

Draft Rules for a New AMWU



7 - MEMBERSHIP

7A - MEMBERSHIP

1. Admission of New Members

An application for membership may be made in any of the following ways:

- (a) By completion of a standard application form which must be forwarded by the applicant, or the member enrolling the applicant, to the State Office of the Union;
- (b) By telephone;
- (c) By email or via the internet; or
- (d) By any other means as determine by the National Conference

Details of applications made in accordance with paragraph (b) or (c) shall promptly be forwarded to the relevant State Office of the Union.

Details of all applications shall be sent to the National Council within three months.

The union shall inform all applicants for membership, in writing, of their financial obligations arising from membership of the Union. All applicants for membership shall also be informed, in writing, of the circumstances, and the manner, in which a member may resign from the Union.

2. The relevant State Secretary shall, having ascertained that the applicant is engaged in an occupation covered by the Union and is otherwise suitable and qualified to be a member:-

- (i) place the new member on the roll of members in the State where the member resides; and
- (ii) forward to the member an account for any moneys owing to the Union from the day on

which he or she is admitted as a member.

3. On and from the days upon which the amalgamations with the Association of Draughting, Supervisory and Technical Employees ("ADSTE"), the Vehicle Builders Employees' Federation of Australia ("VBEF"), the Confectionery Workers and Food Preservers' Union of Australia ("CW&FPU") and the Printing and Kindred Industries Union ("PKIU") took effect, all persons who were members of ADSTE, VBEF, CW&FPU, PKIU and the Union or the predecessor unions to this Union on the days immediately preceding those dates shall have become and be treated as members of the Union, and where pursuant to any of these Rules a period of membership of the Union is a qualification for nomination and/or election to any office, any period of membership in any of the unions referred to in this sub-rule immediately preceding those dates shall be counted as membership of the Union.

4. The standard application form must contain a clause to the effect that the applicant undertakes to abide by the Rules of the Union as they are at the time of admission and as subsequently amended.

Where an application is made in accordance with paragraph 427A.1(b) or (c), an applicant shall be informed, in writing, that members of the Union must abide by the Rules of the Union as they are at the time of admission and as subsequently amended.

A rule book will be made available free on application to the State or Regional Office.

5. In order to demonstrate that a person is entitled to membership of the Union under the rule 1 - Eligibility, of these Rules and for related purposes under this rule he or she may, where appropriate, be requested by the State Secretary of the State in which an application for membership is made, to produce satisfactory evidence of the person's trade certificate or equivalent qualification, and the application for membership will not be further processed until such evidence is provided by or on behalf of the applicant.

6. Juniors and Transfers of Apprentices

Junior and Apprentice members shall be automatically transferred to an adult section on completion of apprenticeship or on attaining the full adult wage for his/her classification and members so transferred shall be advised at that time by the State Secretary of the new section of membership and the rate of contribution applicable to that section.

7. Honorary Members

(a) All members who were honorary members and who were retired from the paid workforce as at the date of certification of this rule shall be placed in the Retired Members' Division pursuant to the transitional provisions in rule 7G.1.

(b) Persons who were life members of ADSTE or life/honorary members of the CW&FPU and became honorary members of the Union on the amalgamation of those former unions, shall be counted as part of the Union's membership for all purposes, and shall be entitled to stand for elected offices and vote in elections for elected offices in the Union provided those persons are engaged in occupations that are covered by, or are officers of, the Union.

(c) Notwithstanding paragraph (a), persons who became honorary members of the Union as a consequence of the amalgamation with the PKIU shall, subject to rule 559K, continue to be entitled to a Mortality or Mortuary benefit.

7A. Honorary Life Membership

1. The distinction of Honorary Life Membership may be conferred on a member of the Union, including a member of the Retired Members Division of the Union, by the National Council as a mark of appreciation of specially meritorious services to the Union.

2. Honorary Life Members shall not be required to pay any dues, levies or other contributions.

3. Except as provided in sub-rule 427A.7A(4) and (5), an Honorary Life Member shall not be entitled to take any part in any elections or to vote on any matter.

4. Except as provided by sub-rule 427A.7A(5), where an Honorary Life Member is otherwise qualified to be a member, they will be deemed to be a financial member of the Union for all purposes.

5. Where an Honorary Life Member is otherwise qualified to be a Retired Member, they will be deemed to be a financial member of the Retired Members Division for all purposes.

8. Special Cases

If it is found that an applicant for membership was previously expelled from the Union in another State the State Secretary in the State where the applicant is seeking to rejoin the Union shall obtain from

the Secretary in the State, where the applicant was previously a member, the fullest information concerning the reasons for expulsion before deciding on the applicant's suitability for renewed membership.

9. If in the opinion of the State Council it is desirable to organise any shop or area, persons working in any such shop or area may be admitted as members of the union.

10. Rejected applicants shall have any moneys paid into the Union returned to them.

11. Any member rejoining this Union shall occupy a position in all respects as if he/she had never been a member.

12. Change of Address

Where a member changes his or her residential address he or she shall, no later than 30 days after the change of address, advise the State Secretary in writing of the new residential address.

