

Draft Rules for a New AMWU



5 - GOVERNANCE

**PREAMBLE TO SECTION 5
UNION GOVERNANCE – STATEMENT OF PRINCIPLE AND PROVISIONS FOR REVIEW OF
DIVERSITY OF REPRESENTATION**

New Provision

Statement of Principle

The AMWU is the product of many amalgamations going back to the 19th Century and ~~we have~~has a proud tradition of membership from a broad and diverse range of industries, occupations and regions.

Honouring this tradition, members from across our industries, occupations and regions are encouraged to stand for offices on our governing Conferences and Councils.

The diversity of the men and women on the Conferences and Councils of the Union will be a key indicator of the success of our new Union.

5A – GOVERNANCE – TRANSITIONAL PROVISIONS

New Rule

Preamble

The following provisions are required to ensure the continued governance of the Union until such time as elections can be conducted for National Council, State Councils and State Administrative Committees following the commencement of the New Rules of the Union on 1 July, 2019.

1. First Meeting of the State Conferences

- a) As soon as practicable and no later than 31 July, 2019, the State Conferences of all six Branches shall convene and, in addition to such other business as may be determined, shall elect delegates to the National Council and the State Council as provided by these rules.
- b) Until such time as the State Conferences have elected delegates to the State Council at the meeting referred to in subrule (i) above, the State Council as constituted as 30 June, 2019 shall continue as the State Council of the Branch.

2. First Meeting of the National Conference

- a) ~~As soon as practicable and~~ Following the meetings of State Conference under 5A.1 above and no later than 31 August, 2019, the National Conference shall convene and, in addition to such other business as may be determined, shall elect delegates to the National Council as provided by these rules.
- b) Until such time as the National Conference has elected such delegates to the National Council as are required by these rules at the meeting referred to in subrule (i) above, the National Council as constituted as 30 June, 2019 shall continue as the National Council of the Union.

5A1 - NATIONAL CONFERENCE

New Rule

1. The government of the Union shall be entrusted to a National Conference which shall meet in every second year or at any Special National Conference convened by National Council.
2. National Conference shall consist of:
 - a) Rank and file delegates – one rank and file Delegate for each 1,250 financial members elected by and from the membership in each State;
 - b) Additional rank and file women Delegates - each State shall be entitled to elect additional rank and file women delegates such that the number of additional rank and file women delegates shall be equal to either 10% of the rank and file Delegates entitled to be elected under paragraph (a) of this subrule or the proportion of women financial members to total financial members in the State, whichever is the greater, rounded up to the nearest whole number;
 - c) the members of National Council;
 - d) ~~Officers or Officials~~Members of the Union employed by the Union elected by the membership in each State calculated at 20% of the number of Rank and File Delegates entitled to be elected under paragraph (a) of this subrule and rounded up to the nearest whole number;
 - e) One additional apprentice rank and file member, or rank and file member under the age of 25 years, elected by and from the membership in each State;
3. In any election (or in concurrent elections) a person may not nominate for more than one office, whether honorary or full time, which provides, directly or ex-officio, the holder of such office to sit on National Conference. If such multiple nominations are received for such honorary or full time offices, the Returning Officer will act in accordance with the provisions of rule ~~xxx(16A.6(g))~~.
4. National Officers and members of the National Council shall have the same voting and other rights as all other delegates of the National Conference.
5. The location, opening and closing dates for National Conference shall be determined by the National Council and notified to all State Secretaries.
6. Travelling and Other Expenses
Subject to decisions of the National Conference the travelling and other expenses of delegates to the Conference shall be decided by the National Council provided the payment of lost time shall be the day rate of wages they are in receipt of when following their usual occupation. Delegates shall be allowed economy air travel or first class rail travel where air travel is not available. Expenses shall be paid for the period the delegate is involved in attending Conference, this shall include any reasonable time engaged in travelling to and from the Conference. Wages shall be paid for the days the delegates are absent from their ordinary days' work. The National Conference shall also decide the travelling and other expenses to be paid to representatives and delegates on the National

Council when away from home on Council business and other National officers when similarly engaged.

7. The decisions of National Conference shall be published and available to members at State and Regional offices of the Union.

5A2 - POWERS OF NATIONAL CONFERENCE

Amended Rule

1. Authority of Conference

The National Conference shall be the supreme governing body of the union and its powers shall include the following:-

- (a) To take all such steps as it shall think fit to carry out all or any of the objects of the union and to raise or spend such funds as are in the opinion of Conference necessary to carry out the objects.
- (b) To decide the general policy of the union and take steps to enforce the carrying out of such policy.
- (c) To impose levies in accordance with these rules.
- (d) To give directions relating to budgets adopted by National Council.
- (e) To impose penalties in accordance with these rules.
- (f) To hear and decide any appeal, subject to the provisions of Rules ~~35~~10A, 10B, 10C and 10D, by a member, State Council or State Conference, against any act or decision of the National Council. ~~Notwithstanding any other provisions of these Rules, members of National Council shall not participate in the hearing and deciding of any such appeal. In the event of a member of the conference having been involved in an appeal at any stage, he/she shall not participate when that particular appeal is considered.~~
- (g) To deal with and decide any matter submitted to it by any District Committee, Industry Sector Committee, Workshop (provided the item has been endorsed by at least five members), State Council, State Conference of the Union, ~~a Division National Conference, a Division National Executive Committee,~~ by the National Council or any matter which a majority of members voting at Conference decide should be dealt with.
- ~~(h) Subject to sub-rule 6.1A, t~~To make, alter, amend or rescind these Rules or to adopt new Rules.
- (i) To delegate any of its powers other than its powers under paragraphs (c), (d), (e), (f), (i) and (j) hereof to any State Council or Conference or to the National Council or ~~a Division National Conference or Division National Executive Committee or~~ to any officer of the Union provided that such delegation shall not prevent the National Conference from its exercising such powers and that any exercise of power pursuant to such delegation shall be subject to appeal to and review by National Conference.
- (j) To confirm, over-rule or otherwise deal with any decision of the National Council.
- (k) To exercise all or any of the powers of National Council.
- (l) To fix the salary, conditions of employment and allowances for all full-time officials and salaried officers.

- (m) To select a National Returning Officer and Deputy Returning Officer. Any member of the Union being financial and having been a member for the previous seven consecutive years and who resides in the State where the National office is situated and who is not the holder of any other office in nor an employee of the Union or of a section or division of the Union shall be eligible to be nominated at the conference for the position of National Returning Officer and Deputy Returning Officer. The persons elected to these positions shall hold office until the next triennial Conference or until a successor is elected. The Returning Officer shall conduct plebiscites decided upon by National Conference or National Council.

~~1A. (a) The National Conference may make, alter, amend or rescind rules or adopt new rules affecting the Vehicle Division provided that:~~

~~(i) If no later than 30 days from the date of the National Secretary advising in writing, by mail or distribution by email, or by hand delivery at a meeting of the National Conference in session, the particulars of such changes to the rules, the Vehicle Division National Conference resolve by a majority vote to not approve those changes which directly affect the Vehicle Division, those changes shall have no effect and shall not be submitted to the Industrial Registrar for certification.~~

~~(ii) If, within 14 days of the said advice under (i) above, by the National Secretary of the particulars of the National Conference decision, the National Divisional Secretary – Vehicle Division has not taken steps to arrange for the conduct of a ballot of all members of the Vehicle Division National Conference of that decision on the question, two or more members of the Vehicle Division National Conference may proceed to arrange a ballot on the matter and any decision of that Vehicle Division National Conference on the matter shall have full force and effect as a decision not to approve such change to the rules provided it has been completed no later than 30 days from the date of the said advice of such changes to the rules. For the avoidance of doubt, it is declared that there shall be no requirement or duty upon the Vehicle Division or any officer of the Vehicle Division to arrange for a ballot on the matter, but a decision to arrange such a ballot is within the discretion of the National Divisional Secretary – Vehicle Division or any two other members of the Vehicle Division National Conference, as the case may be.~~

~~(b) The National Conference may make, alter, amend or rescind rules or adopt new rules affecting the Food and Confectionery Division provided that any decision by the National Conference to make, alter, amend or rescind rules or adopt new rules which directly affects the Food and Confectionery Division shall have no effect unless approved by a majority vote of the Food and Confectionery Division National Conference such vote to be taken within 30 days of the National Conference approving the rule alteration.~~

~~(c) The National Conference may make, alter, amend or rescind rules or adopt new rules affecting the Printing Division provided that any such decision by the National Conference shall have no effect unless approved by a majority vote of the Printing Division National Conference or by a majority of members of the Union in the Printing Division voting in a referendum in accordance with this sub-rule.~~

~~(d) A decision of the National Conference referred to in the previous paragraph must be considered by the Printing Division National Conference within 30 days of the decision of National Conference.~~

~~(e) The Printing Division National Conference may in relation to a decision of the National Conference referred to in this sub-rule –~~

- ~~(i) approve the decision of the National Conference;~~
- ~~(ii) reject the decision of the National Conference; or~~
- ~~(iii) if 75% or more of the delegates to the Printing Division National Conference so request, refer the decision to a referendum.~~
- ~~(f) Where a decision is referred to a referendum in accordance with the previous paragraph, the National Divisional Secretary – Printing Division shall arrange for the referendum to be conducted within 4 weeks in accordance with Rule 51.15.~~

2. Voting of Conference

All decisions of Conference shall be made by a majority of the members present. The method of voting shall be on the voices or show of hands. Provided that if 20 per cent of the delegates present demand a division it shall be granted and the method of voting shall be proportional as provided in subrule 3 below. The decisions of Conference shall be binding on all members and bodies of the Union.

