds majority of the total number of its members determine that a ballot of members shall be held on the question.
  - (vii) If the Central Council decides that a ballot shall be held it may suspend the person charged, on pay, from the performance of some or all of the duties of the office.
- (c) Any ballot for the removal from office of an officer shall be conducted by the Association's Returning Officer following as closely as possible the provisions for a ballot for election to the office. The Central Council shall also appoint a group of not less than two members who support the removal of the officer and that group and the officer shall each have the right to submit a case not exceeding two thousand two hundred and fifty words in length. These cases shall be produced by the Association and forwarded with the ballot material. If a majority of members voting in the ballot vote in favour of the removal from office of the officer, the office shall be vacated.
- 105.** (a) If a candidate is successful in more than one ballot and is not eligible to hold simultaneously all such positions, that candidate shall be deemed to be the successful candidate for only the higher or highest of such positions.
- (b) In the counting of votes for any lower position a successful candidate for a higher position shall be the first to be eliminated from the ballot for the lower position and their votes allocated in accordance with the preference shown on such votes.
- (c) A candidate is not eligible to hold simultaneously more than one of the offices listed herein and the higher or highest position shall be ascertained from the following table:
- (i) General Secretary

- (ii) Assistant General Secretary
  - (iii) President
  - (iv) Vice-President
  - (v) Delegate to Central Council.
- 106.** (a) The President, Vice-Presidents and delegates to Central Council hold office until their successors are elected and shall be eligible for re-election but their office shall be vacated by the officer's:
- (i) resigning office by notice in writing; or
  - (ii) dying or becoming of unsound mind; or
  - (iii) ceasing to be a financial member; or
  - (iv) being removed from office by a resolution of the Central Council under the provisions of paragraph (b).
- (b) (i) The President, Vice-Presidents and Delegates to Central Council may be removed from office by resolution in that behalf of Central Council where such officer has been found guilty in accordance with the Rules of the Association of misappropriation of the funds of the Association, a substantial breach of the Rules of the Association, gross misbehaviour or gross neglect of duty.
- (ii) Any member desiring to invoke the preceding sub-rule against a person elected to an office shall in writing charge that person with the conduct or circumstances alleged to justify their dismissal and shall forward the written charge to the General Secretary who shall forthwith forward a copy of the written charge to the person against whom the charge is made at the same time in writing requesting them to advise whether they admit or deny the charge against them or wishes to make any comment thereon.
- (iii) At the next ordinary or special meeting of the Executive the charge and any reply made by the person against whom the charge is made shall be considered and the Executive may resolve that the person charged be called upon to show cause to Central Council why they should not be dismissed from office, or that no further action be taken.
- (iv) If the charge is proceeded with the person charged shall be called upon to attend before the Central Council at a stated time and place to show cause why they should not be dismissed from office and shall be furnished by the person laying the charge with particulars of the charge reasonably sufficient to enable them to know the nature

of the allegation made against them and the circumstances alleged to justify their dismissal.

- (v) The person laying the charge and the person charged shall be heard in person if they so desire, or may submit a written statement, and may call witnesses or evidence relevant to the charge. No person shall be present at the hearing of the charge other than the person charged, the person laying the charge, and the members of the relevant body and any witnesses called, provided that any witnesses called may only be present while such witness's evidence is being taken. No person, other than a member of the Central Council, shall be present after the hearing of such charge whilst the Central Council is deliberating upon its decision in relation to such a charge.
- (vi) The Central Council shall determine the matter and shall make such decision thereon as the facts of the matter require and such decision shall, subject to the provisions of these Rules as to appeals be final. In making a decision under this sub-rule, the Central Council may remove an officer found guilty of a charge laid under this Rule from some or all of the offices held by them in the Association. The Central Council may decide to issue a rebuke, caution, reprimand or warning to an officer found guilty of a charge laid under this Rule as an alternative to removal from an office or offices held by them in the Association.
- (vii) An officer may by resolution of Executive be directed not to carry out some or all of the duties attaching to their office pending the hearing of any charge against them.

**107.** In the event of any casual or extraordinary vacancy occurring among the Executive Officers:

- (i) If the unexpired portion of the term would exceed three years a secret postal ballot of the whole of the financial membership of the Association shall be held to fill the casual or extraordinary vacancy, any such ballot to be held as soon as possible using so far as may be practical the same mode of election as is prescribed by these Rules for election to that office, and the person then elected shall hold office for the unexpired portion of the term attached to that office.
- (ii) If the unexpired portion of the term is three years or less Central Council may fill the vacancy by election of a person who would be eligible for election to the office, the person then elected shall hold office for the unexpired portion of the term attached to that office.
- (iii) Where a casual vacancy is to be filled by election and no appointment has been made pursuant to Rule 112, the Central Council may appoint a person eligible for election to

the office to act in the vacant position pending the election of a person to fill the vacant office, and the member appointed under this paragraph shall cease to act when the office is filled under paragraph (i) or (ii) of this Rule.

**108.** In the event of any casual or extraordinary vacancy occurring among the Delegates to Central Council:

- (i) If the unexpired portion of the term would exceed three years a secret postal ballot of the whole of the financial membership of the Association shall be held to fill the casual or extraordinary vacancy, any such ballot to be held as soon as possible using so far as may be practical the same mode of election as is prescribed by these Rules for election to that office, the person then elected shall hold office for the unexpired portion of the term attached to that office.
- (ii) If the unexpired portion of the term is three years or less fill the vacancy by election by the Central Council of a person who would be eligible for election to the office, and the person then elected shall hold office for the unexpired portion of the term attached to that office.
- (iii) Where a casual vacancy is to be filled by election and no appointment has been made pursuant to Rule 112, the Central Council may appoint a person eligible for election to the office to act in the vacant office pending the election of a person to fill the vacant office, and the person appointed under this paragraph shall cease to act when the office is filled under paragraph (i) or (ii) of this Rule.

**109.** In the event of the position of a delegate to Conference being vacant the position shall be filled:

- (a) where there is one delegate from that constituency by the alternate delegate;
- (b) where the alternate delegates from that constituency were elected in a particular order by the alternate delegate highest in the order of election;
- (c) where there is more than one alternate delegate and no order of election was established between them by one of those alternates elected:
  - (i) if the constituency consists of one workplace group by the committee of that workplace group;
  - (ii) where the constituency consists of more than one workplace group by vote of the workplace delegates from those groups.

- (d) where there is no alternate delegate from a constituency by a member in the constituency elected:
  - (i) if the constituency consists of one workplace group by the committee of that workplace group;
  - (ii) where the constituency consists of more than one workplace group by vote of the workplace delegates from those groups.
- 110.** Any person appointed to fill a vacancy in accordance with these Rules shall hold office for the balance of the term of office or until the earlier election of a successor where required by the Rules.
- 111.** When a member of the Executive or Central Council, has been given leave of absence for a period of not less than one month or has vacated their office, an acting member of the Executive or Central Council shall assume office, or may be appointed for the duration of such leave or until vacancy is filled, who shall, for the period of their appointment, have all the rights, duties and privileges of the office in which they act.
- 112.** The acting member of the Executive or Central Council shall be in the case of:
  - (a) the President, be the most senior of the Vice-Presidents other than one acting as President;
  - (b) a Vice-President, be a Central Councillor appointed by the Vice-President concerned, or, if they have ceased to be a member of the Association by the Central Council;
  - (c) the General Secretary, be an Assistant General Secretary or, if an Assistant General Secretary is unavailable, a person eligible for election to office appointed in writing by the General Secretary, or if they have ceased to be a member of the Association by the Central Council.
  - (d) an Assistant General Secretary, be a person eligible for election to the office, appointed in writing by the Assistant General Secretary or, if they have ceased to be a member of the Association by the Central Council;
  - (e) any other Central Councillor, be a person appointed in writing by that Central Councillor unless they have ceased to be a member of the Association.
- 113.** When a member of the Central Council, other than a member of the Executive is unable to attend a meeting of the Central Council, or where a member of the Executive is unable to attend a meeting of the Executive, an alternate member may be appointed who subject to this Rule shall have all the rights, duties and privileges of the absent officer in respect of that meeting.