13. Where a Returning Officer or a State Returning Officer has reason to believe that the address of a member recorded in the Union's membership register is not the current address of the member, the Returning Officer is not, where that member is included in a roll of voters for a ballot, required to observe that address as the address of the member but may, on application by that member, provide him or her, no later than the closing date of the ballot, with a ballot paper.

14. Members shall be members in the State in which they reside.

National Council may determine that one or more members are members in the State in which they work for all purposes where National Council determines that this supports the objects of the Union.

7B - CONTRIBUTIONS AND ARREARS

1. Rate of Contribution

The National Conference shall determine the maximum amount of contributions to be paid by members and the National Council, from time to time, shall set, within the decision of National Conference, the rates of contributions to be paid by members between National Conferences.

2. Contributions as set out in this rule include payment for the Union's regular periodicals.

3. Financial Member

Quarters for purposes of this Rule shall be January-March, April-June, July-September, October-December.

Fines and levies decided upon in accordance with these rules shall be a first charge on all payments made.

Expulsion for Arrears

A special file to be kept in the State Office of those members twelve months or more in arrears and any such member may be expelled from the Union and the National Council informed immediately.

4. Any moneys overpaid to the Union by members deceased or retired shall, upon application by them or their next of kin, be refunded.

5. Exemption

Exemption of contributions may be granted to any member in special circumstances with the approval of State Council and subject to the consent of the National Council.

Members who are in receipt of workers' compensation make-up pay equal to wages shall not be entitled to exemption from contributions.

6. Suspension of membership - Casual and Seasonal Workers in Food and Confectionery Industry

State Council may, subject to the consent of National Council, suspend the membership and the associated liability for the payment of contributions and levies, if any, of a person who has temporarily ceased to work as a casual or seasonal worker in an industry of the Union as specified in Rule 2(g). A person whose membership has been suspended may resume financial membership at any time and shall not be liable for the payment of an entrance fee or any other fees at the end of their period of suspension. A period of suspended membership shall be regarded as a period of

membership but not a period of financial membership for the purpose of those Rules which define a member's eligibility to stand for office.

7. **Benefit Improperly Obtained**

Any member having improperly received any benefit, the amount of such shall, if not repaid within 14 weeks from the date of receiving notice from his or her State Secretary, be placed to his or her arrears of contributions.

8. **Contribution Card**

Every member not more than 3 months in arrears shall be supplied with a membership contribution card which shall be proof of membership. The member shall be held responsible for its presentation for all purposes of these rules.

9. **Resignation**

A member may resign his or her membership by notifying his or her State Secretary in writing, addressed and delivered to that officer.

A notice of resignation from membership takes effect:

- (a) where the member ceases to be eligible to become a member of the organisation:
 - (i) on the day on which the notice is received by the organisation; or
 - (ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;whichever is later; or
- (b) in any other case:
 - (i) at the end of two weeks, after the notice is received by the organisation; or
 - (ii) on the day specified in the notice;whichever is later.

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

A notice delivered to the State Secretary shall be taken to have been received by the organisation when it is delivered.

A notice of resignation that has been received by the organisation is not invalid because it was not addressed and delivered to the State Secretary.

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

10. This rule does not apply to Retired Members. Provisions dealing with Retired Members are contained in ~~rule 47.~~ Rule 7G.

7C - FINANCIAL MEMBER

1. Unless otherwise specified in these Rules a member shall not be financial whilst in arrears with the payment of any contributions, fines, or levies such having to be paid by the last day of the quarter in which they fall due; once so paid the member again becomes financial.

Quarters for the purposes of this Rule shall be January-March, April-June, July-September, October-December.

2. This rule does not apply to Retired Members. The financiality of Retired Members is dealt with in rule 7G which deals exclusively with Retired Members.
3. Notwithstanding anything contained in these rules -
 - (a) the Union may make arrangements with an employer whereby, with the authority of any member or members of the Union contributions payable to the Union are to be deducted by the employer from the salary or salaries of the member or members on a regular basis and paid to the Union;
 - (b) a member may make arrangements with a bank, building society, credit union or other financial institution whereby, with the authority of the member, contributions payable to the Union by the member are to be deducted by such institution from the member's account or accounts with such institution on a regular basis and paid to the Union.
 - (c) a member who has authorised such deduction of his or her contribution to the Union from the member's salary or account(s) shall be deemed to be financial for so long as such authority remains in force and provided that such member owes no arrears of contributions, fines or levies in respect to any period prior to the date upon which such authority came into force; and
 - (d) where an arrangement referred to in this clause is terminated by the Union, the employer, the financial institution or the member as the case may be, the appropriate State Secretary may notify in writing any member affected by such termination and a member so notified

shall thereupon become liable to pay and shall, within 28 days from the date of such written notice, pay to the Union the balance of any contribution owing of the relevant quarter (which amount shall be specified in such notice and shall be the amount of the quarters contribution payable by that member less such amount or amounts as have or have been deducted in respect of such quarter's contribution by the employer from that member's salary and/or by the financial institution from that member's account(s) as the case may be and thereafter shall be liable to pay contribution in accordance with this Rule.

7D - REMOVAL FROM REGISTER OF MEMBERS

National Council may remove a person from the register of members if that person has ceased to be eligible under Rule 2 to become a member of the Union.