3. Proportional Voting

- a) Where a division is granted consistent with sub-rule 2 above, the subsequent vote must be conducted in accordance with this sub-rule.
- b) A decision of the National Conference under this sub-rule will be made by each member of National Conference present at that meeting of National Conference casting the proportional votes he or she has been allocated under this sub-rule in relation to the matter in which a divisions has been demanded under sub-rule 2 above.
- c) Each member of the National Conference who is a member of the National Conference by virtue of holding one of the following national offices shall be entitled to cast (one) 1 vote:
 - i. National Secretary
 - ii. National President
 - iii. Assistant National Secretaries
 - iv. National Secretary, Retired Members Division
- d) Each member of the National Conference who is a member of the National Conference by virtue of holding the office of:
 - i. State Secretary,
 - ii. Delegate to National Conference elected by and from the members of a State Branch,
or
 - iii. a member of the National Council elected by the members of a State Conference, or
 - iv. the Official or Officer member of the Union employed by the Union representing the South Australian, Western Australian or Tasmanian Branches on the National Council shall be known as a State Branch Representative for the purposes of this subrule.

e) Each of the State Branch Representatives shall be entitled to cast a proportional vote as a value determined as follows:

i. The total number of votes available to each State Branch, shall be determined by the formula:

$A/B * 100$ where:

- "A" is the number of financial members of the Union as a whole, not including Retired Members, that were attributable to the membership of the respective State as at 30 June prior to the current ordinary meeting of National Conference in session or otherwise the most recent ordinary meeting of National Conference.
- "B" is the number of financial members, not including Retired Members, that of the Union as a whole as at 30 June prior to the current ordinary meeting of National Conference in session or otherwise the most recent ordinary meeting of National Conference.
- "100" is the total sum of votes available ~~the~~ to the State Branch Representatives from all States.

The proportional vote to be held by a State Branch Representative shall be determined in turn by the formula:

X/Y where:

- 'X' is the result of the calculation 'A'/'B' as provided in subrule A above for the respective State Branch of the State Branch Representative; and
- 'Y' is the number State Branch Representatives on the National Conference from the respective State Branch, whether or not those State Branch Representatives are in attendance.

The proportional vote held by each State Branch representative as determined in subrule (v) above shall only be exercised by a State Branch Representative present when the vote by division is being conducted.

4. At every meeting of the Conference, a majority of delegates entitled to attend shall form a quorum.
5. (a) Where matters cannot be determined by the National Council a majority of members of the National Council may resolve to refer the matter to delegates ~~to~~ of the National Conference for a decision by a postal ballot of all delegates.
- (b) A matter shall be referred for decision by delegates to the National Conference by postal ballot where the National President receives a request from ~~either:-~~
 - ~~(i) three State Councils provided that such request is made at a special meeting of the Councils making the request,~~
 - ~~(ii) a Division National Conference.~~

- (c) A decision of the majority of delegates to National Conference voting at a postal ballot in accordance with this sub-rule shall be deemed to be a resolution of the National Conference in meeting assembled and shall have full force and validity unless and until such acts or decisions are reversed or amended by a Conference.

5A3 – NOTICE AND AGENDA FOR NATIONAL CONFERENCE

1. The National Secretary shall, by a notice placed in a publication of the Union and circulated to all members at least 13 weeks prior to the opening of the Conference, call on District Committees, State Industry Sector Committees, Work Shops, State Councils, ~~Regional Councils~~, State Conferences, ~~Division National Conferences and Division National Executive Committees and~~ National Industry Committees to forward items for the National Conference Agenda Paper. In addition, the National Council shall schedule annual meetings in each State which are open to all shop stewards and these meetings may forward items for the State Council, State Conference, National Council and or National Conference Agendas.
2. The National Council shall have power to group agenda items, make recommendations on the items submitted for the National Conference, and shall itself also have power to submit items for the National Conference agenda.

Closure of Agenda

The agenda shall close not less than six weeks before the opening of the conference.

Any matter appearing on the agenda paper and any business agreed to by the Conference when sitting, may be dealt with by the Conference in any manner it sees fit.

Other items may be added to the agenda paper if agreed to by a resolution of the Conference when assembled.

3. Notice of every National Conference together with a copy of the agenda paper shall be posted to each member of the National Conference and to each State Secretary ~~and Regional Secretary~~. Such notice and agenda paper shall be sent not less than fourteen days before the date on which the Conference is due to commence.

5B1 - NATIONAL COUNCIL

New Rule

1. Composition

There shall be a National Council comprised of:

- a) The rank and file National Councillors – each State shall be entitled to elect one rank and file National Councillor for each 2,500 members or part thereof in each State, elected by the Delegates to and members of the State Conference and from the rank and file Delegates to State Conference.
- b) The additional female National Councillor(s) – entitled to be elected according to subrule ~~6C5B1.2~~ below;
- c) The National President;
- d) The National Secretary;
- e) The Assistant National Secretaries;
- f) The State Secretaries from each State;
- g) ~~A State Conference Delegate who is n-Official or Officer~~ employed by the Union ~~as an Official or Officer~~ from each of the three State Branches with the most financial members as at the final day of the quarter immediately prior to the biennial meetings of the State Conferences and elected by the relevant State Conference;
- h) ~~A State Conference Delegate who is employed by the Union as an Official or Officer~~ ~~An Official or Officer employed by the Union~~ representing the three State Branches with the ~~least-fewest~~ financial members as at the final day of the quarter immediately prior to the biennial meetings of the State Conferences and elected at each ordinary meeting of the National Conference by the members of the National Conference from those three States;
- i) ~~The National Secretary – Retired Members’ Division.~~
- i) ~~In addition, for the transitional period from 1 July, 2019 to 30 June, 2023, there shall be three additional Delegates to the National Council with one to be elected from each of the Vehicle, Food and Confectionery, and Print membership areas.~~

2. Representation of Women on the National Council

- a) The number of female National Councillors shall be not less than 10% of the members of National Council or not less than the proportion of female members of the union whichever is greater. This shall be known as “the Proportion” for the purposes of this sub-rule. If ~~at the commencement~~ ~~following the conduct of any other election for Delegates to National Council~~ ~~required at~~ ~~of the an~~ ordinary meeting of the National Conference the number of female National Councillors is less than the Proportion, additional female National Councillors will be

elected to National Council consistent with Rule 56B – Honorary Elections at National Conference.

- b) Female National Councillors elected under this sub-rule comprise an additional representative of the State from which they were elected.
- c) For the purposes of ~~this subrule (a) above-6C.2~~, the “Proportion” shall be calculated on the basis of the proportion of female financial members to total financial members as at final day of the quarter immediately prior to the biennial National Conference.

3. Status of Delegates

- a) A person who is a rank and file Delegate to National Conference under Rule ~~6A5A1.2-2~~ may nominate for and ~~who holds~~ the position of rank and file National Councillor ~~does not vacate the position of rank and file Delegate to National Conference because he or she also holds the position of rank and file National Councillor.~~
- b) A woman who is a rank and file Delegate to National Conference under Rule ~~6A-25A1.2~~ may nominate for and ~~who holds~~ the position of an additional female National Councillor ~~does not vacate the position of Delegate to National Conference because she also holds the position of an additional female National Councillor.~~
- b)c) Notwithstanding Rule 5A1.3, any member of the Union employed by the Union who is elected to National Council pursuant to subrules 5B1.1(g), (h) or (j) may nominate for and hold the position of National Conference Delegate pursuant to subrule 5A1.2(d).