In this Rule and in the three following Rules the term "alternate member" shall mean a proxy member on behalf of the absent officer and who shall vote in accordance

with any express instructions conveyed by the absent officer to the alternate member prior to the meeting, in respect of any business contained in the Agenda and Notice for that meeting, provided that no express instructions may be given by the absent officer in respect of the proceedings of Central Council or Executive where a person is entitled under these Rules to be heard before any decision on that matter is made by the body concerned.

114. Alternate members of the Executive and the Central Council shall be appointed from among the persons who would be eligible for election to the position.
115. The right to appoint an alternate member of the Executive or Central Council shall vest in the member of the Executive or Central Council concerned unless they have ceased to be a member of the Association.
116. Acting and alternate members of Committees and delegations of the Executive and Central Council may be appointed in the same manner as for the Executive and Central Council.
117. Acting and alternate members of Conference may be appointed in the same manner as Central Council, a constituency or body having the rights of nomination or appointment in respect to its delegates, provided that once a member, acting or alternate member has taken their place at Conference no other person may act in that place during that Conference.
118. If any member holds in an ordinary, acting or alternate capacity, more than one of the offices which entitle them to membership of the Executive, Central Council or Conference then an acting or alternate member may be appointed in respect of any additional office.
119. Any body, electorate or constituency which has rights of nomination or appointment in relation to the filling of vacancies or the appointment of acting or alternate members or delegates, may determine the manner in which those rights may be exercised on its behalf.

In relation to the appointment of acting officers, or the appointment of acting or alternate members or delegates, if no such determination has been made or if no nomination or appointment is made pursuant to such a determination then the right may be exercised by the officer, member or delegate concerned, unless they have vacated their position.

### **FUNDS**

120. The funds of the Association shall consist of contributions, subscriptions, levies, fines, fees and dues, payable by members, or moneys received from any source whatever.
121. The funds of the Association shall be applied to the following purposes:
  - (a) Defraying the costs of management of the Association.

- (b) Subscribing to any association or organisation with which the Association may, in accordance with these Rules, co-operate or affiliate.
- (c) Defraying the cost of publishing the Association Journal.
- (d) Defraying any expenses incurred in making or opposing any application to a Federal or State Board or Court of Arbitration or Industrial Appeal.
- (e) Making payments in connection with any matters prescribed by these Rules or affecting the general interests of members.
- (f) Paying such sums as may be determined by Central Council to a special fund or funds.
- (g) Acquiring by lease, purchase, donation, devise, bequest or otherwise any real or personal property necessary for the carrying out of any of the objects of the Association.
- (h) Aiding and encouraging members generally or particular groups of members in taking action directed to the improvement of salaries and working conditions.
- (i) For or in connection with any other lawful object or purpose authorised by Rules of the Association.

The investment of surplus cash funds in accordance with these Rules and the acquisition of real or personal property primarily or mainly acquired for the business or office accommodation of the Association shall be a valid exercise of this Rule.

**122.** The funds of the Association may be invested:

- (a) in any manner as authorised by the Trustees Act, 1925, as amended;
- (b) for the purchase of real estate for investment.

**123.** Except where otherwise provided, the Central Council shall control the funds of the Association.

**124.** The books of the Association shall be kept in accordance with the requirements of any applicable Act, the appropriate Australian accounting standards and any other requirements of the By-Laws.

**125.** The Financial Year of the Association shall be the period of twelve months commencing on 1 January and ending on 31 December in any year.

**126.** (a) The Annual Statement of Accounts shall include the Balance Sheet and Statement of Income and Expenditure.

- (b) The Association shall publish in its journal the Annual Statement of Accounts and the Auditor's report in relation to it or a summary which meets the requirements of any applicable Act.
  - (c) The Annual Statement of Accounts and the Auditor's report in relation to it shall be presented to the Central Council.
- 127.** The General Secretary shall keep a current account and such other accounts as may be prescribed by the Central Council, in such Bank as may be authorised by the Central Council.
- 128.**
  - (a) All cheques or drafts upon the funds of the Association shall, except as otherwise provided in this Rule, be signed by the General Secretary or a person authorised by the General Secretary, then by an Assistant General Secretary or person authorised by an Assistant General Secretary, then by the President or a Vice-President.
  - (b) All cheques or other withdrawals from petty cash accounts kept by the General Secretary shall be signed by the General Secretary or a person authorised by the General Secretary and then by an officer or employee authorised by the General Secretary.
- 129.**
  - (a) Central Council may authorise the General Secretary to keep one or more petty cash bank accounts.
  - (b) Each petty cash bank account shall be kept in such bank as may be authorised by Central Council, and shall be kept on the imprest system for such purposes as may be determined by the Central Council.
  - (c) Petty cash held in notes and specie shall be kept on the imprest system for such purposes as may be determined by the Central Council.
- 130.** A loan, grant or donation must not be made by the Association unless the Central Council or Executive:
  - (a) has satisfied itself:
    - (i) that the making of the loan, grant or donation would be in accordance with the other Rules of the Association; and
    - (ii) in the case of a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and
  - (b) The Central Council or Executive has approved the making of the loan, grant or donation.



This Rule does not apply to payments made by the Association by way of provision for, or reimbursement of, out-of-pocket expenses incurred by persons for the benefit of the Association.

131. All amounts received for the purposes of membership to the Provident Fund shall be paid into a separate bank account under the control of the Trustees of the Provident Fund.

### **EXPENSES**

132. Central Council shall from time to time determine the manner and rates, not exceeding the rate of conditions as established by the State Government's industrial authority from time to time for Government employees or an award that replaces those rates and conditions, which officers and members of the Association engaged in conducting duly authorised Association business shall be compensated for travel and sustenance expenses.
133. Each workplace group shall be entitled to an ongoing expense account, the amount of which shall be determined by Central Council, from time to time.

### **AUDIT**

- 134.
- (a) The Auditor shall be appointed by resolution of the Central Council for a term of four years, provided that the Auditor who has been appointed as at the commencement of this Rule shall be deemed to have been appointed for a term expiring on 31 August, 1996.
  - (b) The Auditor shall be qualified in accordance with the requirements of any applicable Act.
  - (c) The Auditor may be removed during the term of their appointment only by resolution of the Central Council passed at a meeting of the Central Council by an absolute majority of the Members of the Council. The Auditor shall have the right to be heard by the Council before any vote is taken on a motion for the auditor's removal. The grounds upon which the Auditor may be removed during the terms of their appointment shall be:
    - (i) unprofessional performance;
    - (ii) gross misconduct;
    - (iii) neglect of duties; or
    - (iv) the charges for the services provided being considered by Central Council to be unreasonable and excessive.
  - (d) The Auditor's position shall automatically become vacant if the Auditor:
    - (i) ceases to be qualified in accordance with the requirements of any applicable Act, or

- (ii) resigns in writing, or
- (iii) becomes incapable of performing the duties of the Auditor by reason of mental or physical incapacity.

**135.** The Auditor shall:

- (a) audit and report on the books of the Association in accordance with the requirements of any applicable Act, these Rules, the appropriate Australian auditing standards and any other requirements of the By-Laws;
- (b) be entitled at all reasonable times to full and free access to all records and other documents of the Association relating directly or indirectly to the receipt or payment of money, or to the acquisition, receipt, custody or disposal of assets, by the Association;
- (c) be entitled to seek from any officer or employee of the Association the information and explanations that the auditor reasonably wants for the purposes of the audit;
- (d) have power to authorise in writing a person to exercise the Auditor's entitlements under paragraphs (b) and (c);
- (e) report to the President any inaccuracy, irregularity or breach of any of these Rules relating to finances of the Association;
- (f) place before the President any suggestion concerning the finances of the Association or for securing more effective control of the Accounts of the Association;
- (g) perform such other auditing duties as Central Council shall from time to time direct.

***MEETING PROCEDURES***

- 136.** In the absence from any meeting or any session thereof of any member entitled to preside at the expiry of fifteen minutes from the time appointed for commencement the meeting shall elect a chairperson from among its members.
- 137.** No member shall exercise more than one deliberative vote at any meeting nor shall voting by proxy be permitted.
- 138.** All questions shall be decided by a majority of votes except as provided to the contrary in these Rules, but should there be an equality of votes on any question, the Chairperson shall have a casting vote in addition to their deliberative vote.

