

QUEENSLAND INDUSTRIAL REGISTRAR

Industrial Relations Act 1999

(section 478)

(Matter No. RIO/2014/138)

CERTIFICATE OF REGISTRATION OF AMENDMENT OF RULES

I hereby certify that pursuant to the Act, new rule numbered 51A of the Rules of The United Firefighters' Union of Australia, Union of Employees, Queensland has been approved and registered on the eleventh day of November 2014.

Dated at Brisbane this eleventh day of November 2014



C.R. CHADWICK
Deputy Industrial Registrar

**RULES OF THE
UNITED FIREFIGHTERS' UNION OF AUSTRALIA,
UNION OF EMPLOYEES, QUEENSLAND**

CONTENTS



1. Name
2. Interpretation
3. Binding Effect of Rules
4. Objects
5. Eligibility
6. Admission to Membership
7. Resignation
8. Registered Office
9. Subscriptions
10. Records
11. Life Membership
12. Honorary Membership
13. Retired Membership
14. Unfinancial Members
15. Membership Register
16. Members Residential Address
17. Giving Notice to Members
18. State Returning Officer
19. Candidates
20. Elections
- 20A. Exemption from election
21. By-elections
22. Election of State President, State Vice Presidents, State Secretary, Assistant State Secretary, State Executive Member and Delegates to State Committee of Management
23. Implied and Incidental Powers
24. Powers and Duties of State President
25. Powers and Duties of State Vice-Presidents
26. Powers and Duties of State Secretary
27. Powers and Duties of Assistant State Secretary
28. State Committee of Management
29. Meetings of the State Committee of Management
30. Powers and Duties of State Committee of Management
31. Powers and Duties of Trustees
32. State Executive
33. Powers and Duties of the State Executive
34. Meetings of the State Executive
35. Appointment of Acting Union Officers
36. Removal of Union Officers
37. Summary Suspension of Union Officer
38. Regions
39. Branches
40. Minutes
41. Plebiscite
42. Property Ownership
43. Union Funds
44. Disbursement of Funds
45. Levies
46. Union Auditor
47. Misconduct of Members
48. Expulsion
49. Irregularities
50. Industrial Disputes

- 51. Industrial Agreements
- 51A. Workplace Representatives
- 52. Seal of the Union
- 53. Amendment of Rules
- 54. Indemnity
- 55. Synchronisation at Elections
- 56. Annual General Meeting
- 57. Dissolution
- 58. Standing Orders
- 59. Rules of Debate



**RULES OF THE
UNITED FIREFIGHTERS' UNION OF AUSTRALIA,
UNION OF EMPLOYEES, QUEENSLAND**

1 - NAME

The Name of the union shall be the:

United Firefighters' Union of Australia, Union of Employees, Queensland.



2 - INTERPRETATION

- (a) So far as is consistent with their express provisions these rules are to be construed so as not to be contrary to any provision of the Act or the Regulations or an award and so as not otherwise to be contrary to law and so as not to exclude the jurisdiction of any relevant court in the State of Queensland.
- (b) So far as is consistent with their express terms, all resolutions, decisions and directions purporting to be made or given pursuant to these rules are to be construed as within the power of the body or person making or giving the same.

- (c) In these rules unless inconsistent with the context or subject matter:

"Act"	means the Industrial Organisations Act 1997 and any Act amending or replacing it.
"Auxiliary firefighter"	means an employee engaged part time in the industry as a firefighter.
"Award"	means an award, industrial agreement, or certified agreement and binding on the Union.
"Branch"	means one of the branches of the union as determined from time to time by the state committee of management and as published in the union journal.
"Communications Centre"	means units established and specifically designed for the receiving and despatch of Fire and Rescue Authority emergency calls.
"Communications Centre members"	means members employed full time in the industry in communication centres.
"Employee"	means a person employed on behalf of the union in a fulltime, part time or casual capacity.
"Financial Member"	means a member of the union who is not in arrears in relation to the payment of dues, levies, fines or any other monies that may be due and owing to the Union.
"Financial Year"	means that year commencing on the first day of July in each calendar year and concluding on the thirtieth day of June in the subsequent calendar year.
"Firefighter"	means an employee engaged full time in the industry as a firefighter, special service employee, special service firefighter, hose maker and repairer, a member of a service maintenance section in any employment, the duties of which are not materially different from the duties of one of these employments.
"Member"	means a member of the union.
"Officer"	means an employee engaged full time in the industry as a station officer or motor officer.

“Ordinary Delegate’s Position”	means an office on the state committee of management for which any eligible member of the union, usually or ordinarily employed in the relevant region, whether an officer or a firefighter, may nominate when no nomination has been received by the state returning officer for an available office as a firefighter delegate, an officer delegate or a communications centre delegate on the state committee of management.
“Penalty”	means any reprimand, fine, suspension of membership or removal from office under these rules.
“Postal Address”	means in relation to a member the postal address shown in the register in relation to that member and shall be the address to which all ballot papers, notices, correspondence and other documentation is forwarded.
“Regions”	means those areas defined as regions by the state committee of management.
“Regional Delegate”	means a firefighters’ delegate or officers’ delegate representing a region.
“Senior Officer”	means those officers employed full time in the industry above the rank of station officer.
“Union Journal”	means the official publication of the union.
“Union Officer”	means a person who holds an office in the union or a branch of the union.

3 - BINDING EFFECT OF RULES

Members of the union shall be bound by these rules.

4 - OBJECTS

(a) The objects of the union are as follows:

- (i) furthering and protecting the interests of its members;
- (ii) improving the working conditions and the general welfare of its members;
- (iii) improving the position of its members by increasing their proportionate share of the national wealth and by endeavouring to educate them towards the socialisation of the means of production, distribution and exchange;
- (iv) upholding the rights of organised labour;
- (v) endeavouring by conference or otherwise to prevent any threatened, impending or probable dispute or cessation of work and endeavouring by conciliatory measures to uphold the interests of the union and its members in the settlement of a dispute and if such endeavours fail, providing ways and means of supporting any of its members involved in a dispute;
- (vi) securing the election of working class representatives in parliament and promoting such legislative enactments as will ensure industrial justice to the Australian working class;
- (vii) preserving and advancing civil liberties;
- (viii) where not otherwise particularised herein the statutory objects as defined by the Act;
- (ix) ensuring to its members within the union absolute and complete freedom of political and religious conviction;
- (x) advancing the efficiency of the services of fire prevention, suppression and extinguishment throughout the State of Queensland;
- (xi) to co-operate with and assist other organisations, associations, institutions and groups in the pursuit



of these objects;

- (xii) affiliate to, federate and amalgamate with or in any manner associate with any trade union or industrial union or other organisation associations or institutions having objects similar in the whole or in part to the objects of this union;
- (xiii) to purchase or otherwise acquire and undertake all or any part of the property, assets, and liabilities of any one or more of the organisations or associations with which the union is authorised to affiliate, federate or amalgamate, or otherwise in any manner associate;
- (xiv) to transfer all or any part of the property, assets and liabilities of the union to any one or more organisations or associations with which the union is authorised to amalgamate, affiliate, or otherwise in any manner associate;
- (xv) to uphold the rights of labour and to represent members of the union in the peak councils of the trade union movement;
- (xvi) to promote the extension of the union throughout Queensland;
- (xvii) to do anything authorised or required by these rules;
- (xviii) to do anything authorised or required by the law, the act, the regulations or an award;
- (xix) to raise money by levies and/or other means or disburse funds for any of the purposes of the union;
- (xx) to raise or disburse funds for investigating the methods of attaining these objects of the union;
- (xxi) to affiliate with and support financially political parties;
- (xxii) to establish and support financially or aid in the establishment and financial support of associations, institutions, funds, trusts, recreational, educational and health facilities, and other conveniences calculated to benefit members of the union or their dependants or connections;
- (xxiii) to support financially, maintain, conduct, own in whole or in part or subsidise any newspaper, union journals or other publication or any company publishing a newspaper or other publication advocating the cause of the working class;
- (xxiv) to purchase, take on lease, hold, sell, lease, mortgage, exchange or otherwise own, possess and deal with any real or personal property;
- (xxv) to borrow money and to give security for its repayment;
- (xxvi) to formulate and carry into operation schemes for the industrial, social, recreational, intellectual and general advancement of members and to make arrangements with persons engaged in any trade, business or profession for the concession to the members of the union of any special rights, privileges and advantages and in particular with regard to the supply of goods or services;
- (xxvii) to obtain where lawfully permissible preferential treatment for members of the union in all appointments and promotions in the industries;
- (xxviii) to enter into contracts, agreements or other commercial arrangements for the purposes of furthering directly or indirectly any one or more of these objects;
- (xxix) to determine actions on matters of concern to members in relation to state affairs and to carry out these actions throughout the state;
- (xxx) to provide financial assistance to members and their dependants in the pursuit of these objects at the union's sole and absolute discretion;
- (xxxi) to provide legal assistance to members at the union's sole and absolute discretion;
- (xxxii) to provide from time to time such services to and for members as shall be determined;





- (xxxiii) to establish funds for mutual assistance and support in the carriage of these objects;
 - (xxxiv) to establish and maintain clubs and holiday homes for the benefits of members and their families and to provide scholarships for the children of members and deceased members;
 - (xxxv) to elect union officers and to appoint and employ professional officers and employees for the furtherance of the union's objects and to remunerate such persons by salaries, wages, honoraria and other payments and benefits;
 - (xxxvi) to make contributions to the financing of superannuation schemes or retirement funds for the benefit of the elected union officers, appointed or employed professional officers and employees and to enter into such arrangement as may be necessary for that purpose;
 - (xxxvii) to subscribe to any charity, or to make donations for any public purpose or for any purpose in direct or indirect furtherance of any object of the union.
 - (xxxviii) to further any scheme that has for its objects the establishment of a labour research and information bureau and to assist in the establishment and maintenance of labour and trade union radio broadcasting and television stations and to invest in shares in such radio and television stations;
 - (xxxix) to hold, purchase, lease, sell, mortgage or otherwise union property;
 - (xxxx) to attain such other objects as the committee of management shall from time to time determine;
 - (xxxxi) to further and give support to under-privileged people and disadvantaged peoples;
 - (xxxxii) to advance the cause of peace and friendship throughout the world;
 - (xxxxiii) improving the position of its members by increasing their proportionate share of the national wealth;
 - (xxxxiv) endeavouring by conference or otherwise to prevent any threatened , impending or probable dispute or cessation of work and endeavouring by conciliatory measures to uphold the interests of the union and its members in the settlement of a dispute and if such endeavours fail, providing ways and means of supporting any of its members involved in a dispute;
 - (xxxxv) to do all such other things as are incidental or conducive to the attainment of the purposes of the union and the exercise of its powers.
- (b) No object in subrule (a) of this rule limits the operation of any other object.
- (c) The following powers may be exercised in the attainment of the objects referred to in sub-paragraph (a):
- (i) to provide funds from donations, levies, fines, contributions, fees, interest on capital and from any other moneys from which payment may be made for the purposes of those objects;
 - (ii) to invest funds, subject to obtaining appropriate security thereof;
 - (iii) to support co-operative ventures which are set up or which exist for purposes consistent with the objects of the union;
 - (iv) to purchase, take on lease or in exchange, hire or otherwise acquire any real property and in particular any land, buildings or easements for any purpose connected with the objects;
 - (v) to borrow or raise or secure the payment of money in such manner as the union may think fit, to secure the same, or the repayment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Union in any way and to redeem or pay off such securities;
 - (vi) to sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with

- all or any part of the property and rights of the union;
- (vii) to undertake and do all such acts, matters and things as may be necessary, incidental or conducive to the attainment of the objects or any of them;
 - (viii) none of these powers is to be read in such a way as to limit any other of these powers.
 - (d) Without limiting the powers expressed in subrule (c) of this rule, the union shall achieve its objects by the application of all lawful means available to it including industrial, political and legal avenues.
 - (e) Without limiting the powers expressed in subrule (c) of this rule, the union shall provide such funds and resources as it considers necessary for furthering its objects and any expenditure out of the funds of the union in furtherance of any of the above objects shall be deemed to be part of the ordinary expenses of the union.

5 - ELIGIBILITY

The conditions of eligibility for membership of the union are as follows:



- (a) The membership of the union is unlimited in number.
- (b) Without limiting the generality of paragraph (c), any persons who are employed, usually employed or appointed in or to full time employment, or employed or usually employed or appointed as an employee in a part time, casual, temporary, call-out or auxiliary position, howsoever described, and irrespective of the rank held in or in connection with the prevention, suppression or extinguishment of fires by civil fire brigades, boards, authorities, a commission or commissioner or any like body or person in any rank, grade or classification of firefighters, fireman, watchroom fireman, watchroom attendant, watchroom officer, sub-station officer, station officer, proto officer, first officer, motor officer, special service employees, special service firemen, service firefighters, service fireman, hose maker or repairer, any rank of special service firefighter or special service employee, any rank of officer up to and including station officer, any rank of employee in a watchroom or communications centre, a member of a service maintenance section in any employment the duties of which are not materially different from the duties of one of these employments (but excluding persons who are employed under the Queensland Fire Service Maintenance and Service Employees Industrial Agreement) shall be eligible to be members of the Union.
- (c) Any person employed or usually employed or appointed full time or usually employed or appointed as an employee in a part time, casual, temporary, call-out or auxiliary position, howsoever described, and irrespective of the rank held by or in a civil fire brigade, board, authority, a commission or a commissioner or any like body or person in or in connection with:
 - (i) the prevention, suppression or extinguishment of fire;
 - (ii) the protection of life and property through the provision of rescue services at the scene of accident, explosions or other emergencies other than in the capacity of a registered Medical Practitioner; and
 - (iii) the handling of spillages of toxic or hazardous materials and the disposal of those in emergency situations
 shall be eligible for membership of the union.
- (d) Any person who is an elected officer of the union, whether or not employed in the industry, shall be eligible for membership of the union.
- (e) Any person who is employed by the union in a research, industrial or organising capacity shall be eligible for membership of the union.
- (f) The following persons shall not be eligible for membership of the union (despite any other provision in this rule):
 - (i) Special service employees employed in region 5 of the Queensland Fire Service and employed under the Queensland Fire Service Maintenance and Service Employees Industrial Agreement;

- (ii) Persons employed in electrical, electronics or similar functions whether as trades persons and their assistants or technicians or other sub-professional electrical or electronics employees, however described in or in connection with the installation, maintenance, repair and/or inspection of fire protection or fire fighting equipment;
 - (iii) Members of the Queensland Police Service.
 - (iv) Employees in counter Disaster Services employed as Area Managers, Chief Operations Officer, Senior Operations Officer, Operations Officers, Director State Emergency Services, Assistant Director State Emergency Services, Manager Volunteer Marine Rescue, Operations and Plans Officer, Education and Development Officer, Manager Education and Development and Regional Disaster Management Officer.
 - (v) Persons employed under the Queensland Fire Service - Professional Technical and Administrative Employees Industrial Agreement as Senior Executive Staff Officer, Technical Officer Mechanical, Communications Officer (Installations), Communications Officer (Maintenance), Cartographer, Drawing Officer Assistant.
 - (vi) Persons who are employed under the Queensland Fire Service - Rural Fire Division Industrial Agreement as Senior Inspector, Training and Planning Officer, Training and Equipment Officer, Training and Research Officer, District Inspector.
 - (vii) Persons wholly or substantially employed in clerical or administrative work but excluding persons who are uniformed or operational officers of a civil fire brigade, board, authority, commission or any like body. Without limiting the generality of the proviso to this exception, examples of Operational Employees appear in rule 5(b).
- (g) Notwithstanding the provisions of this rule, the union at its discretion may decline to admit to membership any person otherwise included in this rule:
- A. who does not make application as required by these rules; or
 - B. who does not pay the amount properly payable in respect of admission to membership; or
 - C. who is of general bad character.
- (h) A reference to a civil fire brigade, board, authority, commission, or any like body in these rules includes any successor or assignee or transmittee of the business, undertaking, activities or calling of such a body. The business, undertaking, activities or calling includes any section or part thereof.