5B2 - POWERS OF NATIONAL COUNCIL

Amended Rule

1. Power & Authority

The National Council shall be the Committee of Management of the Union and shall subject to the powers and decisions of the National Conference and these rules, have the care, control, superintendence, and management in all respects of the affairs, business, funds and property of the Union and without limiting the generality of the foregoing it may:-

- a) Interpret the rules and interpret and enforce the general policy as decided by the National Conference.
- b) Determine matters of policy not covered by Conference decisions.

~~c) OPTION 1 – CURRENT WORDING~~

~~Control and conduct the business and affairs of the Union while the National Conference is not in session.~~

~~OPTION 2 – ALTERNATIVE WORDING~~

d)c) Control and conduct the business and affairs of the Union while the National Conference is not in session and delegate such matters to the National Steering Committee for control and conduct while the National Council is not in session.

e)d) Appoint the Editor of the Union Journal and manage and control the policy of the Journal.

f)e) Expend such moniesey as may, in the opinion of the Council be necessary and invest such monies-money as may, in the opinion of the Council, be necessary or desirable.

g)f) Submit any matter to the members of the Union or to the members of any separate State or States where the matter involved affects only the members of that separate State or States, or to any section of the members where the matter affects only that section of members for decision by ballot.

h)g) Negotiate any agreement for amalgamation with any other union or unions.

i)h) Ensure that officers and Committees of the Union carry out the rules, decisions and policies of the Union and impose penalties in accordance with these rules.

jj)i) Control and supervise the work of the National officers of the Union.

k)j) Change the location of the registered office of the Union or of any of the registered State Offices.

l)k) Convene any Special National Conference of the Union considered necessary or desirable, the agenda for which shall be determined by the National Council and limited to those matters notified in accordance with Rule 125A3.

m)l) Fix the salary conditions of employment and allowances for all clerical and administrative staff employed by the Union.

2. Decisions of National Council

All decisions of the National Council shall be made by a majority of the members present at the meeting unless otherwise provided for in these rules.

3. Deleted

~~3. Proportional Representation~~

~~Notwithstanding sub-rule 8.2, if five members of the National Council present at a meeting of National Council, request that a decision be made by means of proportional representation voting, that decision must be made in accordance with this sub-rule.~~

- ~~a) A decision of the National Council under this sub-rule will be made by each member of National Council present at that meeting of National Council casting the number of votes he or she has been allocated under this sub-rule in relation to the matter in which a vote has been requested under this sub-rule.~~
- ~~b) A total of 211 votes may be cast by members of National Council under this rule.~~
- ~~c) A decision of National Council under this sub-rule will be carried if the number of votes cast in favour of the decision is a majority of the votes that may be exercised under this sub-rule by members of National Council present at that meeting.~~
- ~~d) The National Secretary shall be entitled to cast 5 votes under this sub-rule.~~
- ~~e) The National President shall be entitled to cast 5 votes under this sub-rule.~~
- ~~f) The State Secretaries shall be entitled between them to cast 100 votes. Each State Secretary present shall be entitled to cast a number of votes equal to the percentage of the total number of members, not including Retired Members, that were attributable to the membership of the State in which he or she holds office, as at 30 June prior to the most recent ordinary Triennial Meeting of National Conference. Members who are two quarters or more behind in their dues at 30 June prior to the most recent ordinary Triennial Meeting of National Conference will not be included for the purposes of this subparagraph.~~
- ~~g) The representatives of Divisions of the Union and the delegates from the Manufacturing Membership shall be entitled between them to cast 100 votes. The votes that may be cast by those persons shall be determined in the following manner:
 - ~~(i) The percentage of the total number of members as at 30 June prior to the most recent ordinary Triennial Meeting of National Conference, that was attributable to each Division of the Union and to the Manufacturing Membership of the Union, shall be determined. Members who are two quarters or more behind in their dues at 30 June prior to the most recent ordinary Triennial Meeting of National Conference will not be included for the purposes of this subparagraph.~~
 - ~~(ii) The number of votes that may be cast by the representatives of each Division and by delegates from the Manufacturing Membership under this paragraph, shall be the same~~~~

~~numbers as the percentage numbers determined for each Division and the Manufacturing membership under sub-paragraph (i) above.~~

~~(iii) Each representative of a Division and each delegate from the Manufacturing Membership, present at the meeting, shall be entitled to cast a number of votes equal to the number determined under sub-paragraph (ii) above, divided by the number of representatives of each Division, or delegates from the Manufacturing Membership, as the case may be.~~

~~h) The National Secretary—Retired Members' Division shall be entitled to cast 1 vote.~~

4. All acts and decisions of the National Council are binding on all members of the Union and shall have full force and validity unless and until such acts and decisions are reversed or amended by Conference.
5. The National Council shall have the power at any time to order and arrange for the audit of the books of any State body of the Union or of the National Council itself.
6. No loan, grant or donation of an amount exceeding \$1,000 shall be made by the Union unless the National Council:-
 - a) has satisfied itself -
 - (i) that the making of the loan, grant or donation would be in accordance with the other rules of the organisation; 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) has approved the making of the loan, grant or donation.
7. The National Council shall develop and approve each year a National Budget and Subsidiary Budgets that, when combined, amount to the total sums of income and expenditure provided for in the National Budget.

The Budgets determined under this sub-rule shall be based on clear and consistent criteria to ensure an equitable distribution of resources amongst States ~~and Divisions~~. They shall have as their guiding principle that allocations be in proportion to membership revenue of each State ~~and each Division~~ having regard to the need for effective national operations of the Union, including subsidies at agreed budgeted levels of the operations of smaller States ~~and Divisions~~.

8. Each State ~~and Division~~ shall operate within their Budget and shall be responsible for the expenditure of funds in accordance with the Budget and consistent with National Conference policy governing the administration and finances of the Union. They shall not otherwise expend money.

Only National Conference shall have the power and authority to authorise expenditure on any matter where such expenditure exceeds, will exceed or is otherwise inconsistent with the relevant Budget or Subsidiary Budget.

9. ~~Each meeting of the~~ ~~The~~ National Council shall review ~~not less than once each quarter~~ the income and expenditure levels of the Union and each section of the Union for which a Subsidiary Budget has been prepared. Following each review the National Council may give such directions and make such decisions as in its opinion are necessary to ensure that future income and expenditure for the Union and each section of the Union for which a Subsidiary Budget has been prepared more closely correspond to the income and expenditure targets as determined by the National Budget and each applicable Subsidiary Budget.

In any directions or decisions given and made under this sub-rule and/or all other parts of this rule National Council shall have regard to and act consistently with the following principles:

- a) ~~Divisions and~~ States are resourced in proportion to their membership revenue and expenditure;
 - b) National operations of the Union must be appropriately supported and underpinned;
 - c) Subsidies are provided at agreed budgeted levels for the operations of the smaller States ~~and Divisions~~; and
 - d) Subject to paragraphs (b) and (c) herein, any inequitable and/or disproportionate distributions of resources amongst the States ~~and Divisions~~ should be reduced.
10. The National Budget and Subsidiary Budgets determined by National Council under sub-rule 9 of this rule shall be determined by means of the following processes:
- a) A target level of expenditure as a percentage of membership income received shall be established for the Union as a whole ("the National Budget target").
 - ~~b) Target levels of expenditure as a percentage of attributable membership income received within each State and for each national Division of the Union shall be established ("the [name of State] Budget target" and "the [name of Division] Budget target" respectively). Provided that the percentage of attributable membership income allocated to for the national Divisions (including the Manufacturing Membership) taken as a whole for the national operations of the union shall not exceed that which is applicable in the 2008/9 budget, unless the increase in proportion is approved by the National Conference. Any such increase approved by National Conference shall not apply to any Division unless a majority of that Division's delegates in attendance at that National Conference votes in favour of the increase.~~
 - ~~c) Deleted~~
 - ~~e) On and from the determination of the National Budget and Subsidiary Budgets under this rule for the 2008/9 financial year, there shall be no increase in the proportion of attributable membership income allocated to the Subsidiary Budgets for the national Divisions including the national Manufacturing Membership Budget for the national operations of the Union, as a percentage of the National Budget, unless that overall increase in proportion is approved by the National Conference. Any increase in the proportion that the combined national Divisional and Manufacturing Membership Subsidiary Budgets bear to the National Budget over and above~~

~~the 2008/9 proportion shall not apply to any Division unless a majority of that Division's delegates in attendance at the National Conference votes in favour of the increase.~~

d) Deleted

~~Following establishment of the targets in (a) and (b) above target levels of expenditure as a percentage of membership income received within each Region of a Division in a State and within the Manufacturing Membership in each State shall be established ("the [name of State and Region or "Manufacturing Membership"] Budget target") after National Council has considered submissions relating to those Regional and Manufacturing Membership Budget targets from the relevant States and Divisions.~~

d)e) The National Budget target and, the State ~~and Divisional~~ Budget targets ~~and the Regional or Manufacturing Membership Budget targets~~ shall have due regard to the strategic priorities of the Union within each State, ~~Division and Region~~, and the requirement in the interests of the Union's National operations for appropriate support for the operations of smaller States ~~and smaller Regions of Divisions~~.

f) Deleted

~~National Council may approve the adjustment of State Budget targets from what would otherwise apply in circumstances where a national Division Budget target can be achieved by a lower Budget target in one State subsidising a higher budget target in another state.~~

e)g)

(i) At the end of each year, budgeted income from membership dues and budgeted expenditure will be reconciled. If, at the end of a budget year, ~~a particular region of a Division within~~ a State ~~or within the Manufacturing Membership in each State~~ is left with a deficit, then that deficit must be repaid by that region State over a period to be determined by the National Council.

