

*Industrial Relations Act 1999*

Sections 467 and 478

(Matter RIO/2014/38)

**CERTIFICATE OF REGISTRATION OF AMENDMENT OF RULES**

I hereby certify that pursuant to the Act that amendments to rule number 5.7, Schedule 1 (Definitions) and new rules 13.1A and 13.3A of the rules of the Queensland Fire and Rescue - Senior Officers Union of Employees have been approved and registered on 7 May 2014.

Dated at Brisbane this seventh day of May, 2014.



J.M. THOMPSON,  
Acting Deputy Industrial Registrar.

# Rules of Queensland Fire and Rescue - Senior Officers Union of Employees



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## 1. Name

This union shall be called the Queensland Fire and Rescue - Senior Officers Union of Employees ("Union or Association").



## 2. Objectives

The Union has the following objectives:

- (a) enhancing the profile of the Members throughout all operational and functional areas of the QFRS;
- (b) improving the remuneration and conditions of Members to accurately reflect their:
  - (i) leadership through emergency management and services provided to the community; and
  - (ii) contribution and commitment to the development of the QFRS;
- (c) the pursuit of open and honest communications with all stakeholders;
- (d) furthering the role of Members as commanders, leaders, managers and change agents;
- (e) providing a mechanism through which Members can be supportive of each other;
- (f) helping Members to achieve an acceptable work/life balance;
- (g) identifying opportunities to have direct input into decisions of the QFRS that impact upon the Members;
- (h) participating in the development of strategic and organisational change;
- (i) seeking to provide security of employment for Members through fair and just representation before relevant stakeholder groups;
- (j) seeking to advance career opportunities for all Members, with an emphasis on command, leadership and management;
- (k) seeking to achieve parity of wages and conditions in accordance with equivalent or similar positions held by peers in other emergency services and fire services throughout Australasia;
- (l) appearing before and representing the views of Members at the Queensland Industrial Relations Commission and other industrial and non-industrial forums; and
- (m) recognising the rights of the QFRS to manage and achieve its strategic goals.

### 2.1 Registered office

The State Secretary shall notify the Industrial Registrar of any change in address of the registered office in accordance with the Act.



### **3. Membership**

#### **3.1 Members**

The Association shall be composed of:

- (a) all officers above the rank of Station Officer 1st Class employed under the *Fire Service Act of 1989*, the *Fire Brigade Act 1964*, or the *Fire Safety Act 1974*, or under any Act amending any of these Acts or under any Act in substitution for any of these Acts; and
- (b) all persons who being employed by the Minister of the Crown responsible for the administration of the *Fire Brigade Act 1964* as amended at a salary which is more than the salary of a Station Officer 1st Class employed in or in connection with the inspection of fire services, operations, appliances or equipment or in connection with training of other persons to prevent, suppress or extinguish fires or to discharge the duties of a Fire Safety Officer under the *Fire Safety Act 1974* as amended, or employed under any Act in substitution for any of these Acts; and
- (c) elected officers of the Association, Life Members and Associate members who are duly proposed and accepted by the Association.

#### **3.2 Associate Members**

- (a) Members of the Association who retire at or beyond the age of 60 years or who are retired due to ill health prior to that age may continue on in the Association as associate members upon the payment of an annual fee determined by the Council.
- (b) Such members shall have access to the services of the Association but shall have no vote in meetings or ballots or at elections within the Association.
- (c) Members of the Association who retire during the currency of the period for which they have paid fees shall be regarded as associate members until the expiration of the financial period.

#### **3.3 Life Membership**

- (a) The Association Council may grant a past or retiring member of the Association life membership for meritorious service to the Association.
- (b) Such members will have equal rights to all other members without payment of fees, excepting legal assistance. Such members shall not be eligible to hold office on the State Council nor do they have voting rights.

#### **3.4 Joining procedure**

- (a) Persons eligible for Union membership under Rules 3.1, 3.2 and 3.3 may apply to join the Union by submitting to the State Secretary, at the registered office, an application for membership form together with the prescribed fee (if any) and a payroll deduction authority form ("**Application**").
- (b) Each Application will be considered by State Council within 3 months of the date of receipt.
- (c) If State Council accepts an Application, the applicant will be notified in writing, including the date that the membership takes effect.