6 - ADMISSION TO MEMBERSHIP

- (a) An applicant for membership of the union shall be informed by the state secretary in writing, of:
 - (i) the financial obligations arising from membership; and
 - (ii) the circumstances, and the manner, in which a member may resign from the union.
- (b) An applicant for membership of the union shall make a written application to the state secretary containing such applicant's name, address and willingness to assume all the rights and liabilities attaching to membership.
- (c) An applicant shall become a member of the union upon the entry of such applicant's name with the authority of the committee of management in the register of the union, and upon the payment of all entrance fees and either the payment of subscription fees as provided for by subrule (d) of rule 9 of these rules or the giving of an undertaking in writing as provided for by subrule (e) of rule 9 of these rules.

7 - RESIGNATION

- (a) A member may terminate membership of the union by written notice addressed and delivered to the state



secretary.



- (b) Notification of such resignation shall be taken as duly given if:
 - (i) it is left at the registered office of the union; or
 - (ii) it is addressed to the union, or any union officer thereof, and sent to the registered office of the union.
- (c) If a member specifies in such notification a day or time at which the resignation is to be effective, being a day or time subsequent to the time when notification is duly given, the membership of the member shall be deemed to have terminated on the day, or at the time, specified and not before, unless membership is sooner terminated by the union in accordance with these rules.
- (d) If the member does not specify in such notification a day or time at which the resignation is to be effective, then the notice of resignation takes effect on the day on which the notice is received.
- (e) Termination of membership by resignation does not affect the liability of the member or former member to pay such fees or levies as may have been owing at the date of resignation, and such moneys may, subject to the Act, be sued for and recovered in the name of the union.
- (f) Any subscription paid by a member in respect of a period beyond the end of the quarter in which the member's notice of resignation takes effect shall be remitted to the member if so requested and a member who pays annual subscription by instalments shall not be liable to pay any instalment for any period after the end of the quarter in which the member's notice of resignation takes effect.
- (g) A member resigning from the union who has complied with this rule, shall on the member's written application be issued with a clearance certificate by the state secretary.
- (h) A member, being aware of the death of any other member, shall notify the state secretary.

8 - REGISTERED OFFICE

- (a) The registered office of the union shall be at Ground Floor, 286 Montague Road, West End, Qld, 4101, or at such place as may from time to time be determined by the state committee of management.
- (b) The place of meeting of the union shall be at the registered office or other such location as the state committee of management may from time to time determine.

9 - SUBSCRIPTIONS

- (a) The entrance fee payable by an applicant for membership of the union shall be \$2 or such other amount as may be determined from time to time by the state committee of management.
- (b) Each member of the union shall pay an annual membership subscription in each financial year as may be determined from time to time by the state committee of management. Such membership subscription shall not be deemed to be paid unless received at the registered office of the union.
- (c) The state committee of management may determine separately the amount of a subscription payable by members who are in casual or part time paid employment.
- (d) Except where subscriptions are paid by payroll deduction, each member of the union shall pay the annual membership subscription, quarterly in advance, by means of four equal instalments, to be paid on or before the quarter days, which shall be the last days of the months of March, June, September and December.
- (e) Provided that all members who undertake in writing to have an amount equal to 1/52 and/or other amounts of periodic deductions of the annual dues deducted from their pays by way of equal instalments and where such deductions and the amount and the regularity of such deductions are approved by both the union and the employer, then provided that the full amount of the members dues are paid in each year by the anniversary date of such member becoming a member, then that member will be considered a financial member of the union while such deductions are in force.

- (f) The amount of any annual membership subscription determined by the state committee of management shall be payable from the commencement of the following financial year of the union.



10 - RECORDS

- (a) Upon the entry of the name of an applicant for membership in the register of the union, the state secretary shall prepare in duplicate an acknowledgment stating the name and postal address of the applicant and acknowledging that the applicant has become a member of the union on the date on which the applicant's name was entered in the register and the state secretary shall forthwith send one copy to the applicant, and shall retain one copy in the union records.
- (b) Upon a member of the union notifying the state secretary of any change in such members postal address the state secretary shall alter the postal address of the member shown in the register and shall prepare in duplicate an acknowledgment of the change of address stating the name and the changed postal address of the member and shall forthwith send one copy to the member, and shall retain one copy in the Union records.

11 - LIFE MEMBERSHIP

- (a) A member of the Union shall become a life member of the Union upon:
- (i) a nomination for life membership being made in writing to the State Committee of Management in respect of the member, provided that such nomination shall not be valid unless made by a financial member of the Union and seconded by not fewer than two other financial members of the Union with evidence demonstrating outstanding effort in furthering the objects of the Union;
 - (ii) the nomination being tabled at a meeting of the State Committee of Management; and
 - (iii) the State Committee of Management resolving by a three-quarters majority of members present and entitled to vote to confer life membership on the member, provided that such resolution shall not be made unless:
 - (A) at least one month has elapsed since the meeting at which the nomination was tabled; and
 - (B) the State Committee of Management is satisfied that the member is deserving of the honour of life membership.
- (b) A life member may retain life membership on ceasing to be eligible for membership of the Union provided that:
- (i) a life member still eligible for membership of the Union shall have all the rights of a financial member and the duties and obligations of a member of the Union;
 - (ii) a life member no longer eligible for membership of the Union shall have all the rights of a financial member and the duties and obligations of a member of the Union, provided that such a life member shall not be entitled to nominate for, be a nominator or a candidate for, nor vote in any elections of the Union or its Branches;
 - (iii) Life members shall not be liable to pay annual membership subscription.

12 - HONORARY MEMBERSHIP

- (a) The state committee of management may nominate any person who in its opinion has made a meritorious contribution towards advancing the objects of the union and who is not eligible to be a member of the union, for honorary membership.
- (b) An honorary member may be invited to attend meetings of the state committee of management or meetings of branches.

- (c) The honorary member shall have no entitlement to vote at such meetings or in the elections of the union.
- (d) An honorary member shall not be required to pay any entrance fee, annual subscription, ~~financial~~ levy.



13 - RETIRED MEMBERSHIP

- (a) Any member who has resigned from membership of the union by reason of ceasing to be eligible to become or be a member may, upon application to the state secretary, become a retired member.
- (b) A retired member shall not be entitled to vote in any election or ballot of the union, or to nominate any persons to hold any office in the union, or to hold any office in the union but shall otherwise receive such benefits of membership of the union as may be determined from time to time by the state committee of management.
- (c) A retired member who recommences employment in a calling which falls within the eligibility rule of the union, shall not be entitled to remain a retired member, but shall be entitled to again become a member of the union.
- (d) A retired member may resign membership of the union in accordance with the provisions of rule 7 of these rules.

14 - UNFINANCIAL MEMBERS

- (a) Subject to subrule (e) of this rule any member who has failed to pay any instalment of the annual membership subscription by the due date pursuant to subrule 9 (d) of these rules or any member who has failed to pay any payroll deduction towards the annual membership subscription by the due date pursuant to subrule 9 (e) of these rules or any member who has failed to pay levies and/or fines or any member who has failed to pay any other monies due and owing to the union shall be unfinancial and shall not be entitled to any of the rights or privileges of membership or to participate in any ballot of members of the union or to vote or speak at any meeting of the union. It shall not be necessary to serve an unfinancial member with any notices of meetings.
- (b) If an unfinancial member on being served by pre-paid letter posted and addressed to the last known postal address with a demand in writing for payment of any subscriptions, fines or levies, or other monies payable by the member to the union, fails within 30 days to comply with such demand, the state secretary may, subject to the Act, sue for recovery of such monies.
- (c) A member may by written application seeking an extension of time for payment state a reason or reasons for the member not paying outstanding monies referred to in subrule (a) of this rule and thereupon the state committee of management or state executive may, in its discretion, extend the time for payment for such period as it considers appropriate or waive the payment of the outstanding monies.
- (d) Cessation of the payment of the subscriptions, fines and/or levies, does not terminate membership of the union, otherwise than may be provided for by the Act.
- (e) Notwithstanding subrule (a) of this rule, provided that a member has within fourteen days of the date of application for admission to membership submitted to the registered office of the union a written authority to deduct union subscriptions from the member's pay, where, through circumstances beyond the control of the member, the member's deductions from pay do not commence from the date of admission to membership, that member shall not be deemed to be unfinancial for the purposes of these rules merely because of unpaid subscriptions owing from the period between the date of admission to membership and the commencement of deduction of union subscriptions from pay.

15 - MEMBERSHIP REGISTER

- (a) A membership register shall be kept in the registered office of the union in which the state secretary shall cause to be kept:
 - (i) A list of the names, residential addresses, occupations and the date of commencement and termination of membership of the members of the state committee of management and of every person holding, whether as trustee or otherwise property of the union or property in which the union

has any beneficial interest.

- (ii) A list of members of the union, arranged according to branches, showing the name, residence and postal address of each member and all details of membership, including whether the member is an auxiliary firefighter.
 - (iii) An account in proper form of the receipts, payments, funds and effects of the union.
 - (iv) A copy of the rules of the union together with any amendments.
- (b) Any financial member of the union may inspect all or any books of the union, including the membership register of the union, on any working day Mondays to Fridays inclusive.



16 - MEMBERS RESIDENTIAL ADDRESS

Each member of the union shall forthwith notify the state secretary of the union of any change in such member's residential address.

17 - GIVING NOTICE TO MEMBERS

- (a) Any document required or authorised to be given to a member of the union pursuant to these rules may be given by addressing to the postal address of the member a letter containing the document or notice and sending such letter prepaid by ordinary post and unless the contrary is proved the document shall be deemed to have been given to the member at the time at which the letter would be delivered in the ordinary course by ordinary post.
- (b) Any notice required or authorised to be given to a member of the union pursuant to these rules may be given by:
 - (i) addressing to the postal address of the member a letter containing the notice and sending such letter prepaid by ordinary post and unless the contrary is proved the notice shall be deemed to have been given to the member at the time at which the letter would be delivered in the ordinary course by ordinary post; and/or
 - (ii) publishing the notice in the union journal and/or Code 2's and such notice shall be deemed to have been given to the member 7 days following the publication of the union journal and/or Code 2 as the case may be.
- (c) Where any document or notice is required or authorised to be given by registered letter or certified mail to a member of the union the provisions of this rule shall apply with necessary modifications.

18 - STATE RETURNING OFFICER

- (a) The state committee of management at its first meeting of a financial year shall appoint a state returning officer who shall not be a member of the union, shall not be the holder of any office in the union and shall not be an employee of the union and the state returning officer shall hold such office until the appointment of a state returning officer at the first meeting of the state committee of management in the next succeeding financial year. The elected person shall not, whilst state returning officer be a member of the union, be the holder of any office in the union and shall not be an employee of the union.
- (b) If the state returning officer becomes a member of the union, a candidate for election to any office in the union, an employee of the union or is unwilling or unable to act as state returning officer on any occasion the person holding that office shall be treated as having resigned the office of state returning officer.
- (c) If the office of state returning officer becomes vacant for any reason, the state committee of management shall appoint a state returning officer at the next meeting of the state committee of management following the vacancy.

19 - CANDIDATES

- (a) A candidate for any position in the union shall be as at the closing date of nominations:



- (i) a financial member of the union who has for the 2 years prior to the closing date of nominations been continuously financial; or
- (ii) a life member of the union still employed in the industry.
- (b) In order to become a candidate for election, a financial member shall be nominated for the office in writing signed by two financial members of the union.
- (c) Every candidate shall accept the nomination for the relevant office in writing.
- (d) Only financial members within a region may nominate candidates for a position representing that region.
- (e) Subject to subrules (a) – (c) of this rule any financial member of the union may nominate for positions of state president, state secretary, senior state vice-president, junior state vice-president, state assistant secretary and state executive member.
- (f) Only members who are financial at the closing date of nominations for a regional position and are within the region may be candidates for any position in the union representing that region, provided that where a member has been seconded to work outside of the region in which the member is usually employed, such member shall be entitled to nominate only for a regional delegate's position in the region in which the member was usually employed immediately prior to the secondment.
- (g) Only persons who are firefighters at the close of nominations will be eligible to nominate for a firefighters' delegate's position on the state committee of management.
- (h) Only persons who are officers at the close of nominations will be eligible to nominate for an officers' delegate's position on the state committee of management.
- (i) Only persons who are employed in communication centres at the close of nominations will be eligible to nominate for a communication centres' delegate's position on the state committee of management.
- (j) Only persons who are senior officers at the close of nominations will be eligible to nominate for a senior officers' delegate's position on the state committee of management.
- (k) (i) Only persons who are auxiliary firefighters attached to stations within north coast, Brisbane, south eastern and south western regions at the close of nominations will be eligible to nominate for an auxiliary firefighters' delegate (south) position on the state committee of management.
- (ii) Only persons who are auxiliary firefighters attached to stations within far northern, northern and central regions at the close of nominations will be eligible to nominate for an auxiliary firefighters' delegate (north) position on the state committee of management.
- (l) Nominees may contest more than one position in union elections.
- (m) A full time employee who is a financial member may nominate for, and be elected to, the office of state president which shall be an elected position without attached salary.