**ADMINISTRATION**

139. The registered office of the Association shall be at 160 Clarence Street, Sydney. Notice of any change of address shall be given to the Industrial Registrar.
140. Agreements shall be executed by the President and attested by the General Secretary, or by another member of the Executive.
141. The Seal of the Association shall be in the possession of the General Secretary, who shall be responsible for its safe custody.
142. The Seal of the Association shall not be used except by the authority of the Central Council previously given, and every instrument or agreement to which the Seal is affixed shall be signed by the President and attested by the General Secretary or by a member of the Executive.
143. The General Secretary and/or the President shall be the only authorised officers of the Association in whose names official letters or press statements shall be issued.
- Providing that the Executive and/or Central Council may grant authority where special circumstances exist and such special circumstances are related to the advancement of Association policy for this procedure to be varied.
144. A register of the names of officers and members of the Association in such form as may be prescribed from time to time by the Central Council, shall be kept by the General Secretary at the Registered office of the Association.
145. (a) The Association shall maintain and make available for inspection by members a statement of its affairs containing descriptions of:
- (i) the ways in which the functions of the Association affect members, including, in particular, the decision making functions;
  - (ii) any arrangements that exist to enable members to participate in the formulation of the Association's policies and the exercise of the Association's functions;
  - (iii) the various kinds of documents that are usually held by the Association, including documents that are available for inspection;
  - (iv) documents that are available from the Association for purchase or free of charge;
  - (v) arrangements that exist to enable a member:
    - (1) to obtain access to the Association's documents; and
    - (2) to seek amendment of the Association's records concerning that member's personal affairs; and

- (vi) the procedures of the Association in relation to:
  - (1) the giving of access to the Association's documents; and
  - (2) the amendment of the Association's records concerning the personal affairs of a member.
- (b) The Association shall make available for inspection by members the register of the names of Officers of the Association, the annual budget, quarterly financial reports and monthly income and expenditure statements as adopted by the Central Council.
- (c) The Association shall make available for inspection by any member any document concerning the personal affairs of that member provided that if a document contains information of a medical or psychiatric nature and the General Secretary is of the opinion that disclosure of the information to the member may have an adverse effect on their physical or mental health, access to the document may be confined to a registered medical practitioner nominated by the member.
- (d) The Association shall make available for inspection by members the books and documents of the Association unless it is a document of a kind referred to in sub-rule (e) or in the opinion of the General Secretary the work involved in dealing with a request for access would, if carried out, substantially and unreasonably divert the Association's resources away from their use by the Association in the exercise of its functions or it is a document that is usually available for purchase or it genuinely forms part of the library material held by the Association.
- (e) The Association need not make available for inspection by a member a document which contains matter the disclosure of which could reasonably be expected to:
  - (i) prejudice the investigation of any contravention or possible contravention of the law or an award or agreement whether generally or in a particular case;
  - (ii) enable the existence or identity of any confidential source of information, in relation to the enforcement or administration of the law, an award or agreement to be ascertained;
  - (iii) endanger the life or physical safety of any person;
  - (iv) prejudice the impartial adjudication of any case;
  - (v) prejudice the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law or an award or agreement;

- (vi) prejudice the maintenance or enforcement of any lawful method or procedure for protecting the safety of members or the public;
- (vii) involve the unreasonable disclosure of information concerning the personal affairs of any person (whether living or deceased) other than the person by or on whose behalf an application for access to the document is being made;
- (viii) disclose trade secrets of any person;
- (ix) destroy or diminish the commercial value of information that has a commercial value to any person;
- (x) disclose information concerning the business, professional, commercial or financial affairs of any person; and have an unreasonable adverse effect on those affairs or prejudice the future supply of such information;
- (xi) disclose the purpose or results of research (including research that is yet to be commenced or yet to be completed); and could reasonably be expected to have an unreasonable adverse effect on the Association or other person by or on whose behalf the research is being, or is intended to be, carried out;
- (xii) disclose any opinion, advice or recommendation that has been obtained, prepared or recorded; or any consultation or deliberation that has taken place, in the course of, or for the purpose of, the decision-making functions of the Association;
- (xiii) disclose matter that would be privileged from production in legal proceedings on the ground of legal professional privilege;
- (xiv) disclose matter relating to the judicial functions of a court or tribunal; or matter prepared for the purposes of proceedings (including any transcript of the proceedings) that are being heard or are to be heard before a court or tribunal;
- (xv) constitute an offence against an Act;
- (xvi) found an action for breach of confidence or defamation;
- (xvii) disclose information obtained in confidence and prejudice the future supply of such information;
- (xviii) have a substantial adverse effect on the financial or property interests of the Association;
- (xix) prejudice the effectiveness of any method or procedure for the conduct of tests, examinations or audits, prejudice the attainment of the objects of any test, examination or audit, have a substantial

adverse effect on the management or assessment by an agency of the Association's personnel, have a substantial adverse effect on the effective performance by the Association of the Association's functions, have a substantial adverse effect on the conduct of industrial relations by the Association; or

- (xx) constitute contempt of court; or contravene any order or direction of a person or body having power to receive evidence on oath; or infringe the privilege of Parliament,

or is a document which if held by an agency would be a restricted or exempt document for purposes of the Freedom of Information Act 1989.

- (f) The Central Council or the Executive shall determine the arrangements relating to enabling members to inspect books and documents of the Association including the places and times at which such inspections may be made and may specify any fees which have to be paid in connection with a request for inspection.
- (g) Subject to the provisions of this Rule and any arrangements made under it the General Secretary shall determine whether any document should be made available for inspection. A member may appeal to the Executive against any such decision of the General Secretary.

### **PENALTIES**

- 146. (a) Subject to the provisions of these Rules in relation to the removal from office of an Officer the Central Council and Executive shall have power to investigate any suspected or alleged breach of these Rules and to determine whether any member has committed a breach of these Rules.
- (b) A member is guilty of a breach of these Rules who:
  - (i) breaches or fails to comply with any provision of these Rules;
  - (ii) knowingly fails to obey any lawful resolution of the Association;
  - (iii) gives false or misleading information to the Association on any matter relating to the objects of the Association;
  - (iv) fails, without reasonable excuse, to attend any meeting of the Association when summoned by the Council or Executive;
  - (v) obstructs the Association, the Council or the Executive in the performance of its functions pursuant to these Rules;
  - (vi) obstructs, insults or behaves in an offensive manner towards any officer or employee of the Association acting in the course of his or her duties;

- (vii) wrongfully holds himself or herself out, without reasonable excuse, as occupying any office or position, or as representing the Association;
  - (viii) behaves in a drunken, disorderly or offensive manner at any meeting of the Association or in any office of the Association;
  - (ix) aids or encourages any other member in a breach of these Rules.
- (c) Any member who alleges that another member has breached these Rules may lay a charge under this Rule. Such charge shall be in written form and shall be forwarded to General Secretary. However, the powers of the Central Council and the Executive under this Rule shall not depend upon the laying of a charge by an individual member in accordance with this sub-rule.
- (d) A member shall not be found guilty of a breach of these Rules unless they have been given notice of the charge made and has been given a reasonable opportunity to present any defence to the charge.
- (e) The Central Council and Executive shall have power to expel or suspend from membership or to impose a fine not exceeding one third of the amount of a general subscription for an ordinary adult member or a rebuke or caution, reprimand or warning upon any member found guilty of a breach of these Rules.
147. Appeals against fines shall not be entertained, unless such fine shall have been previously paid to the General Secretary.

### ***DISSOLUTION***

148. The Association shall not be dissolved, nor its funds appropriated to any purpose other than those set forth in the foregoing Rules, so long as twenty members are enrolled in the Register of Members.
149. Rule 148 shall not be rescinded or amended except by a vote of two-thirds of those entitled to vote at an ordinary or Special Meeting of Central Council and after ninety days notice in writing has been given to the General Secretary.
150. Should the number of members at any time be reduced from any cause whatsoever to less than twenty, the Association may be dissolved by a vote of the majority of the members present and entitled to vote at a meeting duly summoned for the purpose.