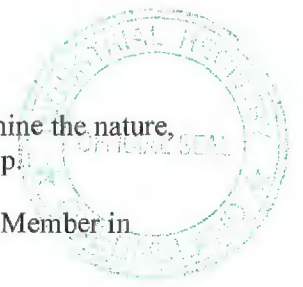
- (d) State Council may refuse an Application on the grounds of an applicant's ineligibility. If State Council refuses an Application, any prescribed fee paid shall be refunded without interest within 7 days of notification of the refusal.
- (e) Upon acceptance of an Application by State Council, the applicant will be liable for all fees and dues, including membership fees and levies, in accordance with these Rules.
- (f) Whenever a new Application for membership is accepted, the State Secretary will advise the Member in writing of:
  - (i) the Member's financial obligations; and
  - (ii) how and when the new Member may resign their membership.
- (g) Where an Application has been accepted, the relevant details shall be entered into the Register of Members.

### **3.5 Resignation**

- (a) Without limiting the operation of the Act, a Member may resign their membership by written notification to the State Secretary at the registered office by hand delivery, fax or post.
- (b) The resignation will take effect from the date or time specified in the notice, but if no date or time is specified, then when the notice is received by the State Secretary at the registered office.

### **3.6 Removal from membership**

- (a) A Member may be expelled from the Union, or have their membership suspended, by a resolution of State Council in any of the following circumstances:
  - (i) the Member ceases to meet the eligibility criteria in Rules 3.1, 3.2 or 3.3 as appropriate to their type of membership, as determined in the opinion of State Council;
  - (ii) the Member has failed to discharge the Member's obligations to the Union, whether under these Rules or a contract, as determined in the opinion of State Council;
  - (iii) the Member acts detrimentally to the interests of the Union, as determined in the opinion of State Council;
  - (iv) the Member acts in a way that has prevented or hindered the Union in carrying out its objectives or any one or more of them, as determined in the opinion of State Council;
  - (v) the Member brings the Union into disrepute, as determined in the opinion of State Council; or
  - (vi) the Member's conduct or actions have caused, or are likely to cause, harm or damage to the Union's reputation or goodwill, or interference with the attainment of the objectives of the Union, as determined in the opinion of State Council.



- (b) In the case of suspension, State Council has the power to determine the nature, extent and length of the suspension of the Member's membership.
- (c) This Rule does not affect the ability of the Union to deal with a Member in accordance with the Act.
- (d) State Council must not expel a Member, or suspend a Member's membership, under Rule 3.6(a) unless:
  - (i) it gives written notice to the Member stating State Council's intention to expel or suspend the Member and specifying the reasons. The notice must also state that the Member has a period of 28 days after receiving the notice to show cause in writing why the Member should not be expelled or suspended; and
  - (ii) the Member either fails to show cause in writing within the specified time, or does respond and State Council after considering the written information submitted by the Member remains satisfied that the Member should be expelled or suspended from the Union.
- (e) If a Member is not expelled or if their membership is not suspended after the process in Rule 3.6(d) is followed, the Member may still receive a warning issued by State Council.
- (f) A Member also ceases to be a Member on death or bankruptcy.

### **3.7 Prescribed fee**

State Council may, in its discretion, determine the amount of any prescribed fee in respect of an Application.

### **3.8 Membership fees**

- (a) The amount of the membership fees payable by Members is as decided and notified by State Council from time to time.
- (b) Subject to Rule 3.8(c), membership fees are to be paid by regular payroll deduction through completion of a payroll deduction authority form.
- (c) The Executive Committee may authorise other types of payment method.
- (d) In the event a Member has been authorised to pay their membership fees on an annual basis in advance, it is agreed that the Member will not be liable for any increases in membership fees occurring during the period covered by the advance payment.

### **3.9 Liabilities on ceasing membership**

Subject to the Act, a Member who resigns, is expelled, or otherwise ceases to be a Member, remains liable for all membership fees and other monies payable by the Member up to the date of resignation, expulsion or termination of membership and must immediately pay them in full to the Union.





### 3.10 Financial Member

- (a) A Financial Member is a Member who has paid all membership fees and other monies to the Union by their due date. For clarity, Associate members in Rule 3.2 and Life members in Rule 3.3 are not Financial Members.
- (b) A Financial Member has:
  - (i) the right to receive notices of, and to attend and be heard at all State Conferences and relevant branch meetings of the Union;
  - (ii) the right to vote at all State Conferences and relevant branch meetings of the Union; and
  - (iii) the right to vote at elections for Officers' positions.