20 - ELECTIONS

(a) CONDUCT OF BALLOT

- (i) In this rule (the "election procedure rules"):
 - (A) "ballot box" means a ballot box kept under sub-rule (o);
 - (B) "candidate" for an election, means a person:



- (1) who has nominated as a candidate for the office the election is about, and
- (2) whose nomination has been accepted under sub-rule (f)(iii); and
- (3) whose nomination has not been withdrawn;

(C) “eligible member” means a person who was a financial member of the union 30 days before the starting time for nominations;

(D) for the purpose of this rule “higher office” means:

- (1) for the office of state secretary – the office of state president;
- (2) for the office of state senior vice-president - the office of state president and state secretary;
- (3) for the office of state junior vice-president - the office of state president, state secretary and state senior vice-president;
- (4) for the office of state assistant secretary - the office of state president, state secretary, state senior vice-president and state junior vice-president;
- (5) for the office of state executive member– the office of state president, state secretary, state senior vice-president, state junior vice-president, and state assistant secretary;
- (6) for the office of delegates to the state committee of management – the office of state president; state secretary, state senior vice-president; state junior vice-president, state assistant secretary and state executive member;

(E) “initialled” by the manager of an election includes being marked with a facsimile of the manager’s initials;

(F) “manager” means the manager of an election being the person appointed in accordance with the Act to manage and conduct an election required by the rules;

(G) “member” means a member of the union;

(H) “return envelope” see sub-rule (n)(i)(B);

(I) “roll” for an election means the roll of voters prepared for an election under sub-rule (j);

(J) “scrutineer” means:

- (1) a candidate who acts personally as a scrutineer; or
- (2) a person appointed as a scrutineer for a candidate under sub-rule (u);

(K) “voter” means a person:

- (1) who is an eligible member; and
- (2) whose name is on the roll under sub-rule (j);

(L) “voting material” see sub-rule (n)(i).

(b) MANAGER – FUNCTIONS AND POWERS

(i) The manager:

(A) must not influence, or attempt to influence, the outcome of an election; and

(B) must conduct an election under these rules; and

(C) may take the action, and give the directions, the manager considers reasonably necessary to ensure that the processes under which an election is conducted are transparent; and

(D) must ensure suitable arrangements are made with Australia Post for the return of ballot papers to a box or locked bag at a post office.

(ii) The manager, other than an electoral officer, may take the action, and give the directions, the manager considers reasonably necessary:

(A) to ensure no irregularities happen in the election; or

(B) to remedy a procedural defect that appears to the manager to exist about the election.

(iii) To ensure the integrity of an election, the address for return of ballot papers must not be the union's usual postal address.



(c) CLOSING DAY AND TIME FOR NOMINATIONS

(i) The manager must fix the opening day and closing day for nominations for office.

(ii) The closing day must be at least 28 days after notice is given under sub-rule (e).

(iii) Nominations open at midday on the opening day and close at midday on the closing day.

(d) STARTING AND FINISHING DAYS OF BALLOT

(i) If a ballot becomes necessary under sub-rule (h), the manager must fix the start and finish days for the ballot to decide the result of the election.

(ii) The start day must not be before the closing day for nominations for the offices to be filled at the election.

(e) CALLING FOR NOMINATIONS

(i) The manager must call for nominations for the offices to be filled by notice given to members in one of the following ways:

(A) by post to each member at the address recorded in the union's membership register; or

(B) if the union publishes a journal or newsletter that it gives to its members free of charge, by advertisement in that journal or newsletter; or

(C) in a daily newspaper circulating in the area where the union's members live or work.

(ii) The notice must state:

(A) the opening day for nominations; and

(B) the closing day for nominations; and

(C) that nominations for office:

(1) open at midday on the opening day; and

(2) close at midday on the closing day; and

(D) who may nominate as a candidate in the election; and

- (E) that nominations for office must be written, signed by the nominee, be in accordance with rule 19 and be given to the manager before nominations close; and
- (F) the starting and finishing days for a ballot to decide the result of the election if a ballot becomes necessary under sub-rule (h); and
- (G) that only a person who was a financial member 30 days before the opening time for nominations may vote in the election; and
- (H) that the ballot will be decided by an optional preferential system of voting.



(f) NOMINATION PROCEDURE

- (i) A nomination for office must be written, signed by the nominee, be in accordance with rule 19 and be given to the manager before nominations close.
- (ii) A person may nominate for more than 1 office.
- (iii) The manager must accept a nomination if:
 - (A) it complies with sub-rule (f)(i).
- (iv) A candidate may withdraw their nomination by written notice given to the manager no later than 7 days after nominations close.

(g) WHAT HAPPENS IF A NOMINATION IS DEFECTIVE

- (i) The manager must reject a nomination given to the manager after nominations have closed.
- (ii) If a nomination for an office is defective, other than because the nominee is not qualified to hold the office or because the nomination was made after the closing time, the manager must:
 - (A) reject it; and
 - (B) give the nominee notice of the defect; and
 - (C) if practicable, give the nominee an opportunity to remedy the defect.
- (iii) If practicable, the notice must be given before nominations close.
- (iv) Failure to give the notice does not invalidate the election.

(h) WHEN A BALLOT MUST BE HELD

- (i) If there are more candidates for election to an office than the number to be elected, the manager must conduct a secret postal ballot under the election procedure rules.

(i) ELECTION WITHOUT BALLOT

- (i) The manager must declare a candidate elected to an office if:
 - (A) nominations have closed; and
 - (B) the candidate has:
 - (1) not nominated for a higher office; or
 - (2) nominated for a higher office and is not elected to the higher office; and

- (C) if the election is for the state president, the state secretary, the state senior vice-president, the state junior vice-president or the state assistant secretary, the candidate is the only candidate; or
- (D) if the election is for another type of office, the number of candidates for the office is not more than the number of offices of the same type to be elected at the same time.

(j) ROLL – PREPARATION

- (i) A roll for a ballot must be prepared at the direction of the manager and completed by a time directed by the manager.

- (ii) The manager must ensure the roll:

(A) states:

- (1) the name of each person who is an eligible member of the union in alphabetical order; and
- (2) each eligible member's address, opposite their name.

(B) is completed when nominations for the election close.

- (iii) The union must give the manager:

(A) a copy of its union membership register; and

(B) access to the union's records reasonably necessary for the manager to ensure the roll is accurate.

(k) ROLL – INSPECTION

- (i) The manager must make the roll for the election available for inspection:

(A) in the period that:

- (1) starts on the day after the roll must be completed under sub-rule (j); and
- (2) ends 30 days after the result of the election is declared; and
- (3) at the manager's office when it is open for business.

(B) A candidate, member or a person authorised by the manager may inspect the roll, free of charge.

(C) If during the period stated in sub-rule (k)(i), a candidate or member asks for a copy of the roll or a stated part of the roll, the manager must give the person the copy, free of charge.

(l) WHEN SOMEONE CAN CLAIM A RIGHT TO VOTE

- (i) Despite sub-rule (j)(i), if an eligible member's name does not appear on the roll, the member may apply to the manager to have the member's name included on the roll.
- (ii) If the manager is satisfied the applicant is an eligible member, the manager must include the applicant's name on the roll.

(m) BALLOT PAPERS

- (i) A ballot paper for the election must:

(A) have a watermark or other distinctive pattern that prevents it from being reproduced other than by the manager or a person authorised by the manager; and



- (B) be of paper that will hide a vote marked on it from view when it is folded once; and
- (C) be a different colour from the colour used for ballot papers at the 2 previous elections held for the union; and
- (D) list the names of each candidate once only for each office the election is for, with the surname first, followed by the candidate's other names; and
- (E) state how the voter may vote; and
- (F) state that the voter must fill in and sign the voting declaration or the vote will not be counted; and
- (G) state that the voter must return the ballot paper to the manager so it is received on or before the finish day of the ballot.



- (ii) The order of names on the ballot paper must be decided by lot.
- (iii) If 2 or more candidates have the same surname and first names, the candidates must be distinguished in an appropriate way.

(n) DISTRIBUTING VOTING MATERIAL

- (i) The manager must post the following things (the "voting material") to each voter:

- (A) a ballot paper initialled by the manager;
- (B) an unsealed reply-paid envelope (a "return envelope") addressed to the manager;
- (C) a ballot envelope and a voting declaration;
- (D) other material the manager considers appropriate for the ballot including, for example, directions or notes to help the eligible member to comply with these rules and cast a valid vote.

- (ii) Voting material must be posted to each voter:

- (A) in a sealed envelope to the voter's address on the roll; and
- (B) as soon as practicable, but no earlier than 2 days before the starting day of the ballot.

- (iii) The voting declaration must state: "I certify that I am the person whose name appears on this envelope and I have voted on the ballot paper enclosed".

- (iv) If a voter gives the manager a notice that the voter will be at an address other than the address stated on the roll when voting material is to be given, the manager must post the material to the other address.

- (v) Before posting voting material to a voter, the manager must mark a ballot number for each voter on the:

- (A) the roll against the voter's name; and
- (B) the declaration form.

- (vi) The manager must give each voter a different ballot number.

- (vii) The ballot numbers must start with a number chosen by the manager.

- (viii) A ballot paper or ballot envelope must not be marked in a way that could identify the voter.

(o) MANAGER MUST KEEP A BALLOT BOX

- (i) The manager must get a ballot box and:

(A) keep the box in a safe place; and

(B) seal the box in a way that:

- (1) allows voting material to be put in it until the ballot finishes; and
- (2) prevents voting material from being taken from it until votes for the ballot are to be counted.



(p) DUPLICATE VOTING MATERIAL

(i) This section applies if voting material posted to a voter:

(A) has not been received by the voter; or

(B) has been lost or destroyed; or

(C) if the document is a ballot paper, has been spoilt.

(ii) The voter may apply to the manager for a duplicate of the document.

(iii) The application must:

(A) be received by the manager on or before the finish day of the ballot; and

(B) state the grounds on which it is made; and

(C) if practicable, be substantiated by evidence verifying, or tending to verify, the grounds; and

(D) state that the voter has not voted at the ballot; and

(E) if the document is a spoilt ballot paper, be accompanied by the ballot paper.

(iv) If the application complies with sub-rule (p)(iii), the manager must:

(A) if the document is a spoilt ballot paper:

(1) mark "spoilt" on the paper; and

(2) initial the paper beside that marking and keep the paper; and

(3) give a fresh ballot paper to the voter; or

(B) otherwise, give a duplicate of the document to the voter.

(q) HOW LONG BALLOT IS OPEN

(i) A ballot must remain open for:

(A) at least 14 days; and

(B) no longer than 21 days.

(r) HOW TO VOTE

(i) A voter may vote only by completing the following steps:

(A) completing a ballot paper by:

- (1) by placing a number, indicating the voters order of preference, in the square opposite the name or names of the number of candidates the voter may vote for under sub-rule (s); and

- (2) complying with the instructions on the paper about how to vote



(B) putting the ballot paper in a ballot envelope;

(C) sealing the ballot envelope;

(D) filling in and signing the voting declaration for the ballot paper;

(E) putting the voting declaration and the ballot envelope in the return envelope;

(F) sealing the return envelope;

(G) complying with any direction under sub-rule (n)(i)(D);

(H) returning the return envelope to the manager so that the envelope is received on or before the finish day for the ballot.

(s) HOW MANY VOTES MAY BE CAST

A voter may vote, in an election for any office in relation to which the voter is entitled to vote, for any or all of the candidates in the voters order of preference.

(t) HOW MANAGER MUST DEAL WITH VOTING MATERIAL

(i) The manager must put all voting material returned to the manager in the ballot box until voting has ended.

(ii) If, after the finishing day for the election, the manager receives a return envelope apparently containing a ballot paper for the election, the manager must:

(A) keep the envelope sealed; and

(B) mark the envelope "Received by the manager after the finishing day for the ballot"; and

(C) keep the envelope in safe custody, but separate from return envelopes received before or on the finishing day.

(u) SCRUTINEERS – APPOINTMENT

(i) A candidate may:

(A) act personally as a scrutineer; or

(B) appoint another person (an "appointee") as a scrutineer for the candidate.

(ii) An appointment must be in writing and signed by the candidate.

(iii) A candidate must notify the manager of the name of the candidate's appointee as soon as possible after the appointee is appointed.

(iv) The manager may refuse to allow an appointee to act as a scrutineer if:

(A) the manager asks to inspect the appointment as a scrutineer; and

(B) the appointee does not produce it.

(v) SCRUTINEERS' RIGHTS

- (i) Subject to sub-rule (w), a scrutineer may be present when:
- (A) ballot papers or other voting material for a ballot are prepared and given to voters; and
 - (B) voting material is received and put in safe custody under sub-rule (t); and
 - (C) votes are counted.



(w) SCRUTINEERS – NUMBERS ATTENDING

- (i) Each candidate may have only 1 scrutineer exercising a right under sub-rule (v) for each official present where the ballot is being conducted.
- (ii) In sub-rule (w)(i):
- “Official” means:
- (A) if the ballot is being conducted by the electoral commission, an electoral officer; or
 - (B) if the ballot is not being conducted by the electoral commission:
 - (1) the manager; or
 - (2) any other person appointed by the manager to exercise the manager’s powers for the election.

(x) INITIAL SCRUTINY OF VOTING MATERIAL

- (i) As soon as possible after the ballot finishes, the manager of the ballot must:
- (A) seal the ballot box in a way that prevents voting material from being put in it; and
 - (B) take the ballot box to the place where votes are to be counted
- (ii) The manager must then:
- (A) unseal the ballot box; and
 - (B) take out the return envelopes; and
 - (C) open each return envelope and take out the ballot envelope and the voting declaration; and
 - (D) examine the declaration and mark off the voter’s name on the roll; and
 - (E) check the ballot number on the declaration against the ballot number marked against the voter’s name on the roll; and
 - (F) ensure the declaration is signed.
- (iii) After complying with sub-rule (x)(ii), the manager must put the ballot envelopes in a container and the declarations into another container if satisfied:
- (A) each declaration is signed; and
 - (B) the ballot number on each declaration corresponds with the ballot number marked beside the voter’s name on the roll.

(iv) However, the manager must not put a ballot envelope or declaration in the containers mentioned in sub-rule (x)(iii) if:

(A) the manager reasonably believes the voter to whom it was sent did not sign the declaration; or

(B) the person named on the declaration is not the person to whom it was sent.

(v) sub-rule (x)(iv) does not apply if the manager is satisfied the person who filled in and signed the declaration:

(A) is a voter; and

(B) has not previously voted in the ballot; and

(C) has a reasonable explanation for using someone else's ballot material.

(vi) The manager must keep ballot envelopes and declarations excluded under Sub-rule (iv) separate from other ballot envelopes and declarations.

(vii) A declaration is only valid if:

(A) it complies with sub-rules (x)(iii)(A) and (B); and

(B) sub-rule (x)(iv) does not apply.

(viii) A valid declaration must be accepted as valid and an invalid declaration must be rejected by the manager.