### ***RULES***

151. (a) In these Rules, unless the contrary intention appears:

- (i) Words importing the masculine gender shall include females;
- (ii) Words in the singular shall include the plural and words in the plural shall include the singular;
- (iii) "body" means and includes any Branch, Committee, Conference, Council, Executive, Sub-Branch, Sub-Division, Workplace Group, Sub-Group within a Workplace Group or Departmental Group established by or under these Rules;
- (iv) "month" means calendar month;
- (v) "officer" means and includes the Executive Officers, Delegates to Central Council, Trustees of the Association and Trustees of the Provident Fund, provided that any person authorised in writing by the General Secretary or by his delegate shall be an officer for the purposes of Section 733 of the Industrial Relations Act 1991 for the time specified in the authority or until the authority is revoked whichever first occurs;
- (vi) "public servant" means and includes any person eligible for membership of the Association under Rule 5;
- (vii) the time prescribed or allowed for the doing of a particular thing shall be taken to exclude the day of the act or event from or after which the time is to be reckoned but to include the day for the doing of that thing, provided that where that day falls on a Saturday or Sunday or on any day which is at the time a public or bank holiday throughout New South Wales the thing may be done on the first day following which is not a Saturday or Sunday or a public or bank holiday as aforesaid;
- (viii) where these Rules give power to any body to make any rules, by-laws or regulations it shall be implied that such body may rescind, revoke, alter or vary the same from time to time as occasion requires;
- (ix) where these Rules give power to any body to establish another body it shall be implied that the first-mentioned body may abolish, alter or vary the second-mentioned body from time to time as occasion requires;
- (x) where these Rules require that any calculation be made resulting in a fractional remainder then, unless otherwise specified in the Rule, the fractional remainder shall be rounded to the nearest whole number.

Where these Rules require that in any calculation a fractional remainder be rounded to the nearest whole number a remainder of



one half or more shall be rounded up and a remainder of less than one half shall be rounded down.

- (xi) "electorate" means and includes any body or group of members entitled under these Rules to elect persons to one or more of the offices which entitle the holder to membership of the Executive or Central Council.
- (xii) "constituency" means and includes any body or group of members entitled to elect one or more delegates to the Conference under these Rules;
- (xiii) a reference to an officer elected under a particular Rule or part of a Rule includes a reference to a person, elected or appointed to fill a vacancy in the office, or acting in the office or appointed as an alternate member or representative for the office in respect of any meeting;
- (xiv) "retirement" means and includes the cessation of work by a member, whether permanently employed or otherwise:
  - (1) on or after reaching the normal retirement age for the service in which the member is employed or for any superannuation scheme applying for that service;
  - (2) on or after reaching any earlier age at which retirement is allowed in that service or scheme;
  - (3) on becoming medically unfit to continue in their employment; or
  - (4) in any other circumstances commonly described in that service as retirement,

and "retired" shall mean having commenced retirement as defined above and a person who has retired and has not resumed work shall be deemed not to be on leave without pay, provided that the expression "Retired Officers" used in reference to members of the Retired Associates Group shall refer to all members of the Group.

- (xv) "authorised collector" means and includes any delegate, officer, employee or other person, firm, trust, company, society or corporation authorised by the Central Council, the Executive or the General Secretary for the purposes of Rule 14 or Rule 18 or both.
- (xvi) a member who works in Higher Education shall mean a member employed in or by a University, College of Advanced Education, a Department of Technical and Further Education, a College or Institute of Technical and Further Education or are employed in or by any department, or part of a department or by any employer

which a resolution of the Central Council declares to be a Higher Education Body;

(xvii) a member who works in Health shall mean a member employed in or by a public hospital, private hospital or other private health service, nursing home, public dental clinic, area health service or community health service or facility providing ancillary patient services as determined by Central Council, or are employed in or by any department, or part of a department or by any employer which a resolution of the Central Council declares to be a Health Services Body;

(xviii) a member who works in School Education shall mean a member employed in the Department of School Education or by the Director-General of School Education or are employed in or by any department, or part of a department or by any employer which a resolution of the Central Council declares to be a School Education Body;

(xix) Unless otherwise expressly indicated reference in these Rules to a Central Councillor shall include both Executive Officers and Delegates to Central Council.

(xx) where these Rules require that a notice be given to any person in writing it may be given by post, lettergram, telex, facsimile transmission or by written notice handed to the person.

(xxi) the Community and Public Sector Union" means the organisation registered under the Industrial Relations Act 1988 of the Commonwealth, and references in these Rules to "CPSU" shall refer to the Community and Public Sector Union".

(b) Where any body or officer delegates any power, authority, duty or function in accordance with these Rules:

(i) such delegation may be made subject to such conditions or such limitations as may be specified from time to time by the delegating body or officer;

(ii) where the exercise or performance of the power, authority, duty or function is dependent upon the opinion, belief or state of mind of the delegating officer or body it may be exercised or performed upon the opinion, belief or state of mind, as the case may require, of the delegate;

(iii) the delegating officer or body may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated:

(iv) any act or thing done, or suffered by the delegate when acting in the exercise of the delegation and within the terms of the delegation

shall have the like force and effect as if it had been done or suffered by the delegating body or officer.

- (c) These Rules shall be read subject to the provisions of the Industrial Relations Act, 1991 and the Regulations made under that Act, such that:
- (i) unless the context otherwise requires, every Rule or part thereof shall be read as limited by the provisions of the Act and Regulations; and
  - (ii) any Rule or part thereof which cannot be read as so limited shall be deemed to be severable from the balance of the Rule or Rules.
- (d) In these Rules, unless the contrary intention appears "functions of management of the Association" means any of the following functions:
- (i) the management of the financial or other affairs of the Association;
  - (ii) the determination of policy for the Association;
  - (iii) the making, alteration or rescission of Rules of the Association;
  - (iv) the enforcement of the Rules of the Association, or the performance of functions in relation to the enforcement of such Rules.

For the purpose of this paragraph a reference to "affairs of the Association" includes a reference to:

- (i) the formation, membership, control, business, trading, transactions and dealings (whether alone or jointly with another person or other persons and including transactions and dealings as agent, bailee or trustee), property (whether held alone or jointly with another person or other persons and including property held as agent, bailee or trustee), liabilities (including liabilities owned jointly with another person or other persons and liabilities as trustee), profits and other income, receipts, losses, outgoings and expenditure of the Association; and
- (ii) the internal management and proceedings of the Association; and
- (iii) the power of persons to exercise, or to control the exercise of, the rights to vote attached to membership of the Association; and
- (iv) matters relating to or arising out of the audit of, or working papers or reports of an auditor concerning, any matters referred to in any of the preceding sub-paragraphs.

- 152.** (a) These Rules may be amended or rescinded and new Rules made in the manner provided in this Rule. An alteration of the Rules may be a complete or partial alteration of the Rules. An alteration of the Rules may

include the amendment of one or more Rules, the rescission of one or more Rules and the making of one or more Rules.

- (b) An alteration to the Rules may be made by the Central Council. The Executive or any ten members of the Central Council may submit a proposed alteration by giving sixty days' notice to the General Secretary.
- (c) Where a proposed alteration to the Rules has been submitted in accordance with paragraph (b) of this Rule the Central Council or the Executive may by giving 30 days' notice to the General Secretary submit further alterations to any of the Rules affected by the proposed alteration or any other alteration which the Council or Executive believes would be necessary or expedient for achieving the purposes of the alteration originally proposed.
- (d) Where an alteration to the Rules has been adopted and the Industrial Registrar or Industrial Commission has refused to register the alteration in part or has imposed a condition on the registration of the alteration the Central Council without further notice may adopt the alteration as approved and on the conditions imposed.
- (e) Where an alteration to the Rules has been adopted and the Industrial Registrar or Industrial Commission has refused to register the alteration in whole or part or has imposed a condition on the registration of the alteration the Central Council or the Executive may submit to the Central Council any alteration which the Council or Executive believes would be necessary or expedient for achieving the purposes of the alteration adopted by conference by giving 30 days' notice to the General Secretary. The Central Council may adopt that related alteration. At least 14 days' notice of the proposed alteration shall be given to Central Councillors.
- (f) Where it is necessary to alter the Rules of the Association to comply with the requirements of or under any Act under which the Association is registered or is seeking registration or where a Rule of the Association does not comply with such requirements or where it is necessary to comply with any order of the Industrial Commission the Central Council or the Executive may submit to the Central Council any necessary or expedient alterations by giving 30 days' notice to the General Secretary. The Central Council may adopt those alterations. At least 14 days' notice of the proposed alterations shall be given to Central Councillors.
- (g) The Central Council may amend Rule 5 (Constitution) in order to:
  - (i) extend coverage to a new group of members;
  - (ii) establish coverage of any existing group of members transferred to the service of an employer which does not come within or may be considered not to come within Rule 5 (Constitution) and to any persons subsequently appointed to occupy the positions of or perform the work done by such members;