### 3.11 Non-Financial Member

Every Member who is not a Financial Member:

- (a) has the right to receive notices of, and to attend, all State Conferences and relevant branch meetings of the Union,
- but does not have the right:
- (b) to be heard at any meetings of the Union; or
  - (c) to vote at any meetings of the Union;
  - (d) to vote at any elections for Officers' positions.

### 3.12 Membership Levies

State Council may, in its discretion, implement levies, either compulsory or voluntary, for payment by Members.

### 3.13 Register of Members

- (a) The Union must, for each year, keep a written Register of Members stating who is or was a Member of the Union during the whole or part of the year.
- (b) The Register of Members shall record for each person who is or was a Member of the Union for the whole or part of the year for which the register is kept the person's name, residential address, the day the person became a member, their membership type, and if the person's membership has ended, the day it ended.
- (c) The Register of Members will also record each Member's contact details.
- (d) The Register of Members will be arranged according to the branches identified in Rule 6.1(b), and within that, alphabetically.
- (e) The Register of Members shall contain such other particulars as required from time to time by the Act.
- (f) A Member must give written notice to the Union of any change to their name, address, contact details or any other information contained in the Register of Members within 7 days of the change.



### **3.14 Becoming a Member evidence of agreement to Rules**

The fact of a person becoming a Member shall be conclusive evidence that the person agrees to be bound by these Rules and any other rules, directions or requirements which may be made in accordance with these Rules.

## **4. Officers, elections and holding office**

### **4.1 Officers**

Officers means the Executive Committee as set out in Rule 5.1 and the elected Branch Councillors.

### **4.2 Term of office and frequency of elections**

- (a) The maximum term of office for any Officer's position is 3 years.
- (b) Nominations and elections for each Officer's position are to be called every 3 years, during the month of September.
- (c) Elected Officers will be declared elected and their term of office will commence from 1 February following the election.

### **4.3 Members eligible to nominate**

- (a) Subject to the disqualifications set out in the Act, any person who was a Financial Member of the Union 30 days before the opening day for nominations is eligible to nominate as a candidate for an Officer position.
- (b) In addition to the criteria set out in Rule 4.3(a), a person can only nominate as a candidate for a specified Branch Councillor position if they were, at the relevant time set out in Rule 4.3(a), a Financial Member within the specified Branch.
- (c) Additionally, if the Member's membership is suspended, then the Member will not be eligible to nominate as a candidate for an Officer's position, nor be eligible to hold office, for the period of the suspension.

### **4.4 Members eligible to vote**

- (a) Any person who was a Financial Member of the Union 30 days before the opening day for nominations is eligible to vote in an election for an Officer's position.
- (b) In addition to Rule 4.4(a), if the election is for a Branch Councillor position, only persons who were Financial Members within the same branch as the nominated Branch Councillor at the relevant time set out in Rule 4.4(a), are eligible to vote for that Branch Councillor.

### **4.5 Manager of election—functions and powers**

- (a) The manager of an election—
  - (i) must not influence, or attempt to influence, the outcome of the election; and
  - (ii) must conduct the election under these Rules; and



- (iii) may take the action, and give the directions, the manager considers reasonably necessary to ensure that the processes under which the election is conducted are transparent; and
  - (iv) 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.
- (b) The manager of an election, other than an electoral officer may take the action, and give the directions, the manager considers reasonably necessary—
  - (i) to ensure no irregularities happen in the election; or
  - (ii) to remedy a procedural defect that appears to the manager to exist about the election.
- (c) To ensure the integrity of an election, the address for return of ballot papers must not be the Union's usual postal address.

#### **4.6 Closing day and time for nominations**

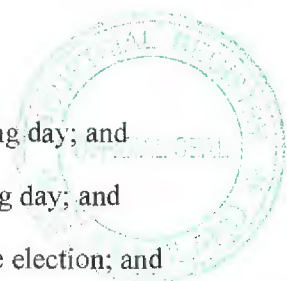
- (a) The manager of the election, must fix the opening day and closing day for nominations for office.
- (b) The closing day must be at least 28 days after notice is given under Rule 4.8.
- (c) Nominations open at midday on the opening day and close at midday on the closing day.