(ix) If a declaration is accepted as valid by the manager, the manager must:

(A) note the acceptance of validity on the declaration; and

(B) record the correct ballot number on the roll against the name of the voter who signed the declaration.

(x) After separating the ballot envelopes and declarations, the manager must, in the following order:

(A) seal the container holding declarations;

(B) open the ballot envelopes not excluded under sub-rule (x)(iv) and take out the ballot papers;

(C) if a ballot envelope contains more than 1 ballot paper for each office the election is for, mark each of the ballot papers from the envelope "informal under sub-rule (y)(ii)";

(D) put all of the ballot papers in the ballot box.

(y) COUNTING VOTES

(i) To count votes, the manager must:

(A) admit the formal votes and reject the informal votes; and

(B) count the formal votes, and record the number for each candidate; and

(C) count the informal votes.

(ii) A vote is informal only if:

(A) the ballot paper is not initialled by the manager and the manager is not satisfied the paper is authentic;
or

(B) the ballot paper is marked in a way that allows the voter to be identified; or



- (C) the ballot paper is not marked in a way that makes it clear how the voter meant to vote; or
- (D) the ballot paper does not comply with a direction given under sub-rule (n)(i)(D); or
- (E) the ballot paper was taken from a ballot envelope that contained another ballot paper for the office the election is for.



(z) SCRUTINEERS' OBJECTIONS

- (i) Before votes are counted, a scrutineer may advise the manager that the scrutineer considers an error has been made in conducting the ballot.
- (ii) When votes are counted, a scrutineer may:
 - (A) object to a ballot paper being admitted as formal or rejected as informal by the manager; or
 - (B) advise the manager that the scrutineer considers an error has been made in conducting the ballot or counting votes.
- (iii) If a scrutineer advises the manager under sub-rules (z)(i) or (z)(ii)(B), the manager must:
 - (A) decide whether the error has been made; and
 - (B) if appropriate, direct action to correct or mitigate the error.
- (iv) If a scrutineer objects under sub-rule (z)(ii)(A) the manager must:
 - (A) decide whether the ballot paper is to be admitted or rejected; and
 - (B) note the decision on the ballot paper and initial the note.

(aa) DIRECTION BY MANAGER TO LEAVE COUNT

- (i) The manager may direct a person to leave the place where votes are being counted if the person:
 - (A) does not have the right to be present, at the count; or
 - (B) interrupts the count, other than to exercise a scrutineer's right.

(bb) HOW RESULT IS DECIDED

- (i) The candidate who has received the greatest number of first preference votes if that number constitutes an absolute majority of first preference votes shall be declared elected.
- (ii) If no candidate has an absolute majority of first preference votes, the manager shall:
 - (A) treat the candidate who has obtained the fewest first preference votes as a defeated candidate and such of the ballot papers counted to such defeated candidate as indicate the voter's next preference shall be distributed amongst non-defeated candidates next in order of the voter's preference. After such distribution, the number of votes given to each non-defeated candidate shall again be counted.
 - (B) if no candidate then has an absolute majority of votes, the process of treating the candidate who has the fewest votes as defeated and distributing such of that candidate's ballot papers as indicated the voter's next preference amongst the non-defeated candidates next in order of the voter's preference shall be repeated and the votes recounted after every such redistribution until one candidate has obtained an absolute majority of votes and such candidate shall be declared elected.
- (iii) If only 1 office of the same type is to be filled in an election, the candidate with the most formal votes is elected.

- (iv) If more than 1 office of the same type is to be filled, that number of candidates corresponding with the number of offices to be filled who have the most formal votes are elected.
- (v) This rule is subject to sub-rule (cc).



(cc) WHAT HAPPENS IF VOTES FOR 2 OR MORE CANDIDATES ARE EQUAL

- (i) If the manager cannot decide which candidate is elected to an office because the votes cast for 2 or more candidates are equal, the manager must decide which candidate is elected by drawing lots.
- (ii) A decision under sub-rule (cc)(i) must be made in the presence of any scrutineer who wishes to attend.

(dd) WHAT HAPPENS IF MULTIPLE NOMINEES ARE ELECTED

- (i) If a candidate is elected to an office and the candidate is also elected to a higher office, the manager may only declare the candidate elected to the higher office.

(ee)

- (i) Nominations by candidates for positions on the state committee of management and nominations by candidates for positions on branch executives shall be called on or before 28th February in the relevant year and shall close not later than 31st March in the same year.
- (ii) The manager shall, if an election for any office is required, conduct a secret postal ballot and shall post ballot papers on or before 21st April and the ballot.

20A – EXEMPTION FROM ELECTION

(1) For the purposes of this Rule:

- (a) “Counterpart Federal Body” shall have the meaning given to it by the *Industrial Relations Act 1999*, as that Act may be amended from time to time.
- (b) The “UFUA” shall mean the United Firefighters Union of Australia, Queensland Branch registered pursuant to the *Workplace Relations Act 1996*.

- (2) The State Secretary shall ensure that as far is practicable the elections for offices of the Union are synchronised with the elections for offices of the Counterpart Federal Body so as to ensure, as far as is practicable, that the officers of the Union and the officers of the Counterpart Federal Body commence their term of office as and from the same date, provided always that if there is any need to extend the terms of office of officers of the Association, then such extension shall be for a period of less than 12 months.
- (3) To the extent that the term of office for the officers of the Union requires to be extended so as to permit the application for exemption to be made, as provided for by this Rule, that extension shall be deemed to have been made.
- (4) Whilst the UFUA is the Counterpart Federal Body to the Union the State Committee of Management may at any time prior to the day prescribed under Regulation 36 of the Industrial Relation Regulation 2000 direct the State Secretary to make application for exemption from holding an election of the Union.
- (5) The State Committee of Management may direct that such application shall be made by the Union by itself or jointly with any other state registered union that has the UFUA as a counterpart federal body.
- (6) Should the State Committee of Management direct that an application for exemption from holding an election be made then elections that would otherwise be held pursuant to these Rules shall not be held provided that:-
 - (a) the application for exemption shall be made promptly following the declaration of the election for the Counterpart Federal Body;

- (b) the membership of the Union is notified by means of the Union journal or other publication that the application for exemption shall be made and the details of the application;
 - (c) in the event of the exemption not being granted or being only partially granted the State Secretary shall forthwith proceed to file the prescribed material in relation to the holding of an election pursuant to these Rules;
 - (d) in the event of the application being granted but the exemption not providing for every office of the Union the State Secretary shall forthwith proceed to file the prescribed material in relation to the holding of an election for the offices for which the exemption is not provided pursuant to these Rules.
- (7) For the purposes of an application for exemption the offices of the Association that correspond with the offices of the Counterpart Federal Body are as follows:-

UFU	Queensland Branch
State President	President
State Senior Vice President	Senior Vice President
State Junior Vice President	Junior Vice President
State Secretary	Secretary
State Assistant Secretary	Assistant Secretary
3 Executive members	3 Trustees
State Officer Delegate (region)	Branch Officer Delegate (region)
State Firefighters Delegate (region)	Branch Firefighter Delegate (region)
State Communications Centre Delegate	Branch Communications Centre Delegate
auxiliary firefighters delegate (south)	Auxiliary Firefighters Delegate (South)
auxiliary firefighters delegate (north)	Auxiliary Firefighters Delegate (North)
State Senior Officers Delegate	Branch Senior Officers Delegate



21 - BY-ELECTIONS

- (a) Where a casual vacancy occurs in the office of state president, vice president, state secretary, assistant secretary or delegate to the state committee of management, such vacancy may be filled by appointment by the state committee of management to such vacant office of a person eligible to be a candidate for such office pursuant to rule 19 of these rules.
- (b) The person so appointed shall hold office in accordance with these rules for so much of the unexpired part of the term of office as does not exceed three-quarters of the term of the office.
- (c) Where the unexpired part of the term of the office exceeds that specified by sub-rule (b) of this rule or where the state committee of management so determines, the vacancy shall be filled by ordinary election of a person eligible to be a candidate for the position pursuant to rule 19 of these rules for the unexpired part of the term of office. The state returning officer shall conduct the election. The state committee of management or the state executive shall determine the dates for calling nominations, the closing of nominations and the dates of the opening and closing of the ballot. In all other respects the rules for the conduct of the unions triennial election shall apply with the necessary changes. When a casual vacancy is to be filled by an election the state committee of management may appoint one of its members to carry out the functions of the office until the declaration of the result of the election.

(d) In this rule:

“ordinary election” means an election held in accordance with rule 20 of these rules.

“term” in relation to the office means the total period for which the last person elected to the office by an ordinary election (other than an election to fill a casual vacancy in the office) was entitled by virtue of that election to hold the office in accordance with the rules without being re-elected.

22 - ELECTION OF STATE PRESIDENT, STATE VICE PRESIDENTS, STATE SECRETARY, ASSISTANT STATE SECRETARY, STATE EXECUTIVE MEMBER AND DELEGATES TO STATE COMMITTEE OF MANAGEMENT

- (a) The state president, state vice presidents, state secretary, assistant state secretary, state executive member and delegates to state committee of management shall be elected every three years and shall hold office as from the time of the declaration of their election until they resign, are removed from office, or until other members are duly elected to their position, provided that the membership of the management committee shall not be made up of more than a total of 30% of the unions full-time elected officers or full-time employees.

23 - IMPLIED AND INCIDENTAL POWERS

Each body or union officer constituted or provided for by these rules:

- (i) may exercise all powers and shall perform all duties given to such body or such union officer by these rules expressly or by implication;
- (ii) may do all such other things as are incidental or conducive to the attainment of the objects of the union and the exercise of the powers and the performance of the duties of such body or union officer.

24 - POWERS AND DUTIES OF STATE PRESIDENT

- (a) The State President shall:

- (i) wherever practicable attend at meetings of the union, state executive and the state committee of management;
- (ii) act as chairperson at all meetings of the state committee of management and state executive at which the state president is present;
- (iii) be authorised to sign cheques with one other authorised signatory;
- (iv) be authorised to respond on behalf of the union in consultation with the state secretary, where practicable, where a response is urgently required;
- (v) assist the state secretary to carry out union policy as determined by the state committee of management and the state executive;
- (vi) ensure that the rules of the union are complied with;
- (vii) be entitled ex-officio to be a member of all the committees of the union;
- (viii) sign all proceedings of the union.
- (b) If the state president is absent from a meeting of the union, the state committee of management or the state executive, and no state vice president is present then the meeting of the union, the state committee of management or the state executive, as the case may be, shall appoint one of its members to act as chairperson of the meeting.
- (c) The state president may act as chairperson at any meeting within the union at which the state president is



present other than branch meetings, unless the branch meeting by a simple majority vote of members present at that meeting consents to the state president acting as chairperson.

- (d) The state president may summon such meetings as required by these rules if the state secretary dies or is absent from the state or unable or unwilling to summon any meeting which the state secretary could summon under these rules and no acting state secretary has been appointed.

25 - POWERS AND DUTIES OF STATE VICE-PRESIDENTS

- (a) The state vice presidents shall, whenever practicable attend at meetings of the union, state executive and the state committee of management.
- (b) If the state president is absent from a meeting the senior state vice president shall, if present, act as chairperson.
- (c) If the state president and the senior state vice president are absent from the meeting then the junior state vice president shall act as chairperson.

26 - POWERS AND DUTIES OF STATE SECRETARY

- (a) The state secretary:
 - (i) may subject to the direction and control of a union meeting, the state committee of management and the state executive exercise the following powers and perform any of the following duties:
 - (A) manage and control the state fund and all moneys payable to the union fund;
 - (B) acquire, manage and control all property, effects, records and documents necessary for the proper conduct of the business and affairs of the union;
 - (C) sell or otherwise dispose of such property and effects as are no longer necessary for the proper conduct of the business and affairs of the union;
 - (D) authorise the receipt of all moneys payable to the union fund;
 - (E) incur or authorise the incurring of all proper liabilities of the union;
 - (F) authorise the disbursement of all proper amounts of money in respect of liabilities of the union;
 - (G) do or cause to be done anything:
 - (1) authorised or required by the act, the regulations, an award, an industrial agreement, a certified agreement or by law to be done by the union and for the doing of which no provision is elsewhere made in these rules;
 - (2) authorised or required by these rules to be done by the union and for the doing of which no provision is made in these rules;
 - (ii) shall be the chief administrative officer to carry out the decisions of union meetings and the state committee of management and state executive;
 - (iii) shall comply with all valid directions given by union meetings and the state committee of management and state executive;
 - (iv) shall take all reasonable steps to attain the objects of the union and to carry out these rules and the decisions of those bodies within the union which bind the state secretary;
 - (v) shall have the day to day management and control of:
 - (A) the union fund, moneys, property, effects, records and documents;



- (B) the business and affairs of the union;
- (vi) shall receive all moneys payable to the state fund and shall give a receipt for the same and shall deposit the same as soon as is practicable in the appropriate account of the union in accordance with rule 43 of these rules;
- (vii) shall not incur liabilities on behalf of the union without the authority of a union meeting, the state committee of management or the state executive which at any time total more than \$2000 or such other amount as may from time to time be approved by the state committee of management;
- (viii) shall pay from the state fund all amounts properly payable from the union fund;

Provided that;

- (A) where the amount exceeds \$500 the state secretary shall not pay the same without the authority of the state committee of management;
- (B) where the amount exceeds \$50.00 the state secretary shall pay the same by cheque;
- (ix) shall keep proper records of all financial transactions and payments relating to the union fund;
- (x) shall keep up proper accounts and submit them to the auditor of the union and then submit them to the annual meeting of the union;
- (xi) shall supply a copy of the auditor's report and copies of the accounts and statements prepared in accordance with the act to the state committee of management and to the members of the union free of charge;
- (xii) shall ensure that the auditor of the union has full and complete access to all the books and documents of the union and shall ensure that the accounts of the union are audited yearly;
- (xiii) shall be the general custodian of the union fund, moneys, property, effects, records and documents;
- (xiv) shall, within forty-eight hours of making a demand for any part of the state fund or any union money, property, effect, record or document, be entitled to receive the same from any union officer, the state returning officer or member of the union who has possession, custody or control of the same;
- (xv) shall, within forty-eight hours of receiving notice of a direction by the state committee of management to do so, deliver any funds, money, property, effect, record or document of the union in the state secretary's possession, custody or control to the person named in the direction;
- (xvi) shall keep an up-to-date register of the members of the union and shall keep records which show any amounts which a union member owes to the union;
- (xvii) shall summon all meetings of the state committee of management and state executive;
- (xviii) shall wherever practicable:
- (A) prepare an agenda for each meeting of the state committee of management and state executive and circulate it to the members thereof a reasonable time before the meeting;
- (B) prepare an agenda for each union meeting and make it available to members at the meeting;
- (xix) shall wherever practicable attend all union meetings and all meetings of the state committee of management and state executive and shall keep minutes in accordance with these rules of all proceedings at such meetings;
- (xx) shall write, send, receive, answer, file and produce to the appropriate meeting of the union or the state committee of management and state executive the correspondence of the union for endorsement;
- (xxi) shall within 3 months of the close of the financial year draw up an annual report and submit it to the



state committee of management and the union;