National Council shall not remove a person from the register of members without giving at least 28 days written notice to the person of its intention to remove them from the register of members and providing the person with an opportunity to show cause either in writing or in person why they should not be removed from the register of members.

A person shall not be removed from the register of members on the grounds that they are unemployed on account of illness, incapacity or inability to obtain employment. A person shall not be removed from the register of members on the grounds that they are no longer employed in the industries and occupations under Rule 2 where they have a history of membership of the union and employment in the industries or occupations covered by the union under Rule 2 over a period of several years but are temporarily employed.

7E - BENEFIT PAYMENTS AND LEGAL AID

1. Eligibility for Benefit

Entitlement

To be eligible for any of the benefits provided for in this rule a member must be financial in accordance with ~~Rule 40~~ Rule 7C.

If unfinancial a member may obtain benefit from the date that he or she pays contributions, fines and levies to the end of the quarter in which his or her claim is made. No claim shall be granted for the period prior to the date of payment.

2. National Benefit Payments

~~The following benefits, Superannuation,~~ Funeral Benefits and Special Grants are to be paid from the National Office when approved by the National Council.

3. Special Grants

State Council may provide special grants to members where it is satisfied the member is suffering distressed circumstances.

Such grant shall not exceed ~~\$100~~ \$1,000 per member without approval of National Council.

4. Funeral Benefit.

All members who ~~upon the date of certification of this sub-rule~~¹ at 23 September 2002 were entitled to a funeral benefit under the provisions of the previous sub-rule 44.4, shall continue to be entitled to the same level of funeral benefit as payable to them under the former sub-rule.

5. Legal Aid.

Legal Assistance

Any financial member who sustains an injury whilst delegated on union business, or during his or her employment, or when going to and from work or who is considered to have a legal claim against his or her employer arising out of his or her employment, desiring to seek legal aid and/or advice must make application and supply full details of the case to the State Council who may if it is considered advisable give such assistance as they may deem proper, including legal proceedings on behalf of such member (or his or her dependents if an accident results in the death of such member) under any Act or at Common Law. The member, if successful, shall refund to the Union such expenses as may have been incurred on his or her behalf.

¹ ~~date of certification 23 September 2002 (R2002/133)~~

7F - ~~TERMINATION OF SECTION ONE AND TWO AND CERTAIN BENEFIT PROVISIONS~~PROVISION RE PREVIOUS BENEFITS

All members who ~~upon the date of certification of this rule¹~~at 23 September 2002 were entitled to a benefit under the provisions of the previous rule 45, shall continue to be entitled to the same level of benefit as payable to them under the former rule.

¹ ~~date of certification 23 September 2002 (R2002/133)~~

7G1 - RETIRED MEMBERS' DIVISION

1. There shall be a Retired Members' Division of the Union which shall consist only of Retired Members.

Objects of the Retired Members' Division

2. The objects of the Retired Members' Division shall include:
 - (a) promotion of goodwill and friendship amongst Retired Members and to demonstrate that one's work for the betterment of others has not ended on retirement from the industry and that an ongoing association with the Union is desirable;
 - (b) encouragement of Retired Members to actively campaign for improved social services for the community;
 - (c) co-operation with the Union in its activities for improved living, environmental, social and economic standards; and
 - (d) assisting the Union wherever possible.

Becoming a Retired Member

3. A member may retain their membership in the union after retiring from the paid workforce by becoming a Retired Member and transferring to the Retired Members' Division provided:
 - (a) the member has retired from the paid workforce; and
 - (b) immediately before retiring, the member was a financial member of the union for a period of at least two years, or for periods which taken together total at least two years.
4. Where a State Secretary has received a valid application from a member to transfer to the Retired Members' Division, or where a State Secretary is otherwise advised by a member that he or she has retired, and the State Secretary is satisfied that the member meets the requirements of subrule 3, the State Secretary shall allocate the member to the Branch of the Retired Members' Division in their state as soon as practicable.
5. A member becomes a Retired Member when he or she has been allocated to the Retired Members' Division in accordance with the above subrule.

Ceasing to Be a Retired Member

6. A person shall cease to be a Retired Member in the following circumstances:
 - (a) If a Retired Member resigns. In order to resign, a Retired Member must notifying the relevant State Secretary in writing.
 - (b) If a Retired Member is otherwise removed from the union's membership register in accordance with the union's rules.

Categories of Retired Members - Financial Status of Retired Members

7. There shall be the following categories of Retired Members:
 - (a) financial Retired Members
 - (b) unfinancial Retired Members
 - (c) honorary Retired Members

Financial Retired Members

8. A financial Retired Member is a Retired Member who is not in arrears in the payment of Retired Members' dues.

Unfinancial Retired Members

9. An unfinancial Retired Member is a Retired Member who is in arrears in the payment of Retired Members' dues.
10. An unfinancial Retired Member shall become a financial Retired Member upon the payment of all dues in arrears.