#### **4.7 Starting and finishing days of ballot**

- (a) If a ballot becomes necessary under Rule 4.11, the manager of the election must fix the start and finish days for the ballot to decide the result of the election.
- (b) The start day must not be before the closing day for nominations for the offices to be filled at the election.

#### **4.8 Calling for nominations**

- (a) The manager of the election must call for nominations for the offices to be filled by notice given to Members in 1 of the following ways—
  - (i) by post to each Member at the address recorded in the Register of Members;
  - (ii) if the Union publishes a journal or newsletter that it gives to its Members free of charge, by advertisement in the journal or newsletter;
  - (iii) in a daily newspaper circulating in the area where the Union's Members live or work.
- (b) The notice must state—
  - (i) the opening day for nominations; and
  - (ii) the closing day for nominations; and
  - (iii) that nominations for office—

- 
- A. open at midday on the opening day; and
  - B. close at midday on the closing day; and
  - (iv) who may nominate as a Candidate in the election; and
  - (v) that nominations for office must be written, signed by the nominee and given to the manager before nominations close; and
  - (vi) the starting and finishing days for a ballot to decide the result of the election if a ballot becomes necessary under Rule 4.11; and
  - (vii) that only a person who was a Financial Member 30 days before the opening time for nominations may vote in the election; and
  - (viii) that the ballot will be decided by a first-past-the-post system of voting.

#### **4.9 Nomination procedure**

- (a) A nomination for office must be written, signed by the nominee and given to the manager of the election before nominations close.
- (b) A person may nominate for more than 1 office.
- (c) The manager must accept a nomination if—
  - (i) it complies with Rule 4.9(a); and
  - (ii) the nominee is an Eligible Member.
- (d) A Candidate may withdraw the Candidate's nomination by written notice given to the manager no later than 7 days after nominations close.

#### **4.10 What happens if a nomination is defective**

- (a) The manager of the election must reject a nomination given to the manager of the election after nominations have closed.
- (b) 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—
  - (i) reject it; and
  - (ii) give the nominee notice of the defect; and
  - (iii) if practicable, give the nominee an opportunity to remedy the defect.
- (c) If practicable, the notice must be given before nominations close.
- (d) Failure to give the notice does not invalidate the election.

#### **4.11 When a ballot must be held**

If there are more Candidates for election to an office than the number to be elected, the manager must conduct a secret postal ballot in accordance with Rules 4.13 to 4.33.



#### **4.12 Election without ballot**

The manager of the election must declare a Candidate elected to an office if—

- (a) nominations have closed; and
- (b) the Candidate does not hold another office; and
- (c) the Candidate has—
  - (i) not nominated for a Higher Office; or
  - (ii) nominated for a Higher Office and is not elected to the Higher Office; and
- (d) if the election is for State President or State Secretary—the Candidate is the only Candidate; or
- (e) 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.

#### **4.13 Roll—preparation**

- (a) A Roll for a ballot must be prepared at the direction of the manager of the election.
- (b) The manager must ensure the Roll—
  - (i) states—
    - A. the name of each person who is an Eligible Member of the Union in alphabetical order; and
    - B. each Eligible Member's address, opposite their name; and
  - (ii) is completed when nominations for the election close.
- (c) The Union must give the manager—
  - (i) a copy of its Register of Members; and
  - (ii) access to the Union's records reasonably necessary for the manager to ensure the Roll is accurate.

#### **4.14 Roll—inspection**

- (a) The manager of the election must make the Roll for the election available for inspection—
  - (i) in the period that—
    - A. starts on the day after the Roll must be completed under Rule 4.13; and
    - B. ends 30 days after the result of the election is declared; and
  - (ii) 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 Rule 4.14(a), 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.

#### **4.15 When someone can claim a right to vote**

- (a) Despite Rule 4.13(b), if an Eligible Member's name does not appear on the Roll, the Member may apply to the manager of the election to have the Member's name included on the Roll.
- (b) If the manager is satisfied the applicant is an Eligible Member, the manager must include the applicant's name on the Roll.