(xxii) shall take all reasonable steps to supply the union members with information as to the proceedings of the state committee of management and state executive (if any) and the activities of the union generally;

(xxiii) shall upon request supply to each financial member of the union free of charge a copy of these rules and up-to-date amendments;

(xxiv) shall make available or cause to be made available to any prospective applicant for membership of the union a form of application requiring the information, if any, which the committee of management has resolved shall be required of applicants for membership;

(xxv) shall receive or cause to be received from any applicant for membership such applicant's signed and written application and the amount properly payable in respect of admission to membership;

(xxvi) shall if the state committee of management has directed the state secretary to refer to it

(A) all applications for membership or;

(B) a particular type or description of application for membership or;

(C) a particular application for membership;

refer to the next meeting of the state committee of management all applications covered by such a direction;

(xxvii) shall, if in such state secretary's opinion there is a doubt as to the admission of the applicant to membership refer the application to the next meeting of the state committee of management;

(xxviii) upon the state committee of management resolving that an applicant whose application for membership has been referred to it be admitted to membership shall enter or cause the name of the applicant to be entered in the register of the members of the union;

(xxix) shall be deemed to have the authority of the state committee of management to enter in the register of the members of the union the name of any applicant for membership if in such state secretary's opinion there is no doubt as to the admission of the applicant and if the application is not covered by a direction under paragraph (xxvi) of sub-rule (a) of this rule;

(xxx) shall, unless such state secretary has referred the application to the state committee of management, enter or cause the name of the applicant to be entered in the register of the members of the union within fourteen days of receiving the application and the amount properly payable in respect of admission to membership;

(xxxi) is authorised to cause legal proceedings to be issued in the name of the union;

(xxxii) is authorised to take all necessary steps under any Act on behalf of the union to endorse or protect the rights of the union or its members;

(xxxiii) be authorised to sign cheques with one other authorised signatory;

(xxxiv) shall be the sole public spokesperson of the union in relation to all matters pertaining to the union or the branches of the union, unless the state executive otherwise directs or the state secretary otherwise delegates in accordance with the provisions of this rule.

(xxxv) shall carry out all lawful directions arising from general or special meetings of the members of the union, of the state committee of management or the state executive.

(b) The state secretary may orally or in writing delegate the performance of the duties provided for by this rule to any other financial member of the union on such basis or for such period as may be deemed appropriate and in the event of any such delegation being made the financial member to whom the delegation is made



shall for the purpose of performing the duties delegated, and for that purpose only, exercise the powers of the state secretary.

27 - POWERS AND DUTIES OF ASSISTANT STATE SECRETARY

The state assistant secretary shall assist the state secretary in the performance of the duties outlined in rule 26 of these rules.

28 - STATE COMMITTEE OF MANAGEMENT

(a) The state committee of management of the union shall consist of:

- (i) a state president elected by the financial membership of the union;
- (ii) a senior state vice-president elected by the financial membership of the union;
- (iii) a junior state vice-president elected by the financial membership of the union;
- (iv) a state secretary elected by the financial membership of the union;
- (v) an assistant state secretary elected by the financial membership of the union;
- (vi) 3 state executive members elected by the financial membership of the union;
- (vii) officer and firefighter delegates elected, according to the formula in subrule (b) of this rule, in each region by the financial membership of that region, other than communication centres' members, senior officers and auxiliary firefighters;
- (viii) communication centres' delegates elected, according to the formula in subrule (c) of this rule, by the financial membership of the union employed in communication centres;
- (ix) senior officer delegates elected, according to the formula in subrule (d) of this rule, by senior officers who are financial members of the union;
- (x) auxiliary firefighters delegates elected in accordance with subrule (e) of this rule.

(b) The formula for determining the number of officer delegates and firefighter delegates to be elected from a region is:

firefighter delegates

number of firefighter members in the region	number of firefighter delegates to be elected
---	---

1 - 200	1
201 - 400	2
401 - 600	3
601 - 800	4

officers delegates

number of officer members in the region	number of officer delegates to be elected
---	---

1 - 200	1
201 - 400	2
401 - 600	3
601 - 800	4



- (c) The formula for determining the number of communication centres' delegates to be elected is:

number of communication centres' members	number of communication centres' delegates to be elected
1 - 200	1
201 - 400	2
401 - 600	3
601 - 800	4

- (d) The formula for determining the number of senior officer delegates to be elected is:

number of senior officer members	number of senior officer delegates to be elected
1 - 200	1
201 - 400	2
401 - 600	3
601 - 800	4



- (e) The number of auxiliary firefighter delegates to be elected is 2, provided that one auxiliary firefighter delegate ("auxiliary firefighter delegate (south)") is to be elected by the financial auxiliary firefighter membership of the union attached to stations within north coast, Brisbane, south eastern and south western regions, and one auxiliary firefighter delegate ("auxiliary firefighter delegate (north)") is to be elected by the auxiliary firefighter financial membership of the union attached to stations within far northern, northern and central regions.
- (f) Each financial member in a region (whether that member is an officer or a firefighter), other than communication centres' members, senior officers and auxiliary firefighters, is eligible to vote for both the officer delegate position and firefighter delegate position for that region where an election is required.
- (g) If a regional delegate to the state committee of management is unable, for any reason, to attend a meeting of the state committee of management, then such delegate may appoint a financial member of the union from the same region, who is an officer or a firefighter, to act as a substitute for such delegate for that meeting, provided written notice is given by such delegate to the state secretary.
- (h) If a communication centres' delegate to the state committee of management is unable, for any reason, to attend a meeting of the state committee of management, then such delegate may appoint a financial member of the union from the communication centres to act as a substitute for such delegate for that meeting, provided written notice is given by such delegate to the state secretary.
- (i) If a senior officer delegate to the state committee of management is unable, for any reason, to attend a meeting of the state committee of management, then such delegate may appoint a financial member of the union from the senior officers to act as a substitute for such delegate for that meeting, provided written notice is given by such delegate to the state secretary.
- (j) If the auxiliary firefighter delegate (south) is unable, for any reason, to attend a meeting of the state committee of management, then such delegate may appoint a financial member of the union from the auxiliary firefighters attached to stations within north coast, Brisbane, south eastern and south western regions to act as a substitute for such delegate for that meeting, provided written notice is given by such delegate to the state secretary.
- (k) If the auxiliary firefighter delegate (north) is unable, for any reason, to attend a meeting of the state committee of management, then such delegate may appoint a financial member of the union from the auxiliary firefighters attached to stations within far northern, northern and central regions to act as a substitute for such delegate for that meeting, provided written notice is given by such delegate to the state secretary.

29 - MEETINGS OF THE STATE COMMITTEE OF MANAGEMENT

- (a) The state committee of management shall meet at least four times per year and at such times as its members may determine.
- (b) The state secretary shall, upon the request of the state president, or at least one third of the members of the state committee of management, summon a meeting of the state committee of management to be held within 7 days of the receipt of the request by the state secretary.
- (c) The state secretary shall give where practicable 7 days notice when summoning members to meetings of the state committee of management.
- (d) Notwithstanding anything hereinbefore contained, where the state president or state secretary consider that a matter requires urgent attention:
 - (i) a meeting of the state committee of management may be called by the state president or the state secretary who shall give such notice of the meeting as is practicable in the circumstances and such meeting may be conducted by telephone, radio or any other method by which members of the state committee of management are able to communicate with each other without being physically present; or
 - (ii) a ballot of the state committee of management members may be conducted on such a matter by means of registered post, facsimile transfer, computer e-mail or by such other electronic or telegraphic means as may be available, provided that:
 - (A) in any such ballot of the state committee of management members, a majority of the members of state committee of management shall constitute a quorum; and
 - (B) in any such ballot of the state committee of management members, decisions shall be by simple majority of the votes cast; and
 - (C) in any such ballot no votes shall be cast by proxy.
- (e) If the state president is absent from a meeting of the state committee of management, a state vice president shall in accordance with these rules act and shall have the powers of the state president while so acting and in the absence of the state president and the state vice presidents the members of the state committee of management in attendance at the meeting shall elect one of their number to act as the chair for the meeting and that member shall have the powers of the state president while so acting.
- (f) At any meeting of the state committee of management a majority of the members of state committee of management shall constitute a quorum.
- (g) Decisions shall be by simple majority of the votes entitled to be cast by those present and the chairperson shall have an ordinary vote, and in the event of an equality of votes the motion shall fail.
- (h) Voting shall be by show of hands except if the meeting decides otherwise.
- (i) The business to be dealt with by a meeting of the state committee of management shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed by the majority of members of the state committee of management at the meeting. Any matter appearing on the agenda paper may be amended with the consent of a majority of the members of the state committee of management at the meeting.
- (j) A copy of the minutes containing all decision and business of the state committee of management meeting shall be forwarded to each member of the state committee of management within six weeks of the conclusion of each state committee of management meeting.
- (k) If at any meeting of the state committee of management no quorum be present at the expiry of 30 minutes after the time fixed for the commencement of the meeting such meeting shall be adjourned for not less than 7 days nor more than 14 days. Members shall be given two clear days notice of the date, time and place to which the meeting has been adjourned. If at such adjourned meeting no quorum be present, those present



shall be deemed to be quorum for the purpose of the business to be determined.

- (l) The minutes of each state committee of management meeting shall be prepared by the state secretary and forwarded to each member of the state committee of management and upon confirmation the minutes shall be signed by the state president. A copy of the minutes of each state committee of management meeting shall, upon their being confirmed, be available for inspection by the members of the union during the ordinary office hours of the union.
- (m) A member of the state committee of management absent from three consecutive meetings thereof without satisfactory explanation may be charged and dealt with in accordance with the misconduct and removal rule of these rules.

30 - POWERS AND DUTIES OF STATE COMMITTEE OF MANAGEMENT

- (a) The powers and duties of the state committee of management shall be:

- (i) In relation to all matters:

- (A) to manage and control the union, subject to the powers of the members in plebiscite, and to be the governing and policy making body of the union; and
- (B) its resolutions shall bind the state executive, union officers, branches, branch executives, branch officers and all members of the union.

- (ii) It shall manage and control the state fund and all moneys payable to the state fund and it shall acquire, manage and control all property, effects, records and documents necessary for the proper conduct of the business and affairs of the union by the state administration and may sell or otherwise dispose of such property and effects as are no longer necessary for the proper conduct of the business and affairs of the union.

- (iii) It may:

- (A) authorise the receipt of all moneys payable to the state fund;
- (B) authorise the incurring of all proper union liabilities;
- (C) authorise the disbursement of all proper amounts of money in respect of union liabilities.

- (iv) It shall engage or employ such persons as in its opinion are necessary to carry out the business and affairs of the union and shall determine the wages, salaries, honorariums, payments and allowances to be paid to such persons.

- (v) It shall appoint an auditor annually who shall be a competent person within the meaning of the Act. It shall make provision for that auditor to have full and complete access to all the books and documents of the union and shall ensure that the accounts of the union are audited yearly.

- (vi) It shall adopt or otherwise deal with the annual report, accounts and balance sheet of the union and the union auditor's report.

- (vii) It may direct the state returning officer to conduct a plebiscite of the financial members of the union upon any matter whatsoever in accordance with these rules.

- (viii) It may appoint delegates or representatives to any body, organisation or association.

- (ix) It may appoint sub-committees from the members of the union to inquire and report in respect of any matter that may involve the interests of the union or any member thereof.

- (x) It shall determine all questions and disputes between branches, or between members, or between a member and a branch, or between a branch and the union, or between a member and the union. Provided that:

- (A) it shall not determine any question or dispute between members of a branch or between a



branch and its members which was first referred to the branch executive and which has either been determined or is pending determination by the branch executive but excepting matters provided for in rule 47 of these rules;

- (B) it may refer to a branch executive any question or dispute between members of that branch which that branch executive could determine excepting those matters provided for in rule 47 of these rules;
 - (C) before determining any question or dispute between a branch and the union, or between a member and the union, it shall first take reasonable steps to ascertain the views on the question or dispute of all branch executives.
- (xi) It shall determine any question or dispute which a branch or branch executive has power to determine but refers to the state committee of management. Any such determination shall have application only in respect of the branch from which it was referred.
- (xii) It shall be the only body competent to sanction a strike extending beyond the limits of any one branch, other than strikes relating to unsafe conditions of work or workplace health and safety issues in relation to which the state executive is also competent to sanction a strike extending beyond the limits of any one branch.
- (xiii) It shall have the power:
- (A) insofar as it may lawfully do so, to initiate any proceedings affecting the union or its interest or affecting a member of the union or such member's interest;
 - (B) to have the control of any proceedings in which the union is a party or an intervener or appears or is represented and to appoint agents, solicitors or counsel to represent the union in such proceedings;
 - (C) Insofar as it may lawfully do so, to support financially and to appoint agents, solicitors or counsel to represent any member of the union or the interest of any member of the union in any proceedings at its absolute discretion;
- (xiv) It shall initiate and control all steps taken to submit industrial disputes or other matters to conciliation or arbitration under the act.
- (xv) It may do or cause to be done anything authorised or required by the act, the regulations, an award or by law or by these rules to be done by the union and for the doing of which no provision is elsewhere made in these rules.



31 - POWERS AND DUTIES OF TRUSTEES

- (a) Persons holding the offices of state president and state secretary shall by virtue of holding those offices be the trustees of the union.
- (b) Subject to any other provisions in these rules property of the union shall be owned by the union and may be held in any form or forms convenient for carrying out any objects of the union, and shall be registered, deposited, invested or held, wherever possible under the law relating to such property, in the name of the union.
- (c) Where necessary for the purposes of registering, depositing, investing or holding property, the president and secretary shall act as trustees.
- (d) Should the union be deregistered under the act, the state fund and all moneys, property, effects, records and documents, shall by virtue of these rules vest in the trustees for the time being to be held on trust for the benefit of the members of the union who were financial in accordance with these rules on the day immediately prior to the day of deregistration and all union officers and past trustees shall execute all documents and do all things necessary to perfect the title of the trustees for the time being.
- (e) The union shall at all times hereafter save harmless and keep indemnified the trustees, or any of them and

their and each of their estate or estates from and against all actions, claims and demands whatsoever which may be instituted against or made upon them, or any of them, as trustee or trustees in respect of any covenant, agreement, act, deed, matter or thing whatsoever lawfully entered into, performed or omitted by them or any of them as trustee or trustees in and about the execution of the trusts and powers conferred upon the trustees by law or under the rules of the union.