(ii) If, at the end of a budget year, a particular ~~region of a Division within a State or within the Manufacturing Membership in each State~~ is left with a surplus, then that surplus is retained for the use of that State region for purposes determined by the National Council upon advice from the relevant State Branch National Divisional Executive, where applicable; provided that the first use of any surplus must be the repayment of any deficits attributable to that region State.

11. Transitional Provision

1. This Rule 5B2 – Powers of National Council - shall take effect from the finalisation of elections at the National Conference scheduled for a date to be determined consistent with Rule 5A.

2. Until such time, the Powers of National Council as set by the Rule 8 of the Union's Rules in operation at 30 June, 2019 shall continue to apply.

5B3 – MEETINGS AND ~~POSTAL~~ VOTING OF NATIONAL COUNCIL

Amended Rule

1. Meetings

Meetings of the National Council shall be held at least half yearly at the office of the National Council unless otherwise decided. A meeting of the Council shall also be held when deemed necessary by the National President and National Secretary and as quickly as possible on demand by any four members of the National Council.

2. Notice of meetings of the National Council shall be given by letter or ~~telegram~~email or other electronic means as may be adopted by the National Council from time to time.

3. Quorum

At every meeting of the National Council not less than half plus one of the total persons constituting the Council shall form a quorum.

4. The business of the National Council when not in meeting assembled may be transacted by correspondence or email or other electronic means as may be adopted by the National Council from time to time. The matter or matters for consideration by the National Council shall be communicated by the National Secretary and/or an Assistant National Secretary to all Councillors and their vote shall be given to the National Council office by letter or ~~telegram~~email or other electronic means as may be adopted by the National Council from time to time. ~~to the National Council office.~~

Where not less than half the members of the National Council vote, the decision of the majority so voting shall be deemed to be a resolution of the National Council at meeting assembled.

In addition to the other provisions of this Clause, the business of National Council when not in meeting assembled may be transacted by ~~telephonic hook-up~~ teleconference or other electronic means as may be adopted by the National Council from time to time when deemed necessary by the National President and National Secretary or by majority of the National ~~Administrative and Budget~~Steering Committee. The matter or matters for consideration by the National Council shall be communicated by the National Secretary and/or an Assistant National Secretary to all Councillors at least on the day prior to the hook-up taking place. When not less than half plus one of the members of National Council participate in the hook-up the National Council will be deemed to have met as if it had met in meeting assembled.

5. Replies of Council Members

All communications from the National Office to a member of the National Council, requiring a decision or expression of opinion, shall be answered within fourteen days and should any member fail to comply with this requirement, the National Secretary shall notify the State Secretary of the State which the member of Council concerned represents, and the State Council of that State may

take whatever action the members of the State Council deem necessary in accordance with these rules.

5B4 – DECISIONS OF THE NATIONAL COUNCIL

Amended Rule

1. A State Council, ~~or a Division National Conference~~ may request any decision made by the National Council to be submitted to members of the National Conference for vote by post. Where 3 or more State Councils, ~~or a Division National Conference~~ makes such a request in relation to a particular decision or decisions the National President shall take steps as quickly as possible to have such a vote taken.

5C – NATIONAL ADMINISTRATIVE AND BUDGET COMMITTEE STEERING COMMITTEE

Amended Rule

31. National Administrative and Budget Steering Committee

Composition

- (a) The National Steering Administrative and Budget Committee (NABCNSC) is made up of:
- (i) The National President
 - (ii) The National Secretary
 - (iii) The Assistant National Secretaries/~~National Divisional Secretary of each of the Divisions~~
 - ~~(iv) The Assistant National Secretaries (the Manufacturing Membership) during the transitional period from 1 October 2014 to 30 June 2019 after which period there shall be one Assistant National Secretary (the Manufacturing Membership).~~
 - (v) Each of the State Secretaries
 - (vi) The State Secretary of the Tasmanian Branch is not required to attend meetings of the NSC and, in their absence, they will be represented by the National Secretary.
A. shall not normally attend meetings of the NSC and the Branch shall be represented by the National Secretary;
B. may attend a meeting of the NSC where a matter with direct impact on the Tasmanian Branch is scheduled for discussion or as otherwise agreed with the National Secretary
 - ~~(vi) A Printing Division representative elected under rule 51.25(b)~~

Meetings/Quorum

- (b) Meetings of the NABCNSC will be conducted in the following manner:
- (i) The NSCNABC must meet at least once in each four week period except that, during the period falling between each December National Council and the first meeting of the NSCNABC scheduled for the following February, NSCNABC may meet only as required.
 - (ii) The NSCNABC may conduct its business by telephone hook-up.
 - (iii) A quorum for the NSCNABC is four members of the NSCNABC. At least one member must be the National President or the National Secretary.
 - (iv) The National President will preside at the meeting. When the National President is absent or is unable to attend meetings of the NSCNABC the members in attendance will elect a Chairperson from amongst themselves to carry out the duties of the

President at these meetings. The National President or Chairperson will, on adoption, sign the minutes of the respective meetings.

Responsibilities

(c) The **NSCNABC** will have the following responsibilities:

(i) The **NSCNABC** will be responsible for the administrative affairs of the Union in accordance with the rules and policies of the National Conference and the National Council between meetings of those bodies.

(ii) The **NSCNABC** will develop and present draft budgets for consideration by National Council and, subject to any decisions of National Council, shall monitor and administer the implementation of the budgets adopted by National Council.

(iii) The **NSC** will refer any matters involving the Union's rules, policy and/or organisation to the National Conference or National Council.

(iv) Review of Diversity of Representation

At the conclusion of each election for National Conference Delegates, State Conference Delegates, National Council Delegates and State Council Delegates, the National Steering Committee shall review the occupational and industry representation on the National Conference, the State Conferences, the National Council and the State Councils.

Where the National Steering Committee resolves that an industry or occupation is materially under-represented on a Conference or Council in proportion to the number of members from that industry or occupation in the relevant area, the following provisions will apply:

A. The relevant National Industry Committee or State Council will be asked to nominate a specific number of members from industries or occupations identified as being proportionally under-represented on a Conference or Council;

B. Except where resolved to the contrary by the relevant Conference or Council when dealing with a charge laid under rule 10A or dealing with a suspected or alleged breach under rule 10B, such nominees shall have equivalent rights of attendance and participation at all meetings of the relevant Conference or Council as those Delegates who have been elected to the Conference or Council except that they will not be entitled to vote on any matter.

The NSC shall further report to each meeting of the National Conference on the representation of women on the Conferences and Councils of the Union.

5D1 - STATE CONFERENCE

New Rule

1. There shall be established for each State a State Conference.
2. The State Conference shall consist of:
 - a) Rank and file Delegates elected by and from the membership in each State on the following basis:
 - i. In State Branches with 5,000 financial members or fewer: 15 Delegates;
 - ii. In State Branches with more than 5,000 financial members: 15 Delegates plus one additional Delegate for each 1,000 additional financial members or part thereof;
 - iii. **In Tasmania: 12 Delegates.**
 - b) Additional rank and file women Delegates - each State shall be entitled to elect additional rank and file women delegates such that the number of additional rank and file women delegates shall be equal to either 10% of the rank and file delegates entitled to be elected under paragraph (a) of this subrule or the proportion of women financial members to total financial members in the State, whichever is the greater, rounded up to the nearest whole number;
 - c) the State President, the State Vice-President, the State Secretary and the Assistant State Secretaries, and
 - d) **The A number ~~Officers or Officials~~ of members of the Union who are employed by the Union to be elected by the membership in each State which number** shall be calculated as follows:
 - i. Where the number of Rank and File Delegates is 15 as determined by subrule 2(a)A above, the number of number of **members of the Union who are employed by the ~~Union Officers or Officials~~** entitled to be elected shall be 10% of the number of Rank and File Delegates entitled to be elected under paragraph (a) of this subrule and rounded up to the nearest whole number;
 - ii. Where the number of Rank and File Delegates is more that 15 as determined by subrule 2(a)B above, the number of number of **members of the Union who are employed by the Union ~~Officers or Officials~~** entitled to be elected shall be 20% of the number of Rank and File Delegates entitled to be elected under paragraph (a) of this subrule and rounded up to the nearest whole number;
 - iii. **In Tasmania: one member of the Union who is employed by the Union.**
 - e) The State Secretary – Retired Members’ Division;
 - f) One additional apprentice rank and file member, or rank and file member under the age of 25 years, elected by and from the membership in each State.