#### **4.16 Ballot papers**

- (a) A ballot paper for the election must—
  - (i) 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
  - (ii) be of paper that will hide a vote marked on it from view when it is folded once; and
  - (iii) be a different colour from the colour used for ballot papers at the 2 previous elections held for the Union; and
  - (iv) 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
  - (v) state how the Voter may vote; and
  - (vi) state that the Voter must fill in and sign the voting declaration or the vote will not be counted; and
  - (vii) 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.
- (b) The order of names on the ballot paper must be decided by lot.
- (c) If 2 or more Candidates have the same surname and first names, the Candidates must be distinguished in an appropriate way.

Example—

The occupation of each Candidate may be added to the ballot paper.

#### **4.17 Distributing Voting Material**

- (a) The manager of the election must post the following things (the "**Voting Material**") to each Voter—
  - (i) a ballot paper Initialled by the manager;



- (ii) an unsealed reply paid envelope (a **"Return Envelope"**) addressed to the manager;
  - (iii) a ballot envelope and a voting declaration;
  - (iv) other material the manager considers appropriate for the ballot including, for example, directions or notes to help the Voter to comply with these Rules and cast a valid vote.
- (b) Voting material must be posted to each Voter—
  - (i) in a sealed envelope to the Voter's address on the Roll; and
  - (ii) as soon as practicable, but no earlier than 2 days before the starting day of the ballot.
- (c) 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.'
- (d) 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.
- (e) Before posting Voting Material to a Voter, the manager must mark a ballot number for each Voter on—
  - (i) the Roll against the Voter's name; and
  - (ii) the declaration form.
- (f) The manager must give each Voter a different ballot number.
- (g) The ballot numbers must start with a number chosen by the manager.
- (h) A ballot paper or ballot envelope must not be marked in a way that could identify the Voter.

#### **4.18 Manager must keep a Ballot Box**

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—
  - (i) allows Voting Material to be put in it until the ballot finishes; and
  - (ii) prevents Voting Material from being taken from it until votes for the ballot are to be counted.

#### **4.19 Duplicate Voting Material**

- (a) This Rule applies if Voting Material posted to a Voter—
  - (i) has not been received by the Voter; or
  - (ii) has been lost or destroyed; or



- (iii) if the document is a ballot paper—has been spoilt.
- (b) The Voter may apply to the manager of the election for a duplicate of the document.
- (c) The application must—
  - (i) be received by the manager on or before the finish day of the ballot; and
  - (ii) state the grounds on which it is made; and
  - (iii) if practicable, be substantiated by evidence verifying or tending to verify the grounds; and
  - (iv) state that the Voter has not voted at the ballot; and
  - (v) if the document is a spoilt ballot paper—be accompanied by the ballot paper.
- (d) If the application complies with Rule 4.19(c), the manager must—
  - (i) if the document is a spoilt ballot paper—
    - A. mark ‘spoilt’ on the paper; and
    - B. initial the paper beside that marking and keep the paper; and
    - C. give a fresh ballot paper to the Voter; or
  - (ii) otherwise—give a duplicate of the document to the Voter.

#### **4.20 How long ballot is open**

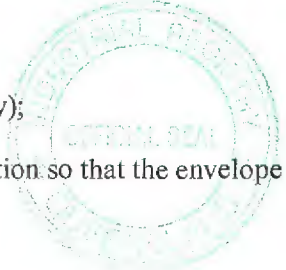
A ballot must remain open for—

- (a) at least 21 days; and
- (b) no longer than 49 days.

#### **4.21 How to vote**

A Voter may vote only by completing the following steps—

- (a) completing a ballot paper by—
  - (i) writing a tick or cross in the square opposite the name or names of the number of Candidates the Voter may vote for under Rule 4.22; and
  - (ii) 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 given under Rule 4.17(a)(iv);
  - (h) returning the Return Envelope to the manager of the election so that the envelope is received on or before the finish day for the ballot.

#### **4.22 How many votes may be cast**

A Voter may vote for only the following number of Candidates on a ballot paper—

- (a) for an election for State President or State Secretary—1 Candidate;
- (b) for an election for another type of office—the number of Candidates that is not more than the number of offices of the same type to be elected at the same time.

#### **4.23 How manager must deal with Voting Material**

- (a) The manager of the election must put all Voting Material returned to the manager in the Ballot Box until voting has ended.
- (b) 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—
  - (i) keep the envelope sealed; and
  - (ii) mark the envelope 'Received by the manager after the finishing day for the ballot'; and
  - (iii) keep the envelope in safe custody, but separately from Return Envelopes received before or on the finishing day.