- (iii) establish coverage of the prospective employees of any body newly created or proposed to be created by Statute or otherwise for the purpose of performing functions for or on behalf of or in the interests of or at the direction of the Government of the State, or of any company or corporation in which shares are held by or on behalf of the Government of the State or of any body whose governing body includes nominees appointed by or for or on behalf of or in the interest of the Government of the State;
- (iv) extend membership in the Association to any of the classes of persons entitled to be admitted as Associates by virtue of paragraphs (b), (c) and (f) of Rule 6 where such persons are seeking employment which, if obtained, would entitle those persons to apply for admission as members by virtue of Rule 5 (Constitution).
- (h) Upon notice of any alteration of Rules being given the General Secretary shall forward copies of the proposed alteration to each Central Councillor.
- (i) In the case of Rules 27, 32, 35, 39, 44, 46, 49, 53, 54, 55, 76 and this paragraph an alteration, except by way of renumbering, shall not be adopted unless:
  - (i) thirty-one votes are recorded in favour of the alteration, or
  - (ii) a majority of Central Councillors present when the vote is taken is recorded in favour of the alteration and a majority of Central Councillors present when the vote is taken is also recorded in favour of the alteration within the year following the next four-yearly election of Central Councillors.
- (j) Except as provided in paragraph (i) of this Rule an alteration shall be adopted if a majority of Central Councillors present when the vote is taken is recorded in favour of the alteration.

**153.**

- (a) The persons holding positions as members of the Women's Council Committee on the twenty-eighth of May, 1992 shall hold those positions only until the election of their successors pursuant to Rule 32.
- (b) Elections shall be held in 1993 to the office of President, Vice President, General Secretary and Delegate to Central Council and to the position of Delegate to the Women's Council Committee in 1994 and the persons then elected shall hold office or the position as the case may be until the election of their successors in 1996.
- (c) Elections shall be held in 1996 to all offices of Executive Officer and Delegate to Central Council and to the position of Delegate to the Women's Council Committee and the persons then elected shall hold office

or the position as the case may be until the election of their successors in 2000. Elections shall be held four yearly thereafter.

- (d) This Rule shall apply notwithstanding anything in these Rules to the contrary.
- (e) The Assistant General Secretaries holding office in March 1996, namely Brian Sinclair Jardine and John Joseph Cahill, may continue to act in those offices until the elections in 1996 referred to in paragraph (c) of this rule when elections shall be held to offices of Assistant General Secretary.

**154.** While the Association is not incorporated the following provisions shall apply:

- (1) There shall be three Trustees who shall:
  - (a) be elected from amongst members of Central Council;
  - (b) not be members of the Executive;
  - (c) not be directors of any organisation having financial dealings with the Association.

They shall be held to claim, possess and assert formal legal ownership of all property of whatsoever description belonging to the Association.

- (2) The Trustees shall exercise general and special supervision over its financial affairs, and be empowered to deposit moneys or invest funds under direction of the Central Council in the name and on behalf of the Association.
- (3) The Trustees shall present a report at the Annual Conference dealing generally with all property of the Association.
- (4) In case of a Trustee vacating their position from any cause whatsoever, full power of action shall devolve upon the other or surviving Trustees, until a new appointment be made.
- (5) Any vacancy in the position of Trustee shall be filled by election by secret postal ballot of the Central council using the system of voting set out in Schedule C.
- (6) Any necessary proceedings in any Court shall be carried on in the name of the General Secretary.

This Rule shall apply notwithstanding anything in these Rules to the contrary.

**155.** a) All persons who were immediately prior to the amalgamation day members of the Public Service Association of New South Wales or the Professional Officers' Association of New South Wales shall be members of the

Association and shall continue as members until their membership is terminated in accordance with the provisions of these Rules.

- (b) All persons who were immediately prior to the amalgamation day financial members of the Public Service Association of New South Wales or the Professional Officers' Association of New South Wales shall be financial members of the Association and shall, subject to the provisions of these Rules, continue as financial members.
- (c) All persons who immediately prior to the amalgamation day held office as an Executive Officer in the Public Service Association of New South Wales shall hold the corresponding office in the Association and all persons who immediately prior to the amalgamation day held office as a Central Councillor in the Public Service Association of New South Wales shall hold office as a Central Councillor in the Association and all such persons shall be taken to have been elected under these Rules and shall continue to hold office as an Executive Officer or Central Councillor subject to the provisions of these Rules, until the election of their successors in 2000.
- (d) The person who immediately prior to the amalgamation day held office as the President of the Professional Officers' Association of New South Wales shall hold office as an Executive Officer of the Association being an office additional to those specified in Rule 49.
- (e) The persons holding office immediately prior to the amalgamation day as Vice Presidents and Treasurer of the Professional Officers' Association of New South Wales shall become observers to the Central Council with the same rights, duties and privileges as a Central Councillor other than the right to vote.
- (f) The persons referred to in paragraphs (d) and (e) of this Rule shall continue as Executive Officer and Observers unless they vacate their office or position in the manner specified in Rule 106(a) until the completion of the elections of Executive Officers' and Central Councillors in 2000. The provisions of these Rules concerning the appointment of acting and alternate members shall apply to those persons. If such a person ceases to be a member of the Association the right of nomination or appointment of an acting or alternate member may be exercised by the majority of the remaining persons.
- (g) Any person who immediately prior to the amalgamation day was an Honorary Life Member of the Professional Officers' Association of New South Wales shall be an Honorary Life Member of the Association. Any person who immediately prior to the amalgamation day was an Honorary Member of the Professional Officers' Association of New South Wales shall be an Honorary Member of the Association. Any person who immediately prior to the amalgamation day held any certificate or award of the Public Service Association of New South Wales or the Professional



Officers' Association of New South Wales shall be taken to have been awarded that certificate or award by the Association.

- (h) All persons who were prior to the amalgamation day Associates of the Public Service Association of New South Wales or Associate Members of the Professional Officers' Association of New South Wales shall be Associates of the Association and shall continue as Associates until their status is terminated in accordance with the provisions of these Rules.
- (i) All industry groups, advisory groups, workplace groups and associate groups in existence immediately prior to the amalgamation day will be taken to be established within the Association.
- (j) In this Rule

the "amalgamation day" refers to the day on which the amalgamation between the Public Service Association of New South Wales and the Professional Officers' Association of New South Wales takes effect.

**156. Prison Officers Vocational Branch Legal Aid Fund.**

- (a) The Executive shall establish a Legal Aid Fund for the benefits of members belonging to the Prison Officers' Vocational Branch, and may determine the rules to apply in the operation of such fund.
- (b) The purpose of the Legal Aid Fund shall be to provide financial assistance for the payment of legal expenses for members belonging to the Prison Officers' Vocational Branch who are criminally charged with respect to any matter which occurs whilst on duty as a prison officer.
- (c) The trustees of the Legal Aid Fund shall be the person at any given time holding the position of General Secretary of the Association, President of the Association, and Chair of the Prison Officers' Vocational Branch.
- (d) The trustees of the Legal Aid Fund shall determine the amount of financial assistance to be provided to any member who makes application for such assistance.
- (e) At least two trustees shall sign any cheque drawn upon the Fund.
- (f) Notwithstanding rule 17, the Executive may impose a levy, of such amount as it may determine, upon members belonging to the Prison Officers' Vocational Branch in order to provide funds for the operation of the Legal Aid Fund.

**157.** This Rule This Rule shall apply notwithstanding anything in these Rules to the contrary and shall operate to facilitate amalgamation of the Public Service Association and Professional Officers' Association Amalgamated Union of New South Wales ("PSA") and the Electricity Supply Professional Officers' Association



("ESPOA").