32 - STATE EXECUTIVE

The state executive shall consist of:

- (i) the state president;
- (ii) senior and junior state vice presidents;
- (iii) state secretary;
- (iv) assistant state secretary;
- (v) 3 other executive members.



33 - POWERS AND DUTIES OF THE STATE EXECUTIVE

- (a) The power and duties of the state executive shall be:
 - (i) to conduct the business and affairs of the union between and subject to the direction and control of a meeting of the state committee of management and it shall exercise any or all of the powers and perform any of the duties given to the state committee of management by these rules;
 - (ii) it shall act as the administrative authority to carry out the decisions of meetings of the state committee of management;
 - (iii) it may refer to the state committee of management for decision any matter before it which it considers of special importance.
- (b) All acts and resolutions of the state executive under its powers shall have full force, effect and validity, providing that any resolution of the state executive may be reversed or altered by a meeting of the state committee of management but this shall not affect the validity of anything which was done or which occurred prior to such reversal or alteration.

34 - MEETINGS OF THE STATE EXECUTIVE

- (a) The state executive shall meet at least monthly at such times, dates and places as it resolves or as shall be fixed by the state secretary after consultation with all state executive members where practicable.
- (b) The state secretary shall convene a special meeting of the state executive upon being requested to do so by the state president or by any three members of the state executive.
- (c) The state secretary shall give where practicable 7 days notice when summoning members to meetings of the state executive but in urgent circumstances shall give such notice as can reasonably be given.
- (d) Notwithstanding anything hereinbefore contained, where the state president or state secretary consider that a matter requires urgent attention:
 - (i) a meeting of the state executive may be called by the state president or the state secretary who shall give such notice of the meeting as is practicable in the circumstances and such meeting may be conducted by telephone, radio or any other method by which members of the state executive are able to communicate with each other without being physically present; or
 - (ii) a ballot of the state executive members may be conducted on such a matter by means of registered post, facsimile transfer, computer e-mail or by such other electronic or telegraphic means as may be available, provided that:

- (A) in any such ballot of the state executive members, a majority of the members of state executive shall constitute a quorum; and
- (B) in any such ballot of the state executive members, decisions shall be by simple majority of the votes cast; and
- (C) in any such ballot no votes shall be cast by proxy.
- (e) A quorum for meetings of the state executive shall be constituted by a simple majority of members.
- (f) Each member of the state executive shall, at meetings of the state executive, in relation to any matters proposed be entitled to exercise 1 vote.
- (g) Resolutions of the state executive shall be decided by simple majority vote.
- (h) The chairperson shall have a casting vote.



35 - APPOINTMENT OF ACTING UNION OFFICERS

- (a) If the state president, senior state vice president, junior state vice president, state secretary, assistant state secretary, communications centres delegate or regional delegate to the state committee of management is, or is to be, absent from Australia, or unable or unwilling for any reason to act in the office, the state committee of management may appoint one of its members to act in that person's place.
- (b) Such member shall act in this office until such union officer informs the state committee of management that the union officer is no longer absent from Australia or unable or unwilling to act in the office.
- (c) During such absence, inability or unwillingness, the person appointed to act in the office shall have the powers and duties given by these rules to the holder or the office.

36 - REMOVAL OF UNION OFFICERS

- (a) The state committee of management may by summons in writing call upon any union officer whom the state committee of management alleges has been guilty of:
 - (i) misappropriation of the funds of the union;
 - (ii) a substantial breach of the rules of the union;
 - (iii) gross misbehaviour or gross neglect of duty;
 - (iv) has ceased under these rules to be eligible to hold office;

to show cause why such union officer should not be reprimanded, fined, suspended or removed from office or expelled from the union.
- (b) The summons shall:
 - (i) state the allegation together with the particulars thereof;
 - (ii) disclose the evidence on which the allegation is based;
 - (iii) be signed by the state president or the state secretary;
 - (iv) state the time date and place at which the union officer is to show cause;
 - (v) be delivered personally to the union officer concerned or posted by registered mail to that person's last known address at least 21 days before the meeting at which the matter is to be determined;
 - (vi) have attached to it a copy of this rule.
- (c) Should any union officer against whom an allegation is made fail to appear at the hearing and fail to provide a satisfactory explanation for their non attendance, the state committee of management may

proceed with the hearing in accordance with the provisions of this rule in such person's absence, provided it is first satisfied that notice of the hearing, in accordance with this rule has been served on the union officer concerned.

- (d) A union officer who has been summoned in accordance with sub-rules (a) and (b) of this rule shall be given the opportunity to be heard by that meeting of the state committee of management personally or through another financial member or in writing.
- (e) The state committee of management may, at the hearing of the charges against the union officer concerned pursuant to this rule, or within a reasonable time thereafter resolve by a majority of two thirds of the votes able to be cast by those present at its meeting to:
 - (i) find the union officer concerned guilty or not guilty of the charge;
 - (ii) in the event of a finding of guilty - reprimand, fine, suspend or remove from office or expel from membership such union officer.
- (f) The powers referred to in the preceding sub-rule hereof shall, in relation to the persons holding the offices specified therein be exercised by the state committee of management exclusively and no other rules of the Union shall purport to authorise the exercise otherwise of those powers in relation to the aforesaid persons.
- (e) Subject to this rule, the state committee of management may give directions as to the hearing of the said summons.

37 - SUMMARY SUSPENSION OF UNION OFFICER

If the state committee of management lays a charge against an union officer for any of the following

- (i) misappropriation of the funds of the union;
- (ii) a substantial breach of the union's rules;
- (iii) gross misbehaviour in relation to the office held;
- (iv) gross neglect of duty in the conduct of the office held;

then if upon reasonable grounds it appears to the state committee of management laying such charge probable that such union officer is guilty of the charge, then the state committee of management may without notice suspend such union officer from the office held for a period not exceeding 12 months pending the outcome of the charge, but such suspension shall not affect the right of the union officer to salary, remuneration or continuity of office.

38 - REGIONS

- (a) For the purposes of these rules, a member belongs to the region in which they are usually or ordinarily employed.
- (b) The state committee of management at a meeting held at least 3 months prior to the calling of nominations for state elections held in accordance with these rules shall determine the regions of the union and shall, within 21 days, cause the union to publish in the union journal or Code 2 newsletter a list of the regions and their boundaries or the stations that comprise them.
- (c) The state committee of management may, either in addition to a written description of the boundaries or as an alternative to a written description of the boundaries, publish a map which depicts the regions of the union and the stations that comprise them.
- (d) The regions determined in accordance with sub-rule (b) shall be the regions of the union for the period from the date that persons are elected to office in the union elections held immediately following the determination.



39 - Branches

- (a) Subject to the authorisation of the state committee of management, branches of the union may be formed.
- (b) Upon written application signed by 20 financial members being made to the state committee of management, the state committee of management may authorise the formation of a branch. A branch shall not be formed unless the proposed branch has a minimum of 20 members.
- (c) Where the membership of a branch falls below 20 members, that branch will cease to be a branch.
- (d) The state committee of management shall have power to dissolve a branch and attach its membership to another branch if, in the opinion of the state committee of management:
 - (i) the number of members attached to the branch does not warrant the continued existence of the branch;
 - (ii) the branch has failed to hold regular meetings or has become inactive or has become defunct.
- (e)
 - (i) Where a branch is created or dissolved, the state committee of management may alter or redefine the area and membership constitution of any branch in order to accommodate the formation of the new branch or the dissolution of an existing branch.
 - (ii) The secretary shall notify all members affected by the formation or dissolution of a branch in writing as soon as possible after the decision is taken by the state committee of management.
 - (iii) Any redefinition of the areas of a branch necessary as a result of the formation or dissolution of a branch shall be published in the next edition of the union journal which appears after the decision is taken.
- (f) Each branch shall have a branch executive which shall consist of a branch president, a branch secretary, a firefighter executive representative and an officer executive representative and such other executive members as may be determined from time to time by the state committee of management.
- (g) Elections for positions on branch executive shall be held to coincide with elections to positions on the state committee of management and in accordance with the rules applying to elections for those positions.
- (h) In complying with subrule (g) of this rule references to the state committee of management in rules 19 and 20 shall be read as if they are references to branch executive.
- (i) In relation to nominating and voting for branch executive positions:
 - (i) only persons who are firefighters usually or ordinarily employed in the branch at the close of nominations for branch executive positions will be eligible to nominate for the firefighter branch executive position;
 - (ii) only persons who are officers usually or ordinarily employed in the branch at the close of nominations for branch executive positions will be eligible to nominate for the officer branch executive position;
 - (iii) all financial members of the branch usually or ordinarily employed in the branch shall be entitled to vote for all branch executive positions including the firefighter branch executive position and the officer branch executive position without regard to whether those voting members are firefighters or officers.
- (j) The branch president, branch secretary, firefighter branch executive representative, officer branch executive representative and any other branch executive position as is determined from time to time by the state committee of management shall be elected every three years and shall hold office from the time of the declaration of their election until they resign, are removed from office or until other members are duly elected to the positions.
- (k) In the case of a casual vacancy occurring in any office on a branch executive, and where the unexpired term



of office exceeds three-quarters (3/4) of the term, an election is to be held to fill the position. If the unexpired term does not exceed three-quarters (3/4) of the term, the state committee of management shall determine if an election is to be held or the position is to be filled by appointment. Where the state committee of management determines that the position is to be filled by appointment, the appointment is to be made by the branch executive.

- (l) In each year, each branch shall hold an annual meeting at which all financial members of the branch shall be entitled to attend. The annual meeting of the branch shall be held at a time, date and place to be decided by the branch executive and shall be summoned by the branch secretary, in consultation with the branch president, forwarding to each station and place of employment which is within the branch boundaries or which has branch members, a notice setting out the type of meeting, the time, date and place of the meeting and the agenda. Notice of at least 28 days shall be given before the annual meeting.
- (m) Ordinary meetings of the branch shall be summoned by the branch secretary, after consulting with the branch president, by forwarding to each station and place of employment which is within the branch boundaries or which has branch members, a notice setting out the type of meeting, the time, date and place of such meeting and the agenda. Except in the case of extraordinary circumstances, notice of at least 7 days shall be given before an ordinary branch meeting.
- (n) The branch secretary shall be responsible for the conduct of business within that branch, subject in all cases to the approval of the branch executive.
- (o) The branch executive shall conduct the business of the branch and shall take all steps as it sees appropriate to advance the interests of the union and its members in the branch, provided that it shall at all times be subject to directions received from the state committee of management and/or state executive and further provided that it shall not have power to make decisions that members of the union shall take industrial action.
- (p) Nothing in these rules authorises or permits the branch or its executive to establish, conduct or operate any bank account or fund. Any bank accounts, funds or moneys shall be remitted to the state committee of management and shall be under the absolute control of the state committee of management.
- (q) The executive of a branch shall take into account in its conduct of the business of the branch the decisions taken by members at branch general meetings.
- (r) The secretary of the branch shall keep minutes of all executive meetings and general meetings of the branch and shall forward a copy of those minutes to the state secretary as soon as is practicable after a meeting.
- (s) The members of the state committee of management of the union shall be entitled to attend such branch meetings as each of them so chooses and shall have an opportunity to speak but not vote at such meetings unless that person is a member of the branch which is holding the meeting.
- (t) At a branch meeting, a quorum shall consist of 5 financial members or 1/20th of the financial members of the branch (whichever is the greater) and the chairperson shall have no ordinary vote but in the event of an equality of votes shall have a casting vote.
- (u) Members shall belong to the branch which is in the branch area in which they are usually employed or to which they are permanently transferred. In the case of members who are seconded, they will belong to the branch at the place at which they were last usually or permanently employed.
- (v) The branch may, subject to the approval in writing of the state executive, form sub-committees of financial members of the branch for specific purposes appropriate for advancing the interests of the financial members of that branch, provided that no sub-committees shall be formed for any purpose which affects the interests of members not members of the branch concerned.
- (w) (i) The state committee of management shall at its first meeting of a financial year determine the branches of the union and their boundaries (where appropriate).
- (ii) The list of branches and their boundaries shall be published in the next union Journal which appears following the determination by the state committee of management.



- (iii) The state committee of management is to have regard to the industrial relations needs of the union and its members, the efficient management of the union and the costs of administering the branches, including the costs of elections, in determining the number and boundaries of branches.
- (x) The definition of "branches" contained in rule 2 of these rules is to be read subject to this subrule

40 - MINUTES

- (a) There shall be entered in books kept for that purpose minutes of all proceedings of meetings of the state committee of management, the state executive, branches and branch executives and those minutes shall be signed by the chairperson of the meeting at which the proceedings took place or of the next succeeding meeting of the body in question.
- (b) Any minute so entered that purports to be signed as provided in subrule (a) of this rule shall be evidence of the proceedings to which it relates.
- (c) Where minutes have been so entered and signed, then, until the contrary is proved:
 - (i) the meeting shall be deemed to have been duly held and convened;
 - (ii) all proceedings which took place at the meeting shall be deemed to have taken place validly;
 - (iii) all appointments made at the meeting shall be deemed to have been duly made.



41 – PLEBISCITE

- (a) The state secretary shall, on receipt of a request in writing signed by 20 per cent of the financial members of the union, or a section, direct the conduct of a plebiscite of the financial members of the union, or the section, on a matter concerning the union or the section.
- (b) The state committee of management or the state executive may direct the conduct of a plebiscite of the financial members of the union, or a section, on a matter concerning the union or the section.
- (c) Despite subrules (a) and (b) a plebiscite of the members of a section cannot occur if the outcome of the matter sought to be plebiscited would impact on members of the union other than those assigned to the section and in that circumstance only a plebiscite of all the financial members of the union may occur.
- (d) A plebiscite shall be conducted by secret ballot by a returning officer in accordance with this rule and shall be completed, in the case of a plebiscite under subrule (a) of this rule within 2 months of the receipt by the secretary of the request and in the case of a plebiscite under subrule (b) of this rule within 2 months of the direction by the state committee of management or the state executive.
- (e) Where a request has been received under subrule (a) of this rule or a direction given under subrule (b) of this rule, the state committee of management or the state executive shall not, so far as is practicable, until the completion of the plebiscite, act in relation to the matter the subject of the plebiscite.
- (f)
 - (i) Where a majority of financial members of the union or the section, as the case may be, voting at a plebiscite approve the matter submitted to plebiscite, the matter shall be carried out and the state committee of management or the state executive shall, so far as is practicable, implement the decision of the plebiscite;
 - (ii) in the event of a tied plebiscite the proposal shall be declared lost.
- (g) Where a request is received under subrule (a) of this rule or a direction given under subrule (b) of this rule, the state secretary shall advise the state returning officer and the state returning officer shall direct the conduct of the plebiscite and shall take all necessary steps to ensure the secrecy of the ballot.
- (h) The state returning officer shall determine the opening and closing dates of the ballot.
- (i) The state committee of management or the state executive and, where the plebiscite is held following a request pursuant to subrule (a) of this rule, the members who requested the plebiscite may each appoint 2

scrutineers for the conduct of the plebiscite and shall, before the opening of the ballot, advise the state returning officer of the name of each such scrutineer.