#### **4.24 Scrutineers—appointment**

- (a) A Candidate may—
  - (i) act personally as a Scrutineer; or
  - (ii) appoint another person (an "appointee") as a Scrutineer for the Candidate.
- (b) An appointment must be in writing and signed by the Candidate.
- (c) A Candidate must notify the manager of the election of the name of the Candidate's appointee as soon as possible after the appointee is appointed.
- (d) The manager may refuse to allow an appointee to act as a Scrutineer if—
  - (i) the manager asks to inspect the appointment as a Scrutineer; and
  - (ii) the appointee does not produce it.

#### **4.25 Scrutineers' rights**

Subject to Rule 4.26, 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 Rule 4.23; and
- (c) votes are counted.

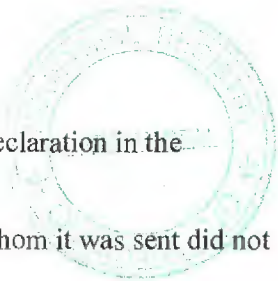
#### **4.26 Scrutineers—numbers attending**

- (a) Each Candidate may have only 1 Scrutineer exercising a right under Rule 4.25 for each official present where the ballot is being conducted.
- (b) In Rule 4.26(a)—  
**"official"** means—
  - (i) if the ballot is being conducted by the electoral commission—an electoral officer; or
  - (ii) if the ballot is not being conducted by the electoral commission—
    - A. the manager of the election; or
    - B. any other person appointed by the manager to exercise the manager's powers for the election.

#### **4.27 Initial scrutiny of Voting Material**

- (a) As soon as possible after the ballot finishes, the manager of the ballot must—
  - (i) seal the Ballot Box in a way that prevents Voting Material from being put in it; and
  - (ii) take the Ballot Box to the place where votes are to be counted.
- (b) The manager must then—
  - (i) unseal the Ballot Box; and
  - (ii) take out the Return Envelopes; and
  - (iii) open each Return Envelope and take out the ballot envelope and the voting declaration; and
  - (iv) examine the declaration and mark off the Voter's name on the Roll; and
  - (v) check the ballot number on the declaration against the ballot number marked against the Voter's name on the Roll; and
  - (vi) ensure the declaration is signed.
- (c) After complying with Rule 4.27(b), the manager must put the ballot envelopes in a container and the declarations into another container if satisfied—
  - (i) each declaration is signed; and
  - (ii) the ballot number on each declaration corresponds with the ballot number marked beside the Voter's name on the Roll.



- 
- (d) However, the manager must not put a ballot envelope or declaration in the containers mentioned in Rule 4.27(c) if—
    - (i) the manager reasonably believes the Voter to whom it was sent did not sign the declaration; or
    - (ii) the person named on the declaration is not the person to whom it was sent.
  - (e) Rule 4.27(d) does not apply if the manager is satisfied the person who filled in and signed the declaration—
    - (i) is a Voter; and
    - (ii) has not previously voted in the ballot; and
    - (iii) has a reasonable explanation for using someone else's ballot material.
  - (f) The manager must keep ballot envelopes and declarations excluded under Rule 4.27(d) separate from other ballot envelopes and declarations.
  - (g) A declaration is valid only if—
    - (i) it complies with Rule 4.27(c)(i) and (ii); and
    - (ii) Rule 4.27(d) does not apply.
  - (h) A valid declaration must be accepted as valid, and an invalid declaration must be rejected, by the manager.
  - (i) If a declaration is accepted as valid by the manager the manager must—
    - (i) note the acceptance of validity on the declaration; and
    - (ii) record the correct ballot number on the Roll against the name of the Voter who signed the declaration.
  - (j) After separating the ballot envelopes and declarations, the manager must, in the following order—
    - (i) seal the container holding declarations;
    - (ii) open the ballot envelopes not excluded under Rule 4.27(d) and take out the ballot papers;
    - (iii) 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 Rule 4.28(b)(v);
    - (iv) put all of the ballot papers in the Ballot Box.