- (a) On and from the date of certification of this Rule, the funds and property of the ESPOA shall become the funds and property of the PSA and all liabilities incurred by the ESPOA and PSA prior to amalgamation day shall be met from the funds of the PSA.
- (b) All persons employed by the PSA and ESPOA at the date upon which the proposed amalgamation comes into force, whether employed as officers, officials or staff, shall be employed in the same capacity in the amalgamated organisation on the same terms and conditions on the day immediately proceeding the date upon which the amalgamation takes effect. On and from amalgamation day Alan Cortissos shall become an independent Consultant to the PSA. On and from amalgamation day but only until 31 December 2008 the PSA will pay all reasonable costs of the ESPOA advisory committee plus the honoraria commitment of the ESPOA committee as of 31 December 2006.
- (c) All persons who were immediately prior to the amalgamation day members of the PSA or the ESPOA shall be members of the Association and shall continue as members until their membership is terminated in accordance with the provisions of these Rules.
- (d) All persons who were immediately prior to the amalgamation day financial members of the PSA or the ESPOA shall be financial members of the Association and shall, subject to the provisions of these Rules, continue as financial members.
- (e) Any person who immediately prior to the amalgamation day was an Honorary Life Member of the PSA shall be an Honorary Life Member of the Association. In addition the following persons shall, on amalgamation day, be taken to be validly elected as Honorary Life Members of the Association:
  - (a) Mr Alan Cortissos;
  - (b) Mr Peter Hosford;
  - (c) Mr John Ivin;
  - (d) Mr Bruce Crawford; and
  - (e) Mr Max Krantz.

All industry groups, advisory groups, workplace groups and associate groups in existence immediately prior to the amalgamation day shall be taken to be established within the Association. In addition on amalgamation day the Electricity Supply Professional Officers Advisory Group shall be created under the PSA By-laws, Chapter D3. All committee members of the Electricity Supply Professional Officers Advisory Group, including those receiving honoraria, shall receive the same benefits as PSA advisory committee members. Until 31 December 2007 the advisory committee of the Electricity Supply Professional Officers Advisory Group shall consist of:

- (a) Mr Peter Cole;

- (b) Mr Peter Hosford;
  - (c) Mr John Ivin;
  - (d) Mr Kerry Guerin;
  - (e) Mr Neil Williams;
  - (f) Ms Karmen Wang;
  - (g) Mr Alan Cortissos;
  - (h) Mr Con Hindi; and
  - (i) Mr. Tony Preval.
- (g) All persons who were immediately prior to the amalgamation day members of the ESPOA, with the exception of life members, shall continue to pay membership subscriptions at the same level set by the rules of the ESPOA immediately prior to the amalgamation day until 31 December 2007. Thereafter their membership subscriptions will be increased by six (6) equal increments at six-monthly intervals over a three (3) year period at which time parity shall have been reached with comparable PSA members.
- (h) In this Rule the "amalgamation day" refers to the day on which the amalgamation between the PSA and ESPOA takes effect.

**SCHEDULE A**

Rule 8

Public Service Association of NSW

**APPLICATION FOR MEMBERSHIP**

To the GENERAL SECRETARY,  
PUBLIC SERVICE ASSOCIATION OF NSW

I,.....  
Name in Full (block letters) .....

hereby apply to be enrolled as a Member of the Public Service Association of New South Wales in accordance with its Rules, by which I agree to be bound.

I forward herewith authority for deduction of subscription from salary.

Tick whichever  I forward herewith the sum of..... dollars  
is applicable ..... cents,  
being subscription for ..... months.

I forward herewith an authority for deduction of subscription from a bank, building society, credit union or similar account.

**PERSONAL DETAILS**

Date of Birth ..... Male or Female .....

Residential Address ..... Postcode .....

**EMPLOYMENT DETAILS**

Occupation ..... Job Title .....

Department, School, Authority etc .....

Date of Appointment to the Service or Authority .....

Workplace Address ..... Postcode .....

Telephone No. ....

I have read and understood the information attached relating to financial obligations and the circumstances and manner in which I may resign my membership.

Date .....Signature .....



**SCHEDULE B**

**Rule 85**

Public Service Association of NSW

**NOMINATION FORM**

Electorate ... ..

WE, the undersigned, financial members in the abovementioned electorate of the Public Service Association of New South Wales, do hereby nominate:

Name (in full) . ..

Official Designation . ..

Department . ..

as a representative on the Central Council.

Dated this ..... day of ....., 19 .....

1.....	4.....
2.....	5.....
3.....	6.....

I hereby consent to my nomination:

Signature of Candidate . ..

To . ..

I hereby confirm receipt of your nomination for the Central Council,

Electorate: ..... on ..... 19....

Returning Officer



### **SCHEDULE C - PREFERENTIAL VOTING**

In any election conducted in accordance with this Schedule the following provisions shall apply:

1. A voter shall record their vote for at least the number of candidates to be elected by placing the number "1" and if necessary then numbers "2", "3", "4" and so on consecutively in the squares opposite the names of candidates in the order of the voter's preference for them.

A voter may, if the voter so desires, vote for additional candidates by placing further consecutive numbers in the squares opposite their names in the order of the voter's preferences.

If a voter records a vote on a ballot-paper by placing the number "1" in one of the group voting ticket squares, the ballot-paper shall be deemed to have recorded on it a vote in accordance with the relevant group voting ticket registered for the election.

2. At the close of the poll the Returning Officer shall ascertain the total number of first preference votes recorded for each candidate on all ballot papers not rejected by Returning Officer as informal.

If a candidate has a majority of the first preference votes, the Returning Officer shall declare that candidate elected.

3. If no candidate is elected under clause 2 the Returning Officer shall make a second count.

On the second count, the candidate who has the fewest first preference votes shall be excluded, and each of the candidate's ballot papers that is not exhausted shall be transferred to the candidate next in the order of the voter's preference and counted to that candidate as a vote.

If, on the second count, a candidate has a majority of the votes remaining in the count, the Returning Officer shall declare that candidate elected.

4. If, on the second count, no candidate has a majority of the votes remaining in the count, the process of excluding the candidate who has the fewest votes, transferring each of the candidate's ballot papers that is not exhausted to the continuing candidate next in the order of the voter's preference and counting it to that candidate as a vote shall be repeated by the Returning Officer until one candidate has a majority of the votes remaining in the count.

The Returning Officer shall declare elected the candidate who has a majority of the votes remaining in the count.

5. If more than one candidate is to be elected a further count shall be made among all candidates not yet elected as provided in clauses 2, 3 and 4, provided that each ballot paper on which a first preference for a candidate already elected is recorded shall be

counted as a first preference vote for the continuing candidate highest in the order of the voter's preference.

This process shall be repeated until the required number of candidates has been elected.

6. Where, on any count at which the candidate with the fewest number of votes has to be excluded, 2 or more candidates have an equal number of votes (that number being fewer than the number of votes that any other candidate has or those candidates being the only continuing candidates)-
- (a) such one of those candidates as had the fewest number of votes at the last count at which they did not have an equal number of votes shall be excluded; or
  - (b) if they had an equal number of votes at all preceding counts, the Returning Officer shall determine by lot which candidate shall be excluded.

If after such exclusion there is only one continuing candidate, the Returning Officer shall declare that candidate elected.

7. A ballot paper on which the voter has recorded the required minimum number of votes shall not be treated as informal by reason only that:
- (a) the same preference (other than the voter's first preference) has been recorded on the ballot paper for more than one candidate, but the ballot paper shall be treated as if those preferences and any subsequent preferences had not been recorded on the ballot paper, or
  - (b) there is a break in the order of the voter's preferences, but the ballot paper shall be treated as if any subsequent preference had not been recorded on the ballot paper.
8. A reference in this Schedule to an exhausted ballot paper is a reference to a ballot paper on which there is not recorded a vote for a continuing candidate.

### ***SCHEDULE D - PROPORTIONAL REPRESENTATION***

In any election conducted in accordance with this Schedule the following provisions shall apply:

1. A voter shall record their vote by placing the number "1" and if they so desire the numbers "2", "3", "4" and so on consecutively in the squares opposite the names of the candidates in the order of the voter's preference for them.

A voter may, if the voter so desires, vote for additional candidates by placing further consecutive numbers in the squares opposite their names in the order of his preferences.