Honorary Retired Members

11. An honorary Retired Member is an unfinancial Retired Member who has not paid an amount due for a continuous period of 24 months. An honorary Retired Member is no longer required to pay dues in relation to their membership of the union and any amounts outstanding are no longer payable.
12. An honorary Retired Member shall become a financial Retired Member upon the payment of the Retired Members' dues for the year in which the payment is made.
13. National Council may periodically review the membership of an honorary Retired Member or honorary Retired Members to determine whether maintaining such membership is appropriate in the context of the objectives and policies of the union. This review may lead to the termination of membership of an honorary Retired Member or honorary Retired Members. However, no Retired Member's membership shall be terminated in accordance with this subrule if to do so would exclude the payment of a mortality, mortuary or other funeral benefit in relation to that Retired Member if such a benefit is otherwise payable under the union's rules.

Rights and Responsibilities of Retired Members

Retired Members' Dues

14. Subject to subrule 15, Retired Members' dues for each year (1 July to 30 June) are to be paid by 30 June. The amount due for each Retired Member will be an amount set by National Conference.
15. A member of the union who becomes a Retired Member is not liable to pay Retired Members' dues for the year (1 July to 30 June) in which they became a Retired Member.

Participation in Elections and other Ballots

16. Notwithstanding any other rule, except as otherwise provided by this rule and rule 47A, Retired Members have no voting rights in any ballot, including those ballots relating to elections, levies or amalgamations.
17. Retired Members may not stand for any office in the union other than those relating specifically to the Retired Members' Division.
18. Unfinancial Retired Members and honorary Retired Members have no voting rights and may not stand for any office within the Retired Members' Division.

Levies

19. Notwithstanding rule 20, Retired Members shall not be subject to any additional levies as described in rule 20.

Printing Division Mortality Benefits and Other Funeral Benefits

20. Nothing in this rule shall disqualify a person's entitlement to receive a mortality benefit, mortuary benefit or other funeral benefit where it arises elsewhere under the rules of the union.
21. For the purposes of the payment of a mortality or mortuary benefit, a member in the Retired Members' Division, may also be considered to be in the Printing Division if the member was formally in the Printing Division and being placed in the Retired Members' Division would otherwise disqualify such benefits being paid in relation to a such a member.

Representation on Committees and Budgetary Allocations

22. Notwithstanding any other rule, Retired Members shall not be counted as members for the purposes of determining the representation of a Division, State or Region of the union on any committee of the union or for the purposes of determining the proportion of funds to be allocated to State, Regions or Divisions in the budgets developed and approved under rule 8.

Branches Within The Retired Members' Division

23. The Retired Members' Division shall have the following branches:
 - (a) New South Wales / Australian Capital Territory

- (b) Victoria
 - (c) Queensland / Northern Territory
 - (d) South Australia
 - (e) Western Australia
 - (f) Tasmania
24. Retired members shall be allocated into an appropriate branch on the basis of where they reside.

Offices and Positions Within The Retired Members' Division

25. The Retired Members' Division shall have the following offices and positions:
- (a) National Secretary – Retired Members' Division
 - (b) In each Branch, a State Secretary – Retired Members' Division
 - (c) Such other positions as determined by the Retired Members' Constitution.
26. All offices and positions in the Retired Members' Division are honorary.

Powers and Responsibilities of Office Holders in the Retired Members' Division

27. The powers and responsibilities of the National Secretary – Retired Members' Division shall include:
- (a) being a voting member of National Council and thereby National Conference;
 - (b) providing an annual report on the activities and expectations of Retired Members to National Council;
 - (c) reporting to the union's triennial meeting of National Conference on the activities of the Retired Members' Division; and
 - (d) carrying out such duties as are assigned by the National Conference, National Council, National Secretary and the Retired Members' Division.
28. Where the National Secretary – Retired Members' Division is unavailable to attend National Conference or National Council to provide a report on the Retired Members' Division, the National Council may select an appropriate State Secretary – Retired Members' Division to attend either National Conference or National Council as a non-voting delegate or member with full speaking rights.
29. In each Branch, the powers and responsibilities of the State Secretary – Retired Members' Division shall include:
- (a) being a delegate with full voting rights to the relevant State Conference of the union;
 - (b) reporting to the triennial meeting of the relevant State Conference of the union on the activities of the Retired Members' Division;
 - (c) being a voting member of State Council;

- (d) providing an annual report to State Council on the activities and expectations of Retired Members; and
- (e) carrying out such duties as are assigned by the relevant State Conference and State Council of the union and by the relevant Branch of the Retired Members' Division.

30. Where the State Secretary – Retired Members is unavailable to attend the relevant State Conference or relevant State Council, the relevant State Council may select an appropriate substitute Retired Member as a non-voting delegate or member with full speaking rights.

Removal of Holders of Offices in the Retired Members Division

31. Office holders in the Retired Members' Division may be removed following the processes contained in rule 13 of the Union's rules. For the purposes of the operation of that rule with respect to the Retired Members' Division:

- (a) "National Official" includes the National Secretary – Retired Members' Division; and
- (b) "State Official" includes the State Secretary – Retired Members' Division.

Affiliations with Other Bodies

32. Subject to the approval of National Council, the Retired Members' Division, and/or any of the branches of the Retired Members' Division, may affiliate to other international, national, or state based organisations.