3. The relevant date for determining the financial membership of each State Branch, and the relevant proportion for paragraph (b) of subrule ~~6E(2)~~5D1.2 above, shall be the last day of the quarter immediately preceding the determination of the number of positions to be elected by the Australian Electoral Commission.
4. The State Secretary shall call for agenda items from the State Council, District Committees, State Industry Committees and Workshops (provided that the items have been endorsed by at least five financial members) in the State in accordance with the principles of Rule ~~11.15A3~~. In addition, annual Delegate meetings held in accordance with Rule ~~11.15A3~~ may also forward items for the State Conference and or State Council agendas.

5D2 – POWERS OF STATE CONFERENCE

Unchanged

1. The State Conference shall meet each two years except when a Special State Conference is convened by the State Council.
2. Authority
Subject to the powers and authority of the National Conference and National Council, State Conference shall exercise the following powers:-
 - a) To make all necessary decisions to strengthen the Union and advance the interests of its members within the State.
 - b) To take all steps within the State necessary to achieve any and all of the objects of the Union.
 - c) To take all steps necessary to implement within the State the decisions of the National Council and or National Conference.
 - d) To exercise all and any of the powers and carry out all or any of the responsibilities conferred on a State Conference and/or State Council by these rules.
 - e) To amend, over-ride and where necessary to replace any and all decisions of the State Council.
 - f) To conduct elections in accordance with **Rule 4 Part B6C** of these Rules.
 - g) To select a State Returning Officer and Deputy Returning Officer as provided for in **Rule 316D**.
3. Decisions of Conference
The decisions of State Conference shall be published and available to members at State and Regional offices of the Union in the State. The decisions of State Conference shall be binding on all members in the State.
4. The State Council may at any time refer any matter to members of the State Conference for vote by post.

5E1 - STATE COUNCIL

New Rule

1. There shall be a State Council in each State. The State Council shall consist of:
 - a) Rank and file State Councillors – each State **with the exception of Tasmania** shall be entitled to elect such number of rank and file State Councillors being half the number of the rank and file delegates entitled to be elected to the State Conference rounded up to the nearest whole number. **In Tasmania, there shall be eight rank and file State Councillors;**
 - b) Rank and file female State Councillors - each State shall be entitled to elect such rank and file female State Councillors **such** that the number shall be equal to 10% of the rank and file State Councillors in sub-rule (a) or the proportion of financial women members to total financial members in the State, whichever is the greater, rounded up to the nearest whole number;
 - c) the State President;
 - d) the State Vice-President;
 - e) the State Secretary;
 - f) the Assistant State Secretaries;
 - g) the State Secretary – Retired Members’ Division;
 - h) **Members of the Union who are Officers or Officials employed full-time** by the Union **elected by the membership in each State** calculated at 20% of the number of Rank and File State Councillors entitled to be elected under paragraph (a) of this subrule and rounded up to the nearest whole number **except in Tasmania where the number shall be one;**
 - i) The additional apprentice rank and file member or rank and file member under the age of 25 years, elected to the State Conference.
 - j) **For the transitional period from 1 July, 2019 to 30 June, 2023, there shall be an additional honorary office of State Councillor elected from the following membership areas:**
 - (i) The vehicle membership area in NSW**
 - (ii) The print membership area in South Australia**
 - (iii) The print membership area in Western Australia**
 - k) ~~re shall be an additional Office person who at 30 June, 2019 held the office of Honorary Regional Secretary and was also employed by the Union shall be considered an ex-officio member of the State Council.~~
 - ~~ii) Where a vacancy arises in the office of State Councillor arising from sub-paragraph (i) above during the transitional period from 1 July, 2019 to 30 June, 2023, the following provisions will apply:~~
 - ~~A Where a vacancy arises prior to 1 July, 2020, a casual vacancy election will be required consistent with the provisions of 6C.23 subject to the following specific provisions:~~

~~l) To be eligible for election, a person must be an employee of the Union and a member of the Union from the same membership area as the person vacating the office;~~

~~m) To be eligible to cast a ballot in the election referred to above, a member must be a Delegate to the relevant State Council and from the same membership area as the person vacating the office~~

~~n)k) B. Where a vacancy arises during the period from 1 July, 2020 to 30 June, 2023, the vacancy may be filled by appointment by a resolution of the State Council. Prior to the State Council considering the matter, the relevant State Secretary and the Assistant National Secretary representing the membership area of which the person being replaced was a member, shall confer on a suitable replacement for the consideration of the State Council provided that any nominee arising from such conferral shall be from the same membership area as the person being replaced and be an employee of the Union.~~

~~l) In addition, for the transitional period from 1 July, 2019 to 30 June, 2023, a person who at 30 June, 2019 held the office of Honorary Regional Secretary and was also employed by the Union shall be considered an ex officio member of the State Council. Where such person leaves the employment of the Union at any time during the transitional period, the State Council position shall be abolished.~~

~~2. Representation of Women on the State Council~~

~~The number of female State Councillors shall be not less than 10% of the members of State Council or not less than the proportion of female members of the State whichever is greater. This shall be known as "the Proportion" for the purposes of this sub-rule. If at the commencement of the ordinary meeting of the State Conference the number of female State Councillors is less than the Proportion, additional female State Councillors will be elected to State Council consistent with Rule 5B – Honorary Elections at National Conference.~~

~~32.~~ The relevant date for determining the financial membership of each State Branch, and the relevant proportion for paragraph ~~1(b) of subrule 6G(1) above~~, shall be the last day of the quarter immediately preceding the determination of the number of positions to be elected by the Australian Electoral Commission.

~~43. Status of Delegates~~

a) A person who is a rank and file Delegate to State Conference under Rule ~~6E-2A~~ and who holds the position of rank and file State Councillor does not vacate the position of rank and file Delegate to State Conference because he or she also holds the position of rank and file State Councillor.

A woman who is a rank and file Delegate to State Conference under Rule ~~6E-2A~~ and who holds the position of an additional female State Councillor does not vacate the position of Delegate to State Conference because she also holds the position of an additional female State Councillor.

5E2 – POWERS OF STATE COUNCIL

Amended Rule

1. The State Council shall meet no less frequently than quarterly.

In addition, the State Council can set a schedule of further meetings as it deems necessary.

In addition, meetings may be called up to three times in a calendar year by agreement between the State Secretary and the State President.

In addition to this, meetings may be convened by agreement between the State Secretary and State President by telephone conference in accordance with [Rule 285E3](#).

Additional special meetings may be convened to deal only with urgent matters that cannot reasonably be dealt with at the regular meeting of State Council. Such a special meeting may be convened by a request of a majority of members of State Council. Where a meeting is requested by a majority of the members of State Council;

- a) The majority of members requesting the State Council to meet must provide the State Secretary and State President with a signed copy of that request. In the absence of the State Secretary on leave or interstate, an Assistant State Secretary or the Acting State Secretary shall be provided with a signed copy of that request. In the absence of the State President on leave or interstate, the Vice President shall be provided with a signed copy of that request.
- b) Where a request has been received in accordance with paragraph (a) the State Secretary and State President must call a meeting of State Council.
- c) All State Councillors must be given 3 working days notice of a meeting of State Council called at the request of a majority of the members of State Council. Such notice must be given in writing and specify the agenda for that meeting. Matters not contained in the agenda must not be dealt with at the meeting of State Council.

2. The State Council shall generally serve the purpose of an executive body of the State Conference in the State concerned and may convene any Special State Conference of the Union considered necessary or desirable, the agenda for which shall be determined by the State Council and limited to those matters notified in accordance with the principles of [Rule 12Rule 5A3](#).

It shall, subject to the powers of the State Conference, National Conference and the National Council generally direct the work of the Union in the State, carry out particular responsibilities allocated to it under these rules and take all steps necessary and in accordance with these rules to strengthen the Union and further the interests of the members.