- (j) The state returning officer shall:
- (i) on the opening date of the ballot forward or cause to be forwarded by prepaid post or otherwise to each financial member of the union or the section, as the case may be, a ballot paper bearing the state returning officer's signature together with a reply paid return envelope addressed to the state returning officer at the state returning officers address for the purpose of the conduct of the plebiscite;
 - (ii) give such directions to voters as the state returning officer considers necessary;
 - (iii) give a direction that a voter shall not make any mark on the ballot paper which shall identify them and that any such mark shall render the vote invalid;
 - (iv) provide for a method of permitting financial members to vote whilst preserving the secrecy of the ballot.
- (k) Subject to subrule (l) of this rule a scrutineer appointed under subrule (i) of this rule may be present during the conduct of the ballot by the state returning officer including the counting of ballot papers returned in the plebiscite and may object to a ballot paper being counted on the ground that it does not clearly express the voter's attitude to the question to which the plebiscite is directed.
- (l) A scrutineer shall observe a direction given by the state returning officer during the conduct of the ballot and shall comply with any decision given by the state returning officer as to whether a ballot paper is to be counted as sufficiently expressing a voter's attitude to the question which is the subject of the plebiscite.
- (m) A voter shall cast a vote in a ballot under this rule by completing the ballot paper forwarded to the voter under subrule (j) of this rule in accordance with the directions to voters and forwarding the ballot paper to the state returning officer so as to reach the state returning officer no later than the closing date of the ballot.
- (n) A vote cast in the ballot shall be informal if the intention of the voter is not clear.
- (o) On completion of the counting of ballot papers returned in a plebiscite the state returning officer shall declare the result of the plebiscite by advising the state secretary in writing of the number of ballot papers forwarded to voters, the number approving the matter or the subject of the plebiscite, the number not approving and the number of informal votes.
- (p) Provided that upon the state committee of management receiving a request in writing for a plebiscite it may, where the proposal contained in the request in writing for a plebiscite is capable of adoption by it, of its own motion adopt the proposal contained in the request in writing for a plebiscite and the adoption of the proposal contained in the request in writing for a plebiscite means that no plebiscite is required.
- (q) Provided that nothing contained in this rule prevents the conduct of the ballot by the Australian Electoral Commission or the Electoral Commission, Queensland.
- (r) For the purposes of this rule "section" means any one, or more, of the following:
- (i) all financial members who are firefighters;
 - (ii) all financial members who are officers;
 - (iii) all financial members who are communication centres' members;
 - (iv) all financial members who are building approvals officers;
 - (v) all financial members who are senior officers;
 - (vi) all financial members who are auxiliary firefighters;
 - (vii) all financial members who are assigned to a region; and
 - (viii) all financial members who are assigned to a branch.

42 - PROPERTY OWNERSHIP

- (a) Subject to any other provisions in these rules property of the union shall be owned by the union and may be

held in any form or forms convenient for carrying out any objects of the union, and shall be registered, deposited, invested or held, wherever possible under the law relating to such property, in the name of the union.

- (b) Where necessary for the purposes of registering, depositing, investing or holding property, the state president and state secretary shall act as trustees.



43 - UNION FUNDS

- (a) The state fund shall be managed and controlled by the state committee of management and shall consist of:
- (i) any real or personal property of which the union by these rules or by any established practice not inconsistent with these rules, has, or in the absence of any limited term lease, bailment or arrangement, would have, the right of custody, control or management;
 - (ii) the amount of entrance fees, subscriptions, fines, fees or levies received by the union;
 - (iii) any interest, rents or dividends derived from the investment or use of such funds;
 - (iv) any superannuation or long service leave or other fund operated or controlled by the union for the benefit of its union officers or employees;
 - (v) any sick pay fund, accident pay fund, funeral fund, tool benefit fund or like fund operated or controlled by the union;
 - (vi) any property acquired wholly or mainly by expenditure of the funds or derived from other assets of the funds; and
 - (vii) the proceeds of any disposal of part of the funds.
- (b) The state fund shall be used for the payment of the expenses of the administration and management of the union and for any purpose that the state committee of management may from time to time direct towards the attainment of any of the objects of the union.

44 - DISBURSEMENT OF FUNDS

- (a) General
- (i) Funds may be disbursed subject to part (ii) of this subrule:
 - (A) upon the resolution of the state committee of management, or
 - (B) when necessary upon the order of the state president and state secretary.
 - (ii) All disbursements in excess of \$100.00, or such other sum as may be determined from time to time by the state committee of management, shall be certified as correct by the state committee of management as is appropriate, and shall be by cheque signed by the state treasurer and state secretary or the state president and state secretary. Where the state president is not immediately available the senior state vice-president may sign. Where the state secretary is not immediately available the assistant state secretary may sign.
- (b) Honoraria
- (i) The state committee of management may grant honoraria to all or any of the members of the state executive. The state executive may grant honoraria to all or any of the members of the branch executives.
 - (ii) On the proposal of an honorarium to a union officer or member the union officer or member concerned shall withdraw from the meeting while the honorarium is discussed.
- (c) Reimbursements

- (i) Should any union officer or member of the union lose salary or other emolument as a result of acting on the business of the union under instructions from the State committee of management the union may make good all such loss or may remunerate the union officer at such rate of salary for the time reasonably occupied in acting on the business of the union; and
 - (ii) reasonable out-of-pocket expenses may be allowed to union officers or members engaged on union business.
- (d) Loans, Grants and Donations



Notwithstanding anything contained elsewhere in these rules a loan, grant or donation of an amount exceeding \$1,000 shall not be made by the union or a branch unless the state committee of management has satisfied itself:

- (i) that the making of the loan, grant or donation would be in accordance with these rules; and
 - (ii) in relation to 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 has approved the making of the loan, grant or donation.

45 - LEVIES

- (a) The state committee of management may by resolution impose a levy on the members of the union or on any group or class of members of the union of an amount equivalent to, but not exceeding \$2 per week per member and 40 cents per week per auxiliary firefighter member to raise money for the objects of the union.
- (b) The purpose of the levy, the terms on which and the times when the levy is to be paid, shall be specified in the resolution.


46 - UNION AUDITOR

- (a) An auditor shall be appointed annually by the state committee of management to audit the books of the union and to report on same to the state committee of management in the manner subscribed by the act.
- (b) All union officers, employees or members shall provide the auditor with full and complete access to all books and documents of the union.

47 - MISCONDUCT OF MEMBERS

- (a) Subject to the provisions of this rule, any member of the union may charge any other member of the union with misconduct by forwarding an application to the state secretary of the union setting out the type of misconduct alleged and the acts or omissions said to constitute such misconduct.
- (b) The type of misconduct alleged shall be one of the following:
 - (i) That the member acted with deliberate intent to injure the union;
 - (ii) That the member wilfully disobeyed one or more of the union rules;
 - (iii) That the member wilfully refused to obey a lawful resolution of the state executive or the state committee of management;
 - (iv) That the member defrauded or attempted to defraud the union;
 - (v) That the member violated the terms of any award or industrial agreement applicable to that member or entered into an agreement with an employer or union officer thereof contrary to the provisions of any award or industrial agreement applicable to the said member.
- (c) The state secretary shall cause the application to be placed before a special meeting of the state committee of management and shall give both the member, the subject of the application, and the applicant at least ten working days notice of the meeting. The state secretary shall cause a copy of the application together with a

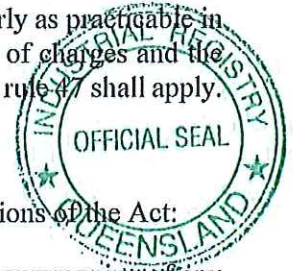
copy of this rule to be forwarded to the member, the subject of the application, as soon as practicable after receiving the application and at least ten working days prior to the date of the meeting.

- 
- (d) Subject to this rule, the state committee of management may give directions as to the hearing of the said application.
 - (e) Any member of the state committee of management who is subject of the application or is the person bringing the application, shall not be entitled to take part in the decisions of the state committee of management relating to the application.
 - (f) The state committee of management may proceed to hear an application in the absence of either the applicant or the person, the subject of the application, provided that it is satisfied that the said party has received notice of the meeting in accordance with this rule.
 - (g) The state committee of management shall make a finding as to whether the charge contained in the application has been proven.
 - (h) In the event that a finding is made in the affirmative, the state committee of management may reprimand or impose a fine not exceeding \$100.00, or such reasonable amount as may be determined by the state committee of management from time to time, or may suspend the person from exercising all or any of the privileges of membership of the union for a period not exceeding twelve months, or a time period as determined from time to time, or may expel from the union the person, the subject of the finding.
 - (i) The state secretary shall cause notice in writing of the decisions of the state committee of management relating to the charge to be forwarded within 14 days to the person, the subject of such decisions by registered letter. If the member has been expelled by the state committee of management, such expulsion shall become effective ten working days after posting of the said letter. If the state committee of management has imposed a fine upon the member, such fine shall be payable five working days after the posting of the letter and the provisions of these rules relating to a member being unfinancial shall take effect one month after posting of the letter.
 - (j) A member who has had a charge found proven against the member may appeal to a meeting of the state executive by forwarding a letter containing the notice of appeal to the state secretary to arrive not more than fifteen working days after the date of posting of the letter by the state secretary to the member of the letter containing the decision of the state committee of management. Pending the determination of any such appeal by state executive, the decision of the state committee of management shall be stayed. Both the appellant and the member who brought the charge in the first place or their respective nominee shall be entitled to address the meeting of the state executive which determines the appeal.
 - (k) Any member expelled from the union pursuant to this rule, shall not be re-admitted to membership of the union except by vote of the state executive.
 - (l) This Rule also applies to life members and to life membership.

48 - EXPULSION

- (a) If the state committee of management determines by a majority of those present at its meeting that a person who is a member of the union or has been treated as a member of the union is not for the time being a person included within the eligibility rules, it may expel that person from the union.
- (b) If the state committee of management proposed to exercise its powers under the preceding subrule it shall give the member in question notice in writing stating that it proposes to expel that person under this rule and requesting that person to notify the state secretary within 20 working days whether that member wishes to oppose the expulsion.
- (c) If within 20 working days of the member in question being given the notice referred to in the preceding subrule, the state secretary does not receive notification that the member wishes to oppose the expulsion, the state committee of management may proceed to exercise its powers under subrule (a) of this rule and that person's membership of the union shall cease upon the state committee of management resolving that the member be expelled. If within 20 working days a notification is received by the state secretary from the

member in question the state committee of management may proceed to hear and determine the matters set out in the notice forwarded to the member in question and exercise its powers as nearly as practicable in accordance with the procedures prescribed by rule 47 of these rules for the hearing of charges and the provisions relating to appeals and the time from which expulsions operate pursuant to rule 47 shall apply.



49 – IRREGULARITIES

- (a) Subject to the order of any relevant Court, Tribunal or Commission and to the provisions of the Act:
- (i) No act or omission done or omitted in good faith in or in connection with the summoning of any meeting under these rules shall invalidate the proceedings at the meeting unless within 60 days thereafter a later meeting of the body in question is satisfied that there was irregularity in or in connection with the summoning of the earlier meeting and resolves that the proceedings at the earlier meeting are to be treated as invalid.
 - (ii) Any member of a branch present at a branch meeting may obtain a ruling from the chairperson of the meeting as to whether any person present at the meeting is entitled to be present. Any person who the chairperson rules is not entitled to be present at the meeting shall leave the meeting. No branch meeting shall be invalid if members of the branch who are unfinancial members attend and participate and vote in the proceedings so long as:
 - (A) no ruling as to the entitlement of the member in question to be present was sought; or
 - (B) the chairperson ruled in good faith that the member in question was entitled to be present.
 - (iii) All acts done in good faith by all concerned by any meeting of the state committee of management, state executive or branch executive or by an union officer shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment or election of any member of the body in question or of any such union officer, be as valid as if every such member of the body or union officer had been duly appointed or elected.
 - (iv) Any irregularity in any election or appointment of or any act or thing done by any body or union officer within the state administration shall be rendered regular if approved by a two-thirds majority of financial members of the union voting in a plebiscite conducted in good faith by the person who is for the time being purporting to act as state returning officer.
 - (v) Any irregularity in any election or appointment of or any act or thing done by anybody within a branch shall be rendered regular if approved by a two-thirds majority of financial members of the branch voting at a meeting of the branch summoned in good faith and in accordance with these rules by the person who is for the time being purporting to act as the branch secretary or the branch president. The provisions of clause (i) of this sub-rule shall not apply to this clause.
- (b) A meeting summoned to consider a specified question or specified questions shall not be irregular by virtue of the fact that it considers and deals with other questions or business of which notice is not required under these rules.
- (c) Notwithstanding the provisions of this rule no penalty shall be imposed by the state committee of management on any branch or member unless the meeting of the state committee of management was summoned in accordance with these rules and unless the persons voting for the resolution imposing the penalty and participating in the debate upon the resolution were regularly elected or appointed members of the state committee of management.

50 - INDUSTRIAL DISPUTES

In all circumstances where an industrial dispute, within the meaning of the Act, exists and where such dispute remains unresolved despite attempts by the union for its part to genuinely attempt a settlement of the industrial dispute, then the state secretary or the state president, shall forthwith give notification of the industrial dispute in the manner required by the Act.

51 - INDUSTRIAL AGREEMENTS

- (a) Industrial agreements and any other documents may be executed by or on behalf of the union by two members of the state committee of management at least one of whom shall be the state secretary.
- (b) Any document required by law to be under seal shall be executed under the common seal of the union.

51A – WORKPLACE REPRESENTATIVES

- (a) There shall be Workplace Representatives (for the purpose of this rule, “Workplace Representatives”) appointed in workplaces where members work.

- (b) Workplace Representatives include financial members who:

- (i) represent the union within a workplace; and/or
- (ii) are health and safety representatives elected in accordance with the *Work Health and Safety Act*,

and who have been appointed by State Executive as Workplace Representatives in accordance with this rule.