Payment to Retired Members' Division

33. Subject to National Council approval of the Retired Members' Constitution, a payment shall be made to the Retired Members' Division from the General Fund of the Union, according to the number of financial Retired Members in the Division at 30 June each year. Such payment shall be on a per capita basis as determined from time to time by National Council.

Retired Members' Division Constitution

34. The National Secretary – Retired Members' Division and the State Secretaries – Retired Members' Division shall develop a Retired Members' Division Constitution. Following National Council approving the Retired Members' Division Constitution, the Retired Members' Division Constitution shall be binding on the Retired Members' Division and Retired Members. Any proposed amendment to the Retired Members' Division Constitution must be similarly approved by National Council.

35. Subject to the other provisions of this rule, the Retired Members' Constitution shall include, but not be limited to, provisions on:

- (a) offices and / or positions within the Retired Members' Division;

- (b) representative bodies;
- (c) meeting procedure not otherwise dealt with in these rules; and
- (d) accounting for funds.

Definitions relating to Retired Members' Division (Rule 47 and 47A)

36. For the purposes of this rule and rule 47A:

- (a) "the Act" means the *Fair Work (Registered Organisations) Act 2009 Workplace Relations Act 1996*.
- (b) "candidate" means a person who seeks or is nominated for an office. Also known as a nominee.
- (c) "Close of Roll Day" means the day on which the roll of voters for the ballot is closed. Any Retired Member who is eligible to vote on that day is included in the roll of voters. The Close of Roll Day is a day no earlier than 30 days and no later than 7 days prior to the day on which nominations open as prescribed in subsection 143(3) of the Act. Wherever the last day of a Quarter falls within this period, Close of Roll Day shall be that day. Otherwise Close of Roll day shall be the day 7 days prior to the date for the opening of nominations.
- (d) "irregularity" has the same meaning as the definition contained in section 6 of Schedule 1 of the Act.
- (e) "nominator" means a person who nominates another person for office.
- (f) "nominee" means the person nominated for office. Also known as a candidate.
- (g) "prescribed officer" means either the National Secretary or where the election relates to an office of State Secretary – Retired Members' Division, the appropriate State Secretary.
- (h) "Quarter" means the period of three months beginning either on 1 January, 1 April, 1 July or 1 October as the context requires.
- (i) "relevant State Conference of the union" means the union's State Conference in the State in which a retired member resides, or, where a retired member lives in either the Australian Capital Territory or the Northern Territory, the New South Wales State Conference or Queensland State Conference respectively.
- (j) "relevant State Council of the union" means the union's State Council in the State in which a retired member resides, or, where a retired member lives in either the Australian Capital Territory or the Northern Territory, the New South Wales State Council or Queensland State Council respectively.
- (k) "relevant State Secretary" means the union's State Secretary in the State in which a person resides, or, where a person lives in either the Australian Capital Territory

or the Northern Territory, the New South Wales State Secretary or Queensland State Secretary respectively.

Transitional Rule

37. This transitional rules applies notwithstanding anything else in rule 47 or 47A. Following the certification of this rule:
- (a) Members who immediately prior to the certification of this rule were honorary members pursuant to rule 42 and who have retired from the paid workforce shall be allocated to the Retired Members' Division.
 - (b) The National Secretary shall write to all the members allocated to the Retired Members' Division pursuant to the above paragraph and advise the members that they have been placed into the Retired Members' Division of the union. The correspondence shall also include advice as to:
 - (i) the financial obligations arising from being a Retired Member; and
 - (ii) the circumstances, and the manner, in which a Retired Member may resign.
 - (c) The National Council of the Union shall appoint an interim National Secretary – Retired Members' Division and an interim State Retired Members' Division Secretary for each Branch. Office holders for these interim offices shall be selected to reflect the current office holders of the existing National Retired Members' Association, and the existing State Retired Members' Associations.
 - (d) The interim offices will have the powers and responsibilities of the corresponding offices contained in the new Retired Members' Division and in addition, to the extent such powers and responsibilities are not inconsistent, the powers and responsibilities attached to those positions and bodies under the existing National Retired Members' Association, and the existing State Retired Members' Associations.
 - (e) Elections for all offices within the new Retired Members' Division shall be held as soon as practicable but in any event within 18 months of the certification of this rule.

7G2 - ELECTION OF OFFICES IN THE RETIRED MEMBERS' DIVISION

Conduct Of Elections

1. All elections for offices in the Retired Members' Division shall be conducted by the Australian Electoral Commission.

Method of Election - Direct Voting

2. All offices in the Retired Members' Division shall be elected by direct election.
3. All direct elections for offices in the Retired Members' Division shall be by secret postal ballot. In spite of anything else contained in his or her Rule, a person is eligible to vote in a ballot if they are, on Close of Roll Day, a financial Retired Member of the part of the Retired Members' Division that the office represents.
4. All offices in the Retired Members' Division shall be elected every 2 years.
5. The term of office for successful candidates will commence on 1 January or from the date of the declaration of the result of the election, whichever is later. Candidates shall hold office for 2 years or until their successors are elected and take office.