3. No loan, grant or donation of an amount exceeding \$1,000 shall be made by any State Council of the Union unless that State Council:-
 - a) has satisfied itself -

- (i) that the making of the loan, grant or donation would be in accordance with the other rules of the organisation; 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) has approved the making of the loan, grant or donation.

4. Supervision

The State Council shall supervise and direct all work of all full-time Officers, District Committees and other Committees of the Union established in the State.

5. In all States where State established wage tribunals exist the State Council shall be the body to act in relation to matters coming within the jurisdiction of such bodies on behalf of the Union ~~(other than matters only affecting members of the Union in the Vehicle Division, the Food and Confectionery Division or the Printing Division)~~ and also be the body to act on behalf of the Union in relation to industrial agreements limited to the State ~~(other than an industrial agreement or award(s) only affecting members of the Union in the Vehicle Division, the Food and Confectionery Division or the Printing Division)~~, subject always to the powers of the State Conference, National Conference and the National Council.

6. State Council shall have power to call aggregate meetings of members or sections of members or shop meetings of members for any purpose consistent with the objects of the Union.

7. Shop Stewards Delegates

State Council shall authorise the appointment of or election by members, of delegates, deputy delegates and workplace committees in workplaces in the State, and may also delegate that authority to the Administrative Committee. Such elections shall be conducted annually in September.

The powers of delegates and workplace committees shall be defined by the State Councils with the approval of the National Council. The delegates or the workplace committee may appoint a convenor and deputy convenor who themselves must be a delegate whose powers and duties shall be defined in like manner as the powers and duties of delegates and workplace committees.

In country areas, following upon the election of delegates to facilitate and ensure their proper authorisation by the State Council, notification of their election shall be made by the District Committee.

Powers of Delegates

The powers of delegates, workplace committees and convenors shall include the following:

To enrol persons qualified to be members of this Union under these rules.

When authorised by State Council to collect from them all contributions, fines, levies, etc. payable under these rules.

To issue them with a receipt for such moneys and to account for such moneys by paying them into the office of the State Council. Such collection and payment of moneys shall be carried out in the manner determined by the State Council and expenses for collection of such moneys shall be paid as determined by the National Council.

Duties

They shall see that all employees starting are duly qualified trade unionists and that all persons are receiving the approved rates and complying with the practice of the workplace and district and for these purposes to examine membership contribution card, Union receipts or other form of acknowledgment of payment of Union contributions and to report to any State officer any case in which the position is not satisfactory and cannot be adjusted within the shop.

The delegates' proof of payment of Union contributions shall be examined by their convenors and the State Branch.

They shall be authorised to interview supervisors or any other persons representing the management on any questions arising within the workplace. Any question involving a principle or change of practice shall be reported to a State official, authorised by an Administrative Committee or State Council. Where any dispute occurs, the officials shall try by conciliation to reach a settlement. All disputes shall come immediately under the control of the State Councils. In all matters delegates, convenors and committees shall act within the rules and principles laid down by the State Council and the National Council.

8. Meetings of Delegates

The State Council shall convene meetings of delegates when and where necessary on an area basis. District Committees shall, subject to the approval of State Council, convene meetings of delegates at least once each quarter in the area covered by their respective District Committee.

Payment for attending shall be determined by State Council. Such meetings to be for the purpose of discussing industrial campaigns, workshop problems and any other matters submitted by delegates for consideration. Any resolutions adopted shall be in the form of recommendations to the State Council and District Committee and may be implemented only if they are not at variance with the policy of the Union.

9. To issue publications for the information of members.

10. The State Council may submit any matter to the State Conference Delegates for vote by post and the vote taken in this manner shall be regarded as a decision of Conference in meeting assembled.

11. State Council Minutes

A copy of the Minutes of each meeting of the State Council shall be forwarded to the National Council and State Conference Delegates within 14 days of each council meeting.

12. The State Councils in NSW, Victoria, Queensland and South Australia will establish a State Steering Committee consistent with the provisions of sub rule 5F.2.

13. Transitional Provision

- (a) This Rule 5E.2 – Powers of State Council - shall take effect from the finalisation of elections at each of the State Conferences scheduled for at a date to be determined consistent with Rule 5A.
- (b) Until such time, the Powers of State Council as set by Rule 26 of the Union's Rules at 30 June, 2019 shall continue to apply.

5E.3 - DECISIONS OF STATE COUNCIL TAKEN BY POSTAL VOTE OR TELEPHONIC HOOK-UP MEETINGS AND VOTING OF STATE COUNCIL WHEN NOT ASSEMBLED

Amended Rule

1. The business of State Council when not in meeting assembled, may be transacted by correspondence or email or other electronic means as may be adopted by the National Council from time to time. The matter or matters for consideration by the State Council shall be communicated by the State Secretary and/or an Assistant State Secretary to all Councillors and their vote shall be given ~~by letter~~ to the State Council Office by letter or telegram-email or other electronic means as may be adopted by the National Council from time to time. Where not less than half the members of the State Council vote, the decision of the majority so voting shall be deemed to be a resolution of the State Council at meeting assembled.

In addition to the other provisions of this Clause, the business of State Council when not in meeting assembled may be transacted by teleconference or other electronic means as may be adopted by the National Council from time to time ~~telephonic hook-up~~ when deemed necessary by the State President and the State Secretary, or by majority by the State Administrative Committee.

The matter or matters for consideration by the State Council shall be communicated by the State Secretary and/or an Assistant State Secretary to all Councillors at least on the day prior to the hook up taking place. When not less than half plus one of the members of the State Council participate in the hook up the State Council will be deemed to have met as if it had met in meeting assembled.

2. Replies of Council members.

All communications from the State office to a member of the State Council, requiring a decision or expression of opinion, shall be answered within fourteen days.

5F – STATE ADMINISTRATIVE COMMITTEE AND STATE STEERING COMMITTEE

NEW RULE

1. State Administrative Committee

(a) There shall be an Administrative Committee in each State comprised of:

(i) the State President;

(ii) the State Vice President;

(iii) the State Secretary; ~~and~~

(iv) the Assistant State Secretaries; and

(v) 2 Rank and file State Conference Delegates or a number of Rank and File State Conference Delegates equivalent to the number of Assistant State Secretaries whichever is the greater.

~~The Administrative Committee shall act as the Administrative Committee of the State Conference and the State Council and administer the affairs of the Union in accordance with the policies of the National Conference, National Council, State Conference and State Council.~~

(b) The Administrative Committee shall act as the Administrative Committee of the State Conference and the State Council and administer the will be responsible for the administrative affairs of the State Branch when neither the State Conference nor the State Council is in session and in accordance with the rules and policies of the National Conference, National Council, State Conference and State Council.

~~(b)(c)~~ (c) The Administrative Committee may refer matters to the State Council. The Administrative Committee may also refer matters to the State Conference as required. ~~State Council, the Vehicle Division National Conference, the Food and Confectionery Division National Conference or the Printing Division National Conference.~~

~~(c)(d)~~ (d) The State President or Vice-President shall sign the minutes of meetings of the Administrative Committee on their adoption.

~~Rank and file State Conference Delegates on the Administrative Committee shall hold office from the conclusion of the State Conference at which he/she is elected until the election of his/her successor.~~

(e) Transitional Provision

(i) This Rule 5F.1 shall take effect from the finalisation of elections at each of the State Conferences scheduled for at a date to be determined consistent with Rule 5A.

(ii) Until such time, the Powers of the State Administrative Committee as set by Rule 29.6(c), (d) and (e) of the Union's Rules at 30 June, 2019 shall continue to apply.