- (c) A member proposed to be appointed as a Workplace Representative shall promptly advise the State Secretary, who shall place the question of appointment before the State Executive to consider.
 - (d) The State Executive may determine to terminate the appointment of a Workplace Representative who fails, in the view of State Executive to comply with:
 - (i) the union rules;
 - (ii) the union policies;
 - (iii) a direction of the State committee of Management; or
 - (iv) a direction of the State Executive.
 - (e) A determination made in accordance with sub-rule (d) is final and cannot be appealed.
 - (f) Workplace Representatives shall perform the functions determined by the State committee of Management.
 - (g) The State Committee of Management shall determine:
 - (i) how Workplace Representatives are to conduct themselves in the workplace; and
 - (ii) the functions to be performed by Workplace Representatives.
 - (h) The Union shall provide training and resources for Workplace Representatives as the State Committee of Management determines.
 - (i) The State Committee of Management may determine to provide for:
 - (i)
 - (A) the circumstances; and
 - (B) procedures,
- for appointment of Workplace Representatives; and
- (ii) how Workplace Representatives are to conduct themselves in the workplace.





52 - SEAL OF THE UNION

- (a) The union shall have a common seal which shall be signed by two members of the state committee of management at least one of whom shall be the state president or the state secretary.
- (b) The common seal of the union shall be kept at the registered office.
- (c) Such common seal shall be affixed to any instrument including any industrial agreement only on the authority of the state committee of management or state executive.
- (d) Documents not required to be under seal of the union may be executed on behalf of the union by the state secretary and one other member of the state management committee, and any such document so executed shall be and be deemed to be executed on behalf of the union and with its authority.

53 - AMENDMENT OF RULES

Amendments may be made to these rules or new rules may be made or any rule may be deleted, or deleted and replaced by a new rule by the state committee of management, provided that any such amendment, deletion or replacement is to be carried by the state committee of management by a two-thirds majority of votes cast at the meeting which considers such amendment, deletion or replacement.

54 - INDEMNITY

The union shall be responsible for the authorised acts of its employees, union officers, trustees and agents and shall indemnify them in respect of payments made and liabilities incurred by them, if the acts, payments and liabilities were performed, made or incurred by them within the scope of their authority; and:

- (i) in the ordinary and proper conduct of union business; and
- (ii) in or about anything done by them for the preservation of the activities, property, management or business of the union or the furtherance of these rules.

55 - SYNCHRONISATION AT ELECTIONS

- (a) The term/s of office provided for by these rules may be extended by the state executive where the purpose of the extension is to allow for the synchronisation of elections for office/s of the union, provided always that such extension is for a period of not more than 12 months and does not extend any term of office in the union, so that such term is in excess of 5 years.
- (b) Where the executive extends the term of any office/s in the union pursuant to subrule (a) of this rule, then notwithstanding any other rule of these rules, the executive shall likewise alter, to the extent necessary and appropriate, the date/s for the calling of nominations, the holding of elections and the taking of office as provided for by these rules so as to ensure that synchronisation of elections for office/s of the union, occurs.

56 - ANNUAL GENERAL MEETING

- (a) There shall be an annual general meeting of the union to be held within 5 months of the end of the financial year which shall not take the form of a meeting elected delegates.
- (b) Members shall be given at least 28 days notice of such meeting, inclusive of its time of commencement and its location.
- (c) Any financial member shall be entitled to submit a notice of motion for consideration by the annual general meeting which notice of motion shall be notified to the members, provided that such notice of motion shall be submitted to the state secretary no later than 21 days prior to the holding of the annual general meeting.
- (d) Any financial member of the union unable to attend an annual general meeting may appoint another member of the union to exercise the member's vote at that meeting. Such proxy shall be in the prescribed

form and shall be handed to the state secretary prior to the commencement of the meeting, provided that no member shall hold more than one proxy at any annual general meeting.

- (e) Each financial member shall have one vote at annual general meetings.
- (f) Voting at annual general meetings shall be by show of hands, except in such cases as the meeting decides otherwise.
- (g) Decisions shall be by majority of the votes cast by those present.
- (h) A quorum for an annual general meeting shall be 75 members present in person.
- (i) If there is not a quorum within 30 minutes of the scheduled time of commencement of the meeting then the meeting shall be adjourned to the same time and place in the week following and if there is no quorum within 30 minutes of the scheduled time of commencement of the adjourned meeting it shall lapse.
- (j) An annual general meeting may pass a resolution that binds the state committee of management and state executive.
- (k) The state president or in the state presidents' absence the senior state vice-president or in the absence of both or if for any reason they will not act, the junior vice-president or a financial member of the union elected by the persons assembled for the meeting, shall preside as chairperson and shall have the powers of the state president while so acting.



57 - DISSOLUTION

If, in a plebiscite, a number of members equal to two-thirds of the number of financial members in the union vote for its dissolution, the union shall be dissolved and after the discharge of all liabilities the fund and all money, property and effects shall be converted to money and distributed between the financial members of the union on a basis that is as near as practicable to the relative contribution of each member.

58 - STANDING ORDERS

The following order of procedure shall be adhered to as far as practicable at all meetings of the union:

- (i) the chairperson shall take the chair for the meeting and upon ascertaining that a quorum is present shall then declare the meeting open for the transaction of business. In the event of no quorum being present within the time prescribed, the chairperson shall proceed in accordance with the appropriate rule;
- (ii) attendance and apologies;
- (iii) minutes shall be presented for confirmation, but no discussion shall be allowed except as to their accuracy as a record of the proceedings;
- (iv) business arising out of minutes;
- (v) correspondence;
- (vi) financial statements and accounts;
- (vii) reports;
- (viii) general business;
- (ix) notices of motion shall be required for rescission or alteration of standing orders, rules of debate, or some previous resolution;
- (x) a member on giving a notice of motion shall provide the state secretary with a copy of such notice;
- (xi) no notice entered on the notice paper shall be proceeded with unless the member who has given such notice or some person authorised by the member in writing to move the motion be present when the



- business is called in its order;
- (xii) notices not proceeded with shall be struck out;
 - (xiii) no new business shall be taken later than 10 p.m. unless an extension of time be granted by the meeting prior to that hour;
 - (xiv) Any member engaging in misconduct during a meeting or in any way making an annoyance to or obstructing the business of the meeting shall be called to order by the chairperson and, if after being so called to order, the member refuses or fails to obey the chairperson, that member shall be excluded from taking any further part in the business of the meeting if, upon taking a vote forthwith for that purpose, a majority of the members present at such meeting so decide.

59 - RULES OF DEBATE

- (a) The state president of the union shall, when available, preside over all meetings of the union and act as chairperson. In the state president's absence the senior state vice president shall so act. In the absence of both the state president and the senior state vice president the junior state vice president shall so act. In the event of these persons being absent the meeting shall, in accordance with these rules, appoint a chairperson from those assembled.
- (b) The chairperson shall have a deliberative vote and in the event of a tied vote, shall have a casting vote.
- (c) No discussion shall be allowed except on motion or amendment duly proposed and seconded.
- (d) Any member desiring to propose a motion or amendment or to discuss any matter under consideration must address the chairperson. No member shall address the meeting unless called by the chairperson.
- (e) When the chairperson speaks during a debate, the member then speaking or offering to speak shall cease so that the chairperson may be heard without interruption.
- (f) The chairperson shall call to order any speaker who departs from the question or who violates the courtesies or rules of debate.
- (g) Should the chairperson desire to take part in a debate at any meeting then the chairperson shall vacate the chair for the time being and another chairperson shall be appointed in accordance with subrule (a) of this rule.
- (h) All motions shall be determined in the following manner:
 - (i) the mover of the motion shall have 5 minutes at the time of moving the motion to present argument in support of the motion and 5 minutes to reply, which must be limited to the answering of arguments advanced against the motion;
 - (ii) the seconder of such motion and all other speakers shall be limited to 5 minutes;
 - (iii) the meeting, on motion without debate, may extend the time of any speaker but such extension of time shall not exceed 5 minutes - the meeting may agree to further extensions on the same basis;
 - (iv) the chairperson shall call attention to the time of all speakers 1 minute before such time expires and motions for extensions may be made when the chairperson so calls, but not later;
 - (v) after the motion has been moved and seconded, no more than 2 members shall speak in succession on one side, either for or against any question before the meeting and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall at once be put to the meeting, subject to part (i) of this subrule;
 - (vi) all votes at meetings shall be subject to the following:
 - (A) the chairperson shall read the motion and determine the question on the voices, provided that the chairperson may call for a show of hands; and



- (B) the chairperson shall then declare the question carried or lost;
- (vii) in the event of a motion being carried or lost by a narrow majority, any 3 members may demand a division and on a division being called for, those in favour shall go to the side of the room on the chairperson's right and those against to the chairperson's left and the number on each side shall be counted and the number of voters each - for and against - shall be recorded in the minutes.
- (i) At any time during debate on any motion it shall be competent for any member who has not spoken to the motion to move an amendment, which shall be subject to the following:
- (i) all amendments must be seconded;
 - (ii) motions may be amended by adding words, by deleting words, or by deleting words and inserting others in their place;
 - (iii) the effect of any proposed amendment shall not be such as to establish a direct negative to the question contained in the motion.
 - (iv) only one amendment shall be received at a time and such amendment must be disposed of before any further amendment is moved. All amendments shall be put before the original motion;
 - (v) the mover of an amendment shall not have the right of reply;
 - (vi) should an amendment be carried it becomes the substantive motion and thereon an amendment may be proposed. If however, no further amendment be proposed the amendment which has become the substantive motion shall be put without further debate subject to the mover of the original question having the right of reply.
- (j) Where a motion is considered by a meeting without any amendments being proposed no member except for the mover of the motion shall speak more than once on the motion unless by way of personal explanation or with the consent of the meeting. Where an amendment or amendments are proposed then a member may speak for or against the motion and for or against any amendment which is proposed.
- (k) Any member who thinks they have been misrepresented by a speaker may by the indulgence of the meeting interrupt the speaker to correct the mis-statement, but the member must not enter into argument.
- (l) It shall be competent at any time during a debate for a member who has not spoken to the motion to rise and move "That the question be now put" but no discussion shall be allowed thereon. If this motion be duly seconded and carried, the chairperson shall forthwith call upon the member (if any) who may have the right of reply, and immediately following such reply the chairperson shall put the motion, which shall include the amendments (if any) which have been moved, or of which notice has been given.
- (m) No motion upon any other subject shall be submitted until the one before the chair is disposed of as prescribed in subrule (o) of this rule.
- (n) Should any question have occupied the attention of the meeting for 20 minutes, the discussion on such question shall be deemed to have closed and the chairperson shall forthwith call on the mover to reply, unless the meeting decides by resolution to continue the discussion of the matter in question.
- (o) A motion may be dealt with by:
- (i) adoption as moved;
 - (ii) rejection as moved;
 - (iii) adoption after amendment of the subject matter;
 - (iv) any of the following motions which will be in order whether a motion or motion with amendments, shall be before the meeting:

(A) "The Order of the Day", i.e., that the next business as order be now taken;

- (B) postponement of the question, either to a definite time or a time to be fixed;
- (C) reference to a committee.
- (v) Adjournment:
 - (A) of the debate;
 - (B) of the meeting.
- (p) A motion for adjournment may be moved and seconded at any time during the meeting. The motion may be debated provided that not more than 2 speakers be allowed both for and against the motion (including the mover and seconder). There shall be no right of reply for the mover of the motion for adjournment. Such adjournment shall occur if carried by a majority of members present. A second motion for adjournment shall not be moved until the subject under discussion at the time of the first motion for adjournment has been disposed of.
- (q) A member may at a meeting give a notice of motion to be moved at a future meeting by handing a copy thereof to the state secretary. Such notice of motion shall take precedence in the order in which it stands in the minute book, in relation to other similar notices, and it shall lapse if the member or some other member authorised in writing to move the motion on the member's behalf be not present when the order of the day for such notice is read.
- (r) Questions of order shall be decided by the chairperson, whose ruling shall be final unless challenged by a formal motion submitted to the meeting.
- (s) Any member may rise to a point of order when the member considers the rules of debate to have been violated. The member must submit the "point of order" to the chairperson, who shall decide the question as prescribed in subrule (r) of this rule. Upon the question of the order being raised, the member addressing the meeting at the time shall take their seat and shall remain seated until the "point of order" has been decided.
- (t) A report of a committee officially presented shall be received without motion, but the adoption of such report either absolutely or by clauses shall be moved and seconded.
- (u) It shall be competent for any member to move the reconsideration of a resolution that has been passed by a meeting, provided that the member shall have given notice at a previous meeting.
- (v) It shall be competent for any member to propose that any subject shall be considered in a committee of the whole meeting. The vote on such proposition when seconded shall then be taken without discussion.
- (w) Any standing orders or rule of debate contained in this rule may be suspended by the vote of the majority of the members present at the meeting.
- (x) Rulings given by the chairperson on any question may be subject to a motion calling to disagree with any ruling. On the motion becoming seconded, the chairperson shall vacate the chair which shall be taken by the senior state vice president or the junior state vice president or otherwise in accordance with subrule (a) of this rule.
- (y) No motion to dissent from the chairperson's ruling shall be permitted unless it be made before any other business or speech has intervened.
- (z) The procedure to determine the motion shall be as follows:
 - (i) the member moving the motion shall be given 5 minutes to support the motion;
 - (ii) the chairperson shall be given 5 minutes to defend their ruling;
 - (iii) the acting chairperson shall then put the question and on the question being determined the chairperson shall resume the chair.



60 – TRANSITION



- (a) The state secretary shall, following the certification of this rule by the Registrar, file the prescribed information to elect to the state Committee of Management an auxiliary firefighter (Auxiliary Firefighter South) from the financial auxiliary firefighter membership of the Union, attached to a station within North Coast, Brisbane, South Eastern and South Western Regions, being an auxiliary firefighter who is otherwise qualified in accordance with these rules, (for the purposes of this rule the "Transitional Auxiliary").
- (b) The Transitional Auxiliary shall, following election, hold office, in accordance with these rules, as a member of the state committee of management until replaced at the election of the state committee of management next held by a person elected to office of "Auxiliary Firefighter South".
- (c) In the event that the Transitional Auxiliary resigns, is removed or is otherwise not entitled to hold office, then the vacancy thereby occurring will be treated as a casual vacancy to be filled in accordance with rule 21 of these rules.
- (d) In the event of the casual vacancy occurring in the office of the Transitional Auxiliary, the person appointed, or elected, to the vacancy shall be an auxiliary firefighter member from the financial auxiliary firefighter membership of the Union attached to a station within North Coast, Brisbane, South Eastern and South Western Regions and who is otherwise qualified in accordance with these rules.
- (e) On, and from, the date of certification of this rule by the Registrar ("Certification Day") the office of auxiliary firefighter delegate on the state committee of management that existed on the day immediately preceding certification day will be deemed to be the office of Auxiliary Firefighter North, and the incumbent in the office of auxiliary firefighter delegate on the day immediately preceding certification day will hold, and continue to hold, that office until removed or replaced in accordance with these rules.