Returning Officer

6. All elections for offices in the Retired Members' Division shall be conducted by a returning officer who is an officer of the Australian Electoral Commission.
7. The returning officer shall prepare and circulate a notice calling for nominations in accordance with these rules.
8. After the close of nominations the returning officer shall consider all nominations received during the nomination period. The Returning officer shall reject any nominations received after the nomination period has closed.
9. The returning officer shall accept all nominations which satisfy the requirements of these rules.

10. The returning officer shall treat any defective nominations in the manner prescribed in these rules.
11. Where a ballot is required, the returning officer shall conduct the ballot in accordance with the provisions of these rules.
12. In respect to any matter pertaining to the conduct of any election, and in spite of anything else contained in these rules, the returning officer shall take such action and give such directions as the returning officer considers necessary, including but not limited to making void a step already taken in the election, to ensure the secrecy of the ballot and to prevent or remedy an irregularity.

Advertising

Publication

13. The returning officer shall cause an election notice to be published:
 - (a) on the union's website; and
 - (b) in a journal or bulletin or newsletter published by the organisation and circulated to all Retired Members eligible to participate in the election, directly to the member's last known postal address; or
 - (c) if no journal or bulletin or newsletter is available at the time nominations are called; in a newspaper circulating throughout the region to which the functions of the office or offices relate; or
 - (d) instead of (b) or (c) above if it is more cost effective; by distribution of such notice directly to each member eligible to participate in the election, at the Retired Member's postal address.

Election notice

14. The election notice shall:

- (a) state that the election is being conducted by the returning officer;
- (b) list the offices for which nominations are sought;
- (c) invite nomination for election from all eligible persons;
- (d) fix the time and date for the opening and closing of nominations;
- (e) fix the time and date for the opening and closing of the ballot;
- (f) specify the place where nomination forms may be obtained;
- (g) specify the place where nominations must be lodged;
- (h) specify the accepted method/s of lodgement; and
- (i) fix a time and date for withdrawal of nominations.

Scrutineers

Appointment

- 15. Each candidate may appoint, in writing, one person as scrutineer to represent the candidate's interests in the conduct of the ballot. A scrutineer shall not be a candidate for any position which is also included in a ballot in the election. The candidate may appoint one or more substitute scrutineers, if required.

Rights and obligations

- 16. A scrutineer may be present at any stage in the ballot. This includes:
 - (a) countersigning any seals or placing their own seal on any receptacle being used for the ballot;
 - (b) bringing to the attention of the returning officer any alleged irregularity in:

- (i) the issue of ballot papers;
 - (ii) the admission of envelopes to scrutiny;
 - (iii) the formality or informality of ballot papers; and
 - (iv) the counting of votes.
17. A scrutineer shall not:
- (a) interrupt the scrutiny without lawful reason;
 - (b) disclose any knowledge acquired by him/her concerning the votes of any particular voter or voters;
 - (c) fail to carry out any lawful request by the returning officer;
 - (d) touch any ballot material; or
 - (e) act in a manner which will interfere with the proper conduct of the election.
18. Failure of a scrutineer to attend any scheduled event will not delay any step in the election.

Timetable – Nominations and Voting

Nominations

19. Nominations for all offices shall open on the twenty eighth day of the first month of the Quarter which immediately precedes the Quarter in which the term of office of the offices for election expires.
20. Nominations shall close at 12 noon on the twenty-first day after nominations have opened. Nominations received by the returning officer after that time shall not be accepted.

21. If any of the above dates fall on a weekend or a public holiday, the relevant day shall be the returning officer's next standard working day after that date.
22. Nominations shall be called in the manner prescribed in these rules.
23. Nominations lodged with the returning officer shall be in writing and include the following information:
 - (a) the full name of the nominee;
 - (b) the form in which the nominee's name is to appear on a ballot paper if different to the name shown above;
 - (c) the nominee's contact details;
 - (d) the name and address of one nominator;
 - (e) the office for which the nominee is nominating;
 - (f) the signed endorsement/consent of the nominee;
 - (g) the signature of the nominator; and
 - (h) any further documentation required by the returning officer.

Voting

24. Voting for all elections conducted under these rules shall open on the twenty first day of the last month of the Quarter in which nominations are called.
25. The ballot shall close at 10 am on the twenty-first day after the day that the ballot opened. Ballot material received by the returning officer after that time shall not be included in the scrutiny.

26. If any of the above dates fall on a weekend or a public holiday, the relevant day shall be the returning officer's next standard working day after that date.
27. In spite of the provisions of this Rule, if the returning officer is unable to commence the nomination period so as to comply with this Rule, the election timetable shall be established by applying the timeframes identified in this Rule, but commencing from the date of the opening of nominations.

Eligibility to Nominate

Nominations

28. Each Retired Member's eligibility to participate as a nominee or nominator shall be determined as at the close of nominations.
29. A nominee for any office must be a financial Retired Member of the part of the organisation that the office represents. The nominee must be nominated by one nominator.
30. A nominator for any office must be a financial Retired Member of the part of the organisation that the office represents.

Defective nominations

Notification

31. Where the returning officer finds that a nomination is or may be defective, the returning officer shall, before rejecting the nomination, notify the person concerned of the defect and where practicable, give the person the opportunity of remedying the defect or providing further information in support of the nomination, within a period of not less than seven days after being notified.
32. Where the returning officer has notified a person of a defective nomination, and where that person has remedied the defect and advised the returning officer within the time prescribed by the returning officer, the returning officer shall accept the nomination.