If a voter records a vote on a ballot-paper by placing the number "1" in one of the group voting ticket squares, the ballot-paper shall be deemed to have recorded on it a vote in accordance with the relevant group voting ticket registered for the election.

2. At the close of the poll the Returning Officer shall ascertain the total number of first preference votes recorded for each candidate on all ballot papers not rejected by the Returning Officer as informal and the total of all such votes.

The Returning Officer shall then determine a quota by dividing the total number of first preference votes for all candidates by the number equal to the number of positions to be filled plus one and by increasing the quotient so obtained (disregarding any remainder) by one.

The Returning Officer shall declare elected any candidate who has received a number of first preference votes equal to or greater than the quota so determined.

3. Unless all vacancies have been filled, the surplus votes above the quota of each elected candidate shall be transferred to the continuing candidates, in proportion to the voters' preferences, as follows:
  - (a) The Returning Officer shall ascertain in respect of each continuing candidate, the total number of ballot papers of the elected candidate which bear the next available preference for that continuing candidate.
  - (b) The Returning Officer shall divide the number of the elected candidate's surplus votes by the number of first preference votes (excluding any first preference votes indicated on ballot papers which do not bear a next available preference for a continuing candidate) received by the elected candidate and the resulting fraction shall, for the purposes of this clause, be the transfer value of that candidate's surplus votes.
  - (c) The Returning Officer shall, by multiplying that total by the transfer value of the elected candidate's surplus votes, determine the number of votes to be transferred from the elected candidate to each continuing candidate.

If, as a result of the multiplication, any fraction results, so many of those fractions, taken in the order of their magnitude, beginning with the largest, as are necessary to ensure that the number of votes transferred equals the number of elected candidate's surplus votes shall be reckoned as of the value of unity and the remaining fractions shall be ignored.

4. If, as a result of the transfer of the surplus votes of a candidate elected at any stage of the scrutiny, a continuing candidate has received a number of votes equal to or greater than the quota, that candidate shall be elected.

Unless all the vacancies have been filled, the surplus votes of the elected candidates shall be transferred to the continuing candidates in accordance with the provisions of clause 3 but, in the application of those provisions, only those ballot papers which have been transferred to the elected candidates from the candidate or candidates elected at the last preceding count shall be taken into consideration.

5. (a) If, after the transfer of the surplus votes of the elected candidates, no candidate has, or less than the number of candidates required to be elected have, received a number of votes equal to the quota, the candidate who has the fewest votes shall be excluded and the whole of that candidate's ballot papers shall be transferred to the continuing candidates next in order of the voters' available preferences.

Any votes received by an excluded candidate by transfer of a surplus shall be transferred at their transfer value which they were transferred to that candidate.

- (b) If thereupon, or as a result of the exclusion of a candidate at any subsequent stage of the scrutiny, a continuing candidate has received a number of votes equal to or greater than the quota, that candidate shall be elected.
- (c) If no continuing candidate has then received a number of votes equal to the quota, the process of excluding the candidate with the fewest votes and the transferring of ballot papers containing those votes to the continuing candidates shall be repeated until a continuing candidate has received a number of votes equal to the quota, or in respect of the last vacancy, a majority of the votes remaining in the count, but the process of excluding candidates shall not be repeated after the number of continuing candidates is equal to the number of unfilled vacancies.
- (d) A ballot paper that under this clause is, pursuant to the exclusion of a candidate, required to be transferred to a continuing candidate shall be set aside as finally dealt with if it does not indicate a next available preference for a continuing candidate.
6. After all the candidates who have received a number of votes equal to the quota are elected-



- (a) where there is one remaining vacancy - the candidate who has received a majority of the votes remaining in the count; or
- (b) where the number of continuing candidates is equal to the number of remaining unfilled vacancies - those candidates,

shall be elected.

7. Where, on the count of the first preference votes, or at the same time at any subsequent stage of the scrutiny, two or more candidates are elected by reason of their having received a number of votes equal to or greater than the quota, any transfer of the surplus votes of those candidates shall be carried out in the order, first of the candidate with the largest surplus, second of the candidate with the next largest surplus and so on.

In the case of surpluses of equal size the Returning Officer shall determine by lot which shall be first distributed.

8. Notwithstanding anything contained in this Schedule, a transfer of the surplus votes of an elected candidate shall be deferred (but without affecting the order of that transfer) so long as the total number of those surplus votes and any other surplus votes not transferred is less than the difference between the total votes of the two continuing candidates with the fewest votes.

In any such case, unless all vacancies have been filled, the candidate with the fewest votes shall be first excluded and the ballot papers containing that candidate's votes shall be transferred to the continuing candidates as provided in clause 5.

9. Where, on any count at which the candidate with the fewest number of votes has to be excluded, two or more candidates have an equal number of votes (that number being fewer than the number of votes that any other candidate has or those candidates being the only continuing candidates)-

- (a) such one of those candidates as had the fewest number of votes at the last count at which they did not have an equal number of votes shall be excluded; or
- (b) if they had an equal number of votes at all preceding counts, the Returning Officer shall determine by lot which candidate shall be excluded.

If after such exclusion there is only one continuing candidate the Returning Officer shall declare that candidate elected.

10. A ballot paper on which the voter has recorded a first preference shall not be treated as informal by reason only that:

- (a) the same preference (other than the voter's first preference) has been recorded on the ballot paper for more than one candidate, but the ballot paper shall be treated as if those preferences and any subsequent preferences had not been recorded on the ballot paper, or

- (b) there is a break in the order of the voter's preferences, but the ballot paper shall be treated as if any subsequent preferences had not been recorded on the ballot paper.

If a voter has recorded a tick or cross in the square opposite the name of a candidate and has not so recorded the number "1" then the vote shall not be treated as informal for that reason and the tick or cross shall be taken to be the number "1".

11. A reference in this Schedule to an exhausted ballot paper is a reference to a ballot paper on which there is not recorded a vote for a continuing candidate.



**SCHEDULE E - FIRST PAST THE POST VOTING**

In any election conducted in accordance with this Schedule the following provisions shall apply:

1. A vote shall be indicated by the placing of a cross within the square opposite the name of the candidate for whom the vote is cast.  
  
A voter shall cast votes for no more than the number of candidates to be elected.
2. The Returning Officer shall declare elected the candidate with the highest number of votes, then, if more than one position is to be filled, the candidate with the next highest number of votes, until all positions are filled.
3. If two or more candidates have an equal number of votes, and any position remains to be filled, the Returning Officer shall determine by lot which of such candidates is elected.



## **SCHEDULE F**

### **Agreement dated 24 August 1990 between SPSF and FMWU relating to Coverage of General Staff in Higher Education.**

#### **PREAMBLE**

1. FMWU and SPSF reaffirm, their commitment to the ACTU policy on union rationalisation as adopted by the 1989 ACTU Congress. SPSF and FMWU are prepared to co-operate in a constructive manner with the process of union rationalisation under the auspices of the ACTU provided that ACTU policy is applied in a consistent and practical manner across industries and between affiliates. The interpretation of policy must be applied in a practical way having regard to the coverage in each industry and the various sectors in each industry. The definition of the industry is therefore crucial and must provide for an analysis of an industry to allow recognition of the different sectors and sub-industries. This may result in union coverage and status in sectors, states and territories being different.
  
2. The issue of union coverage of general staff in higher education is currently being considered by the Australian Industrial Relations Commission under S.118. The ACTU has intervened in the proceedings. Following the authorisation of the majority of unions in the area for the ACTU to make a determination on the appropriate form of union rationalisation in the general staff area the ACTU officers put forward a position to a meeting of unions on 13 July 1990 and later that day to the Commission. That proposal defined the industry as a single industry made up of academic staff and general staff. As a result of this definition it was determined that there was currently no union which could claim to have principal union status as no union could currently cover both academic and general staff. It was proposed that there be 8 significant unions - FAUSA, UACA, SPSF, FMWU, HREA, FCU, ADSTE, VCUSA. It was further reported that should FAUSA (University Academics), UACA (College Academics) and VCUSA (representing approximately 40% of the unionised general staff in Victoria) recruit all academic and general staff across Australia. Both SPSF and FMWU have formally rejected this proposal on the following grounds:
  - 2.1 Higher Education is made up of two main groups of employees - academic and general staff (which in turn is broken down into white and blue collar work sectors). The development of union coverage has recognised the differing interests of these two groups (the only overlap being FAUSA's ability to cover a small number of senior administrative staff in South Australia and Victoria). The distinction between the groups is recognised by the AIRC and the ACTU in relation to the separation of awards applicable to general and academic staff in higher education. A similar distinction has been made by the ACTU under the proposals in the health industry which distinguishes between nursing and other health staff. SPSF and FMWU reject the view that academic and general staff should be one union. The AHEIA (the employer organisation) has also rejected the concept of one union covering academic and general staff.