2 State Steering Committee

- a) **Where established, the State Steering Committees shall be comprised of:**
- (i) The State Secretary**
 - (ii) The Assistant State Secretaries**
 - (iii) Subject to subrule (b) below, any other member of the State Branch as determined by the State Council.**
- b) **The composition of the State Steering Committee as set by resolution of the NSW, Victorian, Queensland and South Australian State Council meetings prior to 15 March, 2018 shall not be amended in the period to 30 June, 2023 unless by unanimous agreement of the State Steering Committee and the subsequent endorsement of the State Council.**
- c) **Where established, the State Steering Committees shall commence meeting from 1 July, 2019 and shall meet no less frequently than the State Council.**
- d) **Where the person representing the Vehicle, Food and Confectionery or Print membership areas on a State Steering Committee prior at 15 March, 2018:**
- i. leaves the employment of the Union in the period to 30 June, 2023; and**
 - ii. is not replaced by another eligible member filling the office of Assistant State Secretary an Assistant State Secretaries position,**
- the State Secretary and the Assistant National Secretary representing the relevant membership area shall confer on a suitable replacement for consideration of the State Council provided that such replacement shall be from the same membership area as the person being replaced.**
- e) **A State Secretary or an Assistant National Secretary may refer any dispute arising from the operations of the State Steering Committee to the National Steering Committee for review.**
- f) **The State Steering Committee will monitor and support:**
- i. the implementation of Branch Operational Plans; and**
 - ii. The State and National Industry Plans; and**
 - iii. such other responsibilities as delegated by State Council.**
- The State Steering Committee shall operate under the supervision of the State Council and provide regular reports thereto.**
- g) **The State Secretary shall ensure that the agenda for meetings of the State Steering Committee is circulated prior to the meeting and that minutes of the previous meeting are circulated for endorsement at the subsequent meeting.**

5G - DISTRICT AND SECTION COMMITTEES

Amended Rule

1. District Committees

For the purpose of organisation and administration the State Council may establish in any area a District Committee to consist of representatives elected from the ~~Shop Stewards~~Delegates and members in that area and shall be empowered to adopt by-laws and issue directives for the functioning of such Committees, provided however, that such Committees shall not be empowered to exercise any of the authority prescribed by these rules for State Conference or State Council.

The State Secretary may appoint a state official to assist in the functioning of a District Committee.

District Committees shall elect one of their number to Chair meetings of the Committee.

2. Section Committees

The State Council shall have power to establish and refer to a Trade or Section Committee apart from their own body questions affecting any separate trade or section. Such Committees shall only have power to consider and report to the State Council on questions affecting their own trade interests.

A full-time State officer shall be given the responsibility of assisting the functioning of any such Committees. Trade or Section Committees shall elect one of their number to Chair meetings of the Committee.

5H.1 - ~~INTERPRETATION RULE AS TO~~ POWERS OF STATE OFFICIALS, STATE CONFERENCES AND STATE COUNCILS

1. The powers conferred on National Conference and National Council by this rule are in addition to, and not in derogation of, the powers conferred on those bodies under the remainder of these Rules.
2. In order to avoid doubt, and without otherwise affecting the powers of National Conference ~~and or~~ National Council ~~or the powers and duties of Divisions and officials and decision-making bodies provided for under rules 48 to 54 of these Rules:~~
 - a) The powers and duties allocated to State Secretaries, State Conferences and State Councils under rules ~~22, 24 and 26~~ **D1, 5D2, 5E2** and rule ~~29~~ **5H4** (in respect to State Secretaries) of these rules must only be exercised in accordance with the Rules and with all decisions or policies affecting the exercise of those powers and duties, adopted by National Conference or National Council;
 - b) Where a specific power is conferred upon or a specific duty allocated to, State Secretaries, State Conferences and State Councils under ~~D1, 5D2, 5E2 and rule 5H4~~ **rules 22, 24 and 26 and rule 29** (in respect to State Secretaries) of these Rules, that power or duty must only be exercised subject to and in accordance with all decisions or policies affecting the exercise of that power or duty, adopted by National Conference or National Council; and
 - c) The powers and duties allocated to the State Secretaries under ~~Rule 29(3)~~ **5H4.3** pertaining to the engagement and supervision of the work of the staff at State offices must only be exercised in accordance with the Rules and with all decisions or policies affecting the exercise of those powers and duties adopted by National Conference or National Council;
 - d) Where, in the opinion of National Conference or National Council, the powers and duties described in Paragraph (c) of this sub-Rule have not been exercised in accordance with these Rules, including this Rule, or the decisions or policies of National Conference or National Council, National Conference or National Council may:
 - (i) resolve that any powers exercised or decisions made are void and are of no effect;
 - (ii) resolve on any matters affecting the Union arising out of the purported exercise of powers or purported decisions made that have been resolved to be void and of no effect; and
 - (iii) resolve to exercise all or any of the powers itself or to give such directions affecting the exercise of these powers or the performance of those duties as National Conference or National Council considers appropriate.

5H2 - DUTIES OF NATIONAL OFFICIALS

1. Duties of National President

The National President shall when he or she is present preside over all meetings of the National Conference and National Council. He or she shall see that the business of each such meeting is properly conducted according to the rules, upon adoption sign the minutes of each meeting and all accounts sanctioned by the Conference or Council.

The President shall carry out such other duties including, general organising duties as provided for in these Rules as determined from time to time by the National Conference or National Council.

In conjunction with the National Secretary and Assistant National Secretaries be responsible for the implementation of union policy.

When the National President is absent or unable to attend meetings of the National Conference or National Council, the members in attendance shall elect a Chairperson from amongst their number to conduct the proceedings.

2. Duties of National Secretary

The National Secretary shall be the Chief Executive and Administrative Officer of the Union and unless otherwise prevented, attend all meetings of the National Conference and National Council and arrange for the keeping of a correct record of all business transacted there. He/she shall have all correspondence replied to promptly, arrange for the payment of all accounts in accordance with these rules and discharge all other liabilities properly incurred in carrying out the affairs of the Union. He/she shall keep an account of all moneys received and of all moneys expended, all banking shall be done in the name of the Union in a bank approved by National Council. He or she shall keep a register of all members of the Union together with such other records as are required by the *Fair Work (Registered Organisations) Act 2009 Workplace Relations Act 1996 (Commonwealth)* or any amendment.

He or she shall prepare an annual report and financial statement and submit all books, vouchers, accounts etc. to the Council's auditor at least once in each yearly period ending 30th September, and afford every facility to the auditor to ascertain its correctness or otherwise. The Auditor shall be a Registered Public Accountant appointed annually by the National Council. The financial statement and auditor's report shall be published following completion of the audit. The National Secretary may institute proceedings on behalf of the Union.

Control of Staff

He or she shall be responsible, in consultation with the National Council, for engaging the necessary staff, to see that appropriate attention is given to the administration of the Union, to

correspondence, etc., and to decisions of the National Conference and National Council. The whole staff at the National Office shall be under the control of the National Secretary. Wherever possible appointment shall be open to members of the Union who possess the necessary qualifications.

He or she shall transact such business belonging to the Union where the National Council may be meeting. He or she shall make arrangements for each State Council to be supplied with the necessary books and stationery for the keeping of accounts and maintenance of records. He or she shall be responsible to the National Council for the general supervision and direction of the work of the National Organisers and Assistant National Secretaries. He or she shall visit States for the purpose of the work and duties of the National Conference and Council, and in conjunction with the National President and Assistant National Secretaries be responsible for the implementation of Union policy.

3. Duties of Assistant National Secretaries

a. The Assistant National Secretaries shall attend, unless otherwise prevented, all meetings of the National Conference and the National Council and carry out such duties as provided for in these Rules or as directed by the Conference, Council or the National Secretary. In general, they shall assist the National Secretary in carrying out his or her duties.

b. *Subject to subrule (a) above, during the transitional period from 1 July, 2019 to 30 June, 2023, the Assistant National Secretaries shall coordinate the work of the Union in the **industries relevant membership areas** from which they were elected pursuant to Rule 6A.10.5.*

~~Duties of National Organisers~~

~~(d) National Organisers (the Manufacturing Membership) and the National Divisional Assistant Secretary/National Organiser of the Vehicle Division and the National Divisional Assistant Secretary/National Organiser of the Printing Division shall carry out such duties as are allocated to them by the National Conference, National Council or National Secretary.~~

4. All full-time National Officials shall be entitled to attend any meetings of a State Conference or Council or any other meeting of members and to speak at any such meeting, but shall not be entitled to move or second motions and to vote only at meetings of the National Conference and Council.