33. Where the returning officer has notified a person of a nomination defect, and where that person has not corrected the defect and advised the returning officer within the time prescribed by the returning officer, the nomination shall be rejected.

Withdrawal of Nominations

Notification of withdrawal

34. A Retired Member nominating for any office may withdraw the nomination by notice in writing to the returning officer up to, but not later than 7 days after the close of nominations.
35. The notification in writing referred to above must include the signed endorsement of the nominee and be in a form acceptable to the returning officer.
36. Once a nominator has endorsed the nomination of another Retired Member for election to any office in the organisation, that nominator may not subsequently withdraw that endorsement.

Uncontested Elections

Declaration

37. If, after the close of nominations, the number of valid nominations received for an office does not exceed the number of positions to be filled, the returning officer shall declare elected the person or persons nominated.

Roll of Voters

38. The only persons eligible to appear on the roll of voters in a ballot are those persons who, on Close of Roll Day, are financial Retired Members of the part of the organisation that the office represents.
39. The office of National Secretary – Retired Members' Division shall represent and be elected by all financial Retired Members.

40. The offices of State Secretary – Retired Members’ Division shall represent and be elected by all financial Retired Members in the Branch they represent.
41. Close of Roll Day shall be a day which is no earlier than 30 days and no later than 7 days before the day on which nominations for the election open. Wherever the last day of a Quarter falls within this period, Close of Roll Day shall be that day. Otherwise Close of Roll day shall be the day 7 days prior to the date for the opening of nominations.
42. The returning officer shall request the prescribed officer to supply the name and postal address of every Retired Member eligible to vote at an election. The returning officer may also request the prescribed officer to supply additional information which does not form the roll of voters but is to be used to ensure no irregularity occurs, and to supply the information in electronic form. The prescribed officer shall comply with such a request.
43. Any Retired Member entitled to vote in an election may inspect the roll for the purposes of the election only. In addition to inspecting the roll, a candidate for election may obtain a copy of the roll for the purposes of the election only. A copy of the roll may be provided in an electronic form.

Absent Voting

44. Any Retired Member who is entitled to vote at any election held under these rules and who will be absent from their usual address during the period in which the ballot is to be conducted, may apply to the returning officer for ballot material to be sent to another address that the Retired Member so nominates.
45. Notification to the returning officer shall be in a form acceptable to the returning officer and shall set out the Retired Member’s name and usual address and the address to which the Retired Member elects to have ballot material sent.
46. Where a returning officer receives a request for an absent vote made in the form described in this rule, the returning officer shall comply with that request.

Contested Elections

Ballot

47. If the number of valid nominations received for an office exceeds the number of positions to be filled, the returning officer shall conduct a secret postal ballot of Retired Members entitled to vote. The returning officer may include a number of ballots on the same ballot paper.

Ballot Papers

Ballot paper wording

48. The following features shall appear on all ballot papers prepared in respect of a secret postal ballot for an election for office:
 - (a) the name of the organisation
 - (b) the initials of the returning officer or other authenticating mark
 - (c) the name and number of office/s to be filled
 - (d) instructions for marking the ballot paper
 - (e) the names of the candidates in the format and order required by these rules
 - (f) instructions for returning the ballot paper
 - (g) name of the returning officer
 - (h) any other instruction considered necessary by the returning officer
49. The returning officer shall arrange for the printing of ballot papers and distribution to Retired Members eligible to vote.

50. The ballot papers shall contain the names of the candidates with the surname first followed by the given names. No other candidate information will be printed on the ballot paper.
51. The order of names in each ballot on the ballot paper shall be determined by lot drawn by the returning officer.
52. The ballot shall be conducted under the standard preferential voting system. That voting system being the voting system which is identified as the “standard preferential system – election of one candidate” where only one candidate is to be elected or the “standard preferential system – election of more than one candidate” where more than one candidate is to be elected found in Part 4 of the Model Rules Guideline developed by the Electoral Commissioner under Section 147(2) of the Act, and dated March 2004.
53. The ballot paper shall contain instructions for the voter to place numbers opposite the name or names of the candidates for whom the voter wishes to vote.

Postal Ballot

Postal facilities for ballot material

54. The returning officer shall, for the purpose of receiving ballot material in respect of a ballot, use a private box or other secure postal facility at a post office or mail centre. Access to the private box mentioned in this rule shall be limited to:
 - (a) persons authorised by Australia Post,
 - (b) the returning officer, and
 - (c) persons authorised in writing by the returning officer.

Issue of ballot material

55. On or before the opening day of the ballot the returning officer shall forward ballot material in a sealed envelope by prepaid post to each person on the roll of voters at the address shown on the roll of voters.
56. Ballot material shall include:
- (a) one or more ballot papers showing the time and date of the close of the ballot,
 - (b) a Reply Paid envelope addressed to the private box referred to in this rule, being an envelope that may be posted without expense to the voter,
 - (c) an inner 'Declaration Envelope' as prescribed by the Act, suitable for containing the ballot paper/s.