SPSF and FMWU collectively represent over 50% of the unionised workforce (SPSF has over 8,000 general staff members and FMWU has around 2,500). FMWU has constitutional coverage amongst general staff in all higher education institutions in Australia. SPSF has members in all institutions in the States. We reject the proposal that an amalgamation of the academic staff unions with a small state based union (VCUSA affiliated to the ACTU in September 1989 on the basis of 2,500 members) could legitimately extend their constitutional rules to cover all general staff. SPSF and FMWU do not believe it is appropriate that a union which does not have current constitutional coverage for at least a major proportion of an industry or an industry sector should be able to obtain principal union status pursuant to ACTU policy.

- 2.3 It is the view of SPSF and FMWU that higher education should be considered in terms of the distinct sectors with principal union status being determined in terms of each of those sectors. FMWU and SPSF believe there are three distinct areas within higher education which are dominated by three unions, these are: academic - FAUSA/UACA; "white collar" (i.e. administrative/clerical, technical and professional) - SPSF; "blue collar" (i.e. general, services) - FMWU.

It is upon this joint position on the appropriate approach to union coverage that the following demarcation is based.

#### DEMARCATIION AGREEMENT

1. This agreement between the FMWU and SPSF shall apply in all institutions currently in existence and those to be formed in the future with the exception of those in the Northern Territory (which shall be covered solely by the FMWU). It is agreed that this demarcation agreement shall replace the previous agreement between SPSF and FMWU concerning McAuley College. It is further agreed that this agreement is without prejudice to any current or future demarcation arrangements, or discussions relating thereto, between FMWU and SPSF.
2. It is agreed that the FMWU areas of coverage shall be in the following areas (howsoever designated).

\* Security and Cleaning

Indicative classifications: Security Officers, Security Attendants, Patrolpersons, Gatekeepers, Traffic Officers, Watchpersons, Parking Attendants, Cleaners, Car Detailers, Ushers, Doorkeepers, Parking Inspectors.

\* Residential/Building Services

Indicative classifications: Caretakers, Tea Attendants, Cooks, Domestic, Lift Attendants, Custodians, Handypersons, Porters, Housepersons, Kitchenhands, Counter Assistants, Laundry Workers, Storeworkers, Collar Hands, Waiters, Shop Assistants, Stewards, Dry Cleaners, Retiring Room Attendants.

\* Outside Service

Indicative classifications: Gardeners, Groundspersons, Machinery Operators, Mower Operators, Maintenance Labourers, Trade Assistants, Farmhands, Nursery Workers, Curators, Turf Management, Labourers, Horticulturist, Messengers, Animal Attendants.

\* Trades

Indicative classifications: Mechanical/Electrical, Cooks, Butchers, Plumbers, Painters, Building Trades.

\* Child Care

Indicative classifications: Child Care Workers, Aides, Directors.

3. (a) It is agreed that the FMWU shall cover all the above classifications up to and including the level of Leading Hand. Those classifications above the level of Leading Hand shall be covered by SPSF.
  - (b) It is agreed that where a classification involves mixed functions where a major or substantial part of the functions are those of classifications covered by the SPSF that classification shall be covered by the SPSF.
  - (c) It is agreed that where a classification involves mixed functions where a major or substantial part of the functions are those of classifications covered by the FMWU that classification shall be covered by the FMWU.
4. It is agreed that SPSF shall cover the following areas (howsoever designated).

\* Administrative/Clerical (other than Queensland)

Indicative classifications: Clerical Officers/Assistants, Administrative Officers/Assistants, Seniors, Principals, Secretaries, WP Operators, Typists, Stenographers, Photocopying Assistants, Supply Assistant, Finance Officers/Assistants, Personnel Officer, Industrial Relations Officers, Registrars, Assistant Registrars, Property Services Officers/Managers, Publicity Officers/Public Relations Officers, Supervisors, Training Officers, Transport Officers, House Officers/Assistants, Building Supervisors, Bursars, Educational Services Officers, Registry Officers/Assistants, Telephonists, General Assistants (Clerical), Gallery/Museum Attendants, Sports Centre/Swimming Pool Attendants.

\* Professional

Indicative classifications Professional Officers, Scientific Officers, Research Officers/Assistants, Legal Officers, Architects, Engineers, Computer Systems Officers, Computer Programmers, Agronomists, Accountants, Actuaries, Archivists, Cartographers, Dentists, Doctors, Nurses, Dental Assistants, Draftspeople, Economists, Librarians, Library

Technicians, Library Assistants, Library Attendants, Library Officers, Psychologists, Physiotherapists, Social Workers, Counsellors, Statisticians, System Analysts, Welfare Officers, Veterinarians, Veterinary Assistants, Graphic Artists/Designers, Artists, Projectionists, Animal Nurses.

\* Technical

Indicative classifications: Technical Officers/Assistants, Laboratory Assistants/Craftspeople/Attendants, Seniors, Managers, Technicians, Audio-Visual Technician, Medical Technologist, Maintenance Officer/Supervisor, Reprographic Manager, Printing Assistants, Printers, Offset Operators, Supervisors, Computer Operators, Clerk of Works, Photographic Operators, Photographic Assistants, Photo Typesetter, Safety Officers, Glassblowers, Glass Attendants.

5. Other Unions

- (a) SPSF and FMWU recognise the significant membership of HREA at Sydney University, the University of New England, Macquarie University and at the Australian National University. Whilst neither union seeks to disturb HREA's coverage at these institutions it is the long term view of SPSF and FMWU that HREA should reconsider its involvement in the higher education industry.
- (b) SPSF and FMWU recognise the demarcation between SPSF and FCU in relation to clerical staff in higher education in Queensland.
- (c) The SPSF and FMWU agree that no unions currently with constitutional capacity and membership in the higher education industry should be required to vacate involvement in the industry without full discussion and by an agreed process in consultation with the SPSF, FMWU and other unions with continuing involvement in the industry.

6. Recruitment and Representation

FMWU and SPSF agree that where possible to two unions shall co-operate in joint recruitment exercises particularly in those areas which have been under unionised in the past.

Implementation of this Agreement

- (a) It is agreed that Branch Officers of SPSF and FMWU will identify those classifications where it has been agreed that union coverage (subject to sub-clause (g) of this clause) shall change (based on the above list of indicative classifications) and should examine at first instance any areas or classifications where there is some doubt as to appropriate union coverage and endeavour to determine such questions. Should any question or dispute arise regarding the appropriate union coverage not be settled between Branch Officers of SPSF and FMWU the matters shall be referred to nominated Federal Officers of the two unions who shall determine the

coverage. This procedure shall also apply as to areas where there is doubt or a dispute about whether the work in question is being performed in or in connection with the industry of higher education, or in connection with another industry.

- (b) Persons employed in those classifications shall be advised of the new union coverage and encouraged to join the appropriate union. This shall be a voluntary decision by the employee, however, every effort shall be made by the unions to facilitate the exchange. It is agreed that the primary objective of membership exchange should not have a reverse effect in terms of employees deciding not to be in any union. This will require much effort on behalf of both unions to ensure that the end result is a positive exchange.
- (c) Should some employees not transfer membership immediately, the unions shall enter into a servicing agreement.
- (d) All new employees would join the appropriate union.
- (e) It is agreed the above process will be reviewed after 2 years.
- (f) The eligibility rules of the SPSF and the FMWU and award coverage shall reflect this agreement.
- (g) The parties agree that where members within an occupational classification designated in this agreement as falling within the coverage of the FMWU or SPSF are currently solely or in the majority members of the union not designated by this agreement as having coverage of this classification, either nationally or in a particular state, further discussions shall occur between FMWU and SPSF before any final determination is made as to coverage of this classification or the operation of the implementation clauses of this agreement.

***END OF RULES***