27-5H.3 - STATE OFFICIALS

1. (a) (i) Each State ~~other than Tasmania and Western Australia~~ shall have as State officials, a State President, Vice-President, State Secretary and such number as Assistant State Secretaries as may be determined from time to time by the State Conference subject to the approval of National Council and/or Conference and subject to any budget requirements or determinations made by the National Council in accordance with 5B2, ~~during the transitional period two Assistant State Secretaries (the Manufacturing Membership) (unless there is only one Assistant State Secretary in one or other the States concerned in accordance with rule 4 Part A (2) (da) (v) (I) or (II)) and from 1 July 2019 one Assistant State Secretary the Manufacturing Membership and an Assistant State Secretary Printing Division.~~
 - ~~(ii) Each State other than Tasmania and Western Australia shall have as State Officials, an Assistant State Secretary Vehicle Division.~~
 - ~~(iii) Each State other than Queensland and Western Australia and Tasmania shall have as State Officials, an Assistant State Secretary Food and Confectionery Division.~~
 - ~~(iv) In Tasmania and Western Australia the State President and State Secretary shall be State Officials.~~
 - (b) Each State may have as State officials such number of State Organisers as may be determined from time to time by the State Conference subject to the approval of National Council and/or Conference and subject to any budget requirements or determinations made by the National Council in accordance with 5B2.Rule 8,
 - (c) Each State shall have a State Returning Officer.
2. ~~For the purposes of electing State Organisers in States other than Tasmania and Western Australia, the following electoral divisions shall be created:-~~

- ~~(a) In each state a Vehicle Division electoral division comprised of members attached to the Vehicle Division;~~
 - ~~(b) In each state other than Queensland a Food and Confectionery Division electoral division comprised of members attached to the Food and Confectionery Division;~~
 - ~~(c) In each state a Printing Division electoral division comprised of members attached to the Printing Division; and~~
 - ~~(d) In each State an electoral division comprised of members of the Manufacturing Membership.~~
- ~~3. For the purposes of electing State Organisers as provided for in sub rules 2 (a), 2 (b), 2 (c) and 2 (d) hereof, only financial members in each electoral division shall be entitled to elect organisers in respect of each electoral division.~~
- ~~4. In Tasmania and Western Australia, State Organisers shall be elected by all financial members of the Union in the State.~~

5H.4 - DUTIES OF STATE OFFICIALS

1. STATE PRESIDENT

The State President shall:

- (a) preside at all meetings of the State Conference, State Council, State Administrative Committee and meetings convened by these bodies during his/her period of office and shall have the same voting and other rights as other delegates to the Council and Conference; **and**
- (b) take all necessary steps to ensure the proper conduct of the business of such meetings, upon adoption sign the minutes and initial all accounts passed for payment; **and**.

~~(c) In Western Australia be responsible for general work in the Union in the State and shall carry out such duties as directed by State Conference and/or State Council.~~

~~(d) in Victoria, until the incumbent State President at the time of certification of this rule ceases to hold that office (for whatever reason) or until 1 July 2005, whichever is the earlier, be responsible for general work in the Union in the State and shall carry out such duties as directed by State Conference and/or State Council.~~

2. STATE VICE-PRESIDENT

The State Vice-President shall officiate at meetings of the State Conference, State Council, State Administrative Committee or any meetings convened by those bodies where the State President is unable or unwilling to be present. In the absence of the State President the State Vice-President shall be responsible to ensure the proper conduct of the business of any meetings, upon adoption sign the minutes dealt with at such meetings. He or she shall place before the meeting all motions which personally concern the State President and assist that Official to carry out all duties **with promptitude and dispatch quickly and efficiently.**

When the State President and the State Vice-President are absent or unable to attend State Conference, State Council, State Administrative Committee and meetings convened by these bodies the members in attendance shall elect a Chairperson from amongst their number to conduct the proceedings.

3. STATE SECRETARY

The State Secretary shall be entrusted and authorised to act on all matters concerning the activities of the Union in the State, subject to these Rules. He or she shall be responsible for the co-ordination of the work of the State Organisers and shall for all purposes be the main Executive and Administrative Officer of the Union in the State.

Power to Speak

He or she shall be entitled to attend and speak at any meeting of members in the State, but shall have the power to move and second motions and cast a vote only at the State Conference and at meetings of the State Council, the State Administrative Committee and the State Steering Committee.

Control of Staff

He or she shall be responsible, in consultation with the State Council and subject to rule 5B.28 of these rules, for the engagement and supervision of the work of the staff at the State office, for the maintenance of all necessary records of the Union, for the maintenance of complete record of the names, addresses and financial standing of all members in the State, and he or she shall forward an account to each member at least quarterly.

Reports

He or she shall report to each meeting of the State Council and the State Conference on the affairs of the Union in the State and on all matters of which he or she has information concerning the welfare of the Union and its members.

He or she shall carry out such other duties as are allocated to him or her by the National Conference, National Council, State Conference or State Council.

Accounts

He or she shall deposit all money received for use by the Council to the credit of the Union in a Bank Account as directed by the National Council.

He or she shall maintain a strict and accurate record of all moneys received and expended by the State Council and shall account for these to the National Council and State Council.

He or she shall arrange for an audit of the books and records of the State Council annually and at such other times as directed.

He or she shall submit to the State Conference and to the National Council an audited statement of the financial transactions of the State Council and shall publish this to members.

Publications

Subject to any policies determined by and/or decisions of National Conference or National Council relating to Union publications (including their content, timing, and manner of distribution) the Secretary shall edit and arrange for the distribution of any publication to be issued by the State Council, State Conference, National Council or National Conference.

4. ASSISTANT STATE SECRETARIES

a. Each Assistant State Secretary shall generally assist the State Secretary and carry out such duties as are allocated to him or her by the State Council, State Conference, National Council or National Conference.

b. Subject to subrule (a) above, during the transitional period from 1 July, 2019 to 30 June, 2023, the Assistant State Secretaries shall coordinate the work of the Union in the industries relevant membership areas from which they were elected pursuant to Rule 6A.10.6.

5. STATE ORGANISERS

State Organisers shall be responsible for the general organising of the Union in the State. They shall carry out such other organising duties as are allocated to them by the State Council and shall be responsible to the State Secretary.

The State Organisers shall be entitled to attend other meetings of members and shall have the right to speak at all such meetings, provided however, that they shall have the right to move and second motions and vote only at bodies within the Union to which they have been duly elected in accordance with these Rules.

5I - QUORUM RULE

At any meeting of the National Conference, National Council, State Conference or State Council, one half plus one of the members of the body concerned shall constitute a quorum for any meeting. No meeting attended by less than that number shall transact the business or exercise any of the powers prescribed by these rules for the body concerned.

5J – INDUSTRY COMMITTEES

New Rule

1. Preamble

~~The Union~~ ~~It is recognised that we~~ values and includes all of ~~our the~~ trades and, occupations within our coverage and on this basis the following principles will be used by the relevant union bodies in making determinations under this rule:

- a) members campaigning together nationally to deliver industry standards helps build sustainable power and influence through the union.
- b) AMWU members work across a broad scope of industries, some of which have traditionally been organised nationally and it is a key indicator of success of our union that ~~we the Union~~ continues to build on this rich history.
- c) members in a number of other industries could also benefit from a new approach to coordinated national campaigning.

2. A number of National and State Industry Committees will be established to support members to organise their workplaces and industries in order to build power and jobs and to improve working conditions across the sector.

3. Where it will assist to build power and deliver growth and better conditions for members, State Conference may likewise establish State Industry and Skilled Trades Committees.

4. Determination of National Industries and Skilled Trades Groups by National Council

- a) The National Council may determine that specific members would benefit from their industry being deemed a 'national industry'.
- b) National Council may determine that specific members would benefit from the establishment of a skilled trades group.
- c) A number of factors will assist in the consideration of making a determination under this clause, including but not limited to the types of products and services our members are engaged with and the relationships between suppliers, competitors and customers for those products and services.

5. Determination of the number and scope of National Industry Committees

- a) The National Conference will determine the number and scope of National Industry Committees.
- b) In making such determinations, National Conference may consider, but is not limited to considering, the following factors:
 - (i) Has the industry traditionally had a level of national coordination?
 - (ii) Does it have a significant number of national employers?
 - (iii) Does the Union have a significant number of members across 2 or more States?
 - (iv) Are there a significant number of potential members in 2 or more States?

(v) Is the industry reliant on, or vulnerable to, policy decisions of the Federal Government?

(vi) Does the Industry have (or did it have) its own underpinning award?

(vii) Does the Industry have (or did it have) its own training package?

(viii) Does the Industry have a high level or history of member / delegate engagement and activity?

(ix) Is there a history of national agreements covering national employers in the industry?

(x) Is it likely that a national approach will build power for members and help grow the Union?

c) In determining the membership and workplace scope of a National Industry Committee, the National Conference shall also consider the full range of occupations which the Union is eligible to cover within the industry.

The National Steering Committee shall ensure that the National and State Industry Committees are adequately resourced to enable campaign and organising work in their sector with plans and budgets approved by National and State Councils and supported by the State Branches.

Upon ~~the certification of~~ this Rule coming into operation, the following Industry Committees will be established:

- Print and Packaging
- Food
- Vehicle
- Defence and Aerospace
- Shipbuilding
- Mining and Engineering Services
- Rail

5K - MINUTES

1. Minute books must be used to record the proceedings and resolutions of all meetings of the National Conference, National Council, National Steering Committee, State Conference, State Council, State Administrative Committee ~~or~~and State Steering Committee.
- 1-2. Such minutes of the State Conference, State Council, State Administrative Committee and State Steering Committee must be forwarded to the National Secretary by the relevant State Secretary within 14 days of their adoption by the relevant Committee.