Replacement ballot material

57. Where a Retired Member whose name is on the roll of voters claims that the ballot material has not been received or has been lost, destroyed or spoiled, the member may make an application to the returning officer for the issue of replacement ballot material.
58. The application shall:
- (a) be in writing
 - (b) set out the applicant's full name and postal address
 - (c) set out the grounds on which the application is made
 - (d) contain a declaration that the applicant has not voted in the ballot
 - (e) be accompanied, if practicable, by any evidence that is available of the loss, destruction or spoiling of the ballot material

59. If the returning officer is satisfied that the information contained in the application is true and correct, the returning officer shall issue replacement ballot material to the applicant.

Scrutiny

During the ballot

60. During the course of the ballot the returning officer may collect returned envelopes from the private post box and keep them in safe custody until the commencement of the scrutiny. The returning officer shall make a final clearance of returned envelopes so that all envelopes received by the returning officer prior to the closing time for the ballot are admitted to the scrutiny. No envelopes returned after the close of the ballot shall be admitted to the scrutiny.

Preliminary scrutiny of envelopes

61. The returning officer shall conduct a preliminary scrutiny of returned declaration envelopes to ensure that only one returned envelope from each eligible voter is admitted to the count. The returning officer may commence the preliminary scrutiny prior to the close of the ballot.
62. Before proceeding to count the votes to ascertain the result of the ballot, the returning officer shall:
 - (a) remove the 'Declaration Envelope' from the Reply Paid envelopes, and
 - (b) examine the voter's declaration attached to each 'Declaration Envelope', and mark off the voter's name against a copy of the roll of voters.
63. A voter's returned ballot material shall be rejected and set aside if:
 - (a) the 'Declaration Envelope' has not been returned, or
 - (b) the voter has not completed the declaration on the 'Declaration Envelope' to satisfy the returning officer,

- (c) the voter is ineligible to vote, or
- (d) the returning officer is unable to identify the voter on the roll of voters.

- 64. Where a voter returns more than one set of ballot material, only one set of ballot material shall be admitted into the count. The returning officer shall decide which set of ballot material is to be rejected.
- 65. The returning officer shall note on the ballot material that it has been rejected and the reason for rejection and set it aside for separate custody.

Scrutiny of ballot papers

- 66. When the returning officer has determined which declaration envelopes are accepted for the count, the declaration section of each envelope is detached and removed so that the envelope can no longer be identified. Each envelope shall then be opened and the ballot papers extracted to be counted.
- 67. The returning officer shall reject as informal a ballot paper that:
 - (a) does not bear the initials or other authenticating mark of the returning officer, and/or
 - (b) has upon it any mark or writing by which the voter can be identified, and/or
 - (c) is not marked substantially in accordance with the instructions included on the ballot paper, and/or
 - (d) the marking is such that the intention of the voter is not clear, and/or
 - (e) is not returned inside the declaration envelope.
- 68. Where, during the ballot, the returning officer is informed by a scrutineer that the scrutineer objects to a returned envelope or a ballot paper being accepted or rejected, the returning officer shall decide whether the returned envelope or ballot paper is to

be admitted or rejected and endorse the decision on the envelope or ballot paper. The decision of the returning officer is to be final.

Declaration Of Results

Notice

69. The returning officer shall declare the result of the election within fourteen days of the closing day of the ballot by giving notice of the result in writing to each candidate and the National Secretary at the registered office of the Union.

70. The returning officer shall, at the same time and in the same manner as the returning officer declares the result of the election, declare the following information in relation to the ballot:
 - (a) the total number of persons on the roll of voters;

 - (b) the total number of ballot papers issued;

 - (c) the total number of envelopes that were returned undelivered by the closing date of the ballot;

 - (d) the total number of ballot papers received by the returning officer; and

 - (e) the total number of ballot papers rejected as informal.

71. Where the notice relates to an office of State Secretary – Retired Members’ Division, the National Secretary shall forward the returning officers’ notice to the National Secretary – Retired Members’ Division and to the appropriate State Secretary.

Casual Vacancies

72. Where a casual vacancy occurs in the office of the National Secretary – Retired Members’ Division or State Secretary – Retired Members’ Division the following shall apply.

Unexpired Term Exceeding 18 Months

73. Where the unexpired part of the term of office exceeds 18 months, the casual vacancy shall be filled by an election conducted pursuant to this rule as soon as practicable. In such circumstances, the returning officer shall determine an appropriate date for the opening of nominations and otherwise apply an election timetable using the time frames identified in this rule. The successful candidate shall be elected for the remainder of the unexpired term.
74. Pending the completion of that election the office may be temporarily filled in the following manner:
- (a) For the office of National Secretary – Retired Members’ Division, by a financial Retired Member appointed by the National Council.
 - (b) For the offices of State Secretary – Retired Members’ Division, by a financial Retired Member appointed by the relevant State Council.

Unexpired Term Not Exceeding 18 Months

75. Where the unexpired part of the term of office is 18 months or less, the casual vacancy shall be filled in the following manner:
- (a) For the office of National Secretary – Retired Members’ Division, by a financial Retired Member appointed by the National Council.
 - (b) For the offices of State Secretary – Retired Members’ Division, by a financial Retired Member appointed by the relevant State Council.