#### **4.28 Counting votes**

- (a) To count votes the manager of the election must—
  - (i) admit the formal votes and reject the informal votes; and



- (ii) count the formal votes, and record the number for each Candidate; and
- (iii) count the informal votes.
- (b) A vote is informal only if—
  - (i) the ballot paper is not Initialled by the manager and the manager is not satisfied the paper is authentic; or
  - (ii) the ballot paper is marked in a way that allows the Voter to be identified; or
  - (iii) the ballot paper is not marked in a way that makes it clear how the Voter meant to vote; or
  - (iv) the ballot paper does not comply with a direction given under Rule 4.17(a)(iv); or
  - (v) the ballot paper was taken from a ballot envelope that contained another ballot paper for the office the election is for.

#### **4.29 Scrutineers' objections**

- (a) Before votes are counted, a Scrutineer may advise the manager that the Scrutineer considers an error has been made in conducting the ballot.
- (b) When votes are counted, a Scrutineer may—
  - (i) object to a ballot paper being admitted as formal or rejected as informal by the manager of the election; or
  - (ii) advise the manager of the election that the Scrutineer considers an error has been made in conducting the ballot or counting votes.
- (c) If a Scrutineer advises the manager under Rule 4.29(a) and (b)(ii), the manager must—
  - (i) decide whether the error has been made; and
  - (ii) if appropriate—direct action to correct or mitigate the error.
- (d) If a Scrutineer objects under Rule 4.29(b)(i), the manager must—
  - (i) decide whether the ballot paper is to be admitted or rejected; and
  - (ii) note the decision on the ballot paper and initial the note.

#### **4.30 Direction by manager to leave count**

The manager of the election 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.

#### **4.31 How result is decided**

- (a) The method of deciding the result of a ballot is by a first-past-the-post system.
- (b) If only 1 office of the same type is to be filled in an election, the Candidate with the most formal votes is elected.
- (c) 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.
- (d) This Rule is subject to Rules 4.32 and 4.33.

#### **4.32 What happens if votes for 2 or more Candidates are equal**

- (a) 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 of the election must decide which Candidate is elected by drawing lots.
- (b) A decision under Rule 4.32(a) must be made in the presence of any Scrutineer who wishes to attend.

#### **4.33 What happens if multiple nominee elected**

If a Candidate is elected to an office, other than as a Trustee, and the Candidate is also elected to a Higher Office, the manager of the election may only declare the Candidate elected to the Higher Office.

#### **4.34 Casual vacancies**

- (a) If an Officer's position becomes vacant for any reason, and the unexpired part of the term of office is:
  - (i) greater than twelve months before the next scheduled election is to be held for that position; or
  - (ii) less than twelve months before the next scheduled election is to be held, however, State Council resolves, in accordance with these Rules, to hold a by-election for that position; or
  - (iii) greater than three quarters ( $\frac{3}{4}$ ) of the total term,then a by-election is to be held in accordance with the process set out in these Rules and the Model Rules as if the reference to a by-election was an election.
- (b) If a by-election is not required by Rule 4.34(a), then the process outlined in Rule 4.35 will apply to fill the vacancy.
- (c) Where a by-election is to be held, State Council may appoint a person to fill the vacant position pending the declaration of the result of the by-election in accordance with Rule 4.35 below.
- (d) A person elected in a by-election shall serve the balance of the term of the position of the person being replaced, and will have the powers and duties commensurate with that position.

#### **4.35 Temporary absence**

- (a) A temporary absence may arise if an Officer is temporarily unable to perform their duties and/or attend meetings, including if an Officer's membership is suspended.
- (b) This Rule does not apply if Rule 4.34(a) applies and a by-election is required (except in the circumstances set out in rule 4.34(c)).
- (c) In the event of a temporary absence by an Officer other than the State President:
  - (i) State Council may appoint a suitable person to act in the Officer's position during their absence, on the terms and conditions determined by State Council;
  - (ii) subject to Rule 4.35(c)(iii), the appointed person will have the powers and duties commensurate with the Officer's position;
  - (iii) the appointed person cannot vote on behalf of the absent Officer unless Rule 12.2 applies; and
  - (iv) State Council retains all powers and discretion in relation to the temporary appointment, including its termination.
- (d) In the event of a temporary absence by the State President:
  - (i) the State Vice President will act in the State President's position during their absence, on the terms and conditions determined by State Council;
  - (ii) subject to Rule 4.35(d)(iii), the State Vice President will have the powers and duties commensurate with the position of State President;
  - (iii) the State Vice President cannot vote in any meetings on behalf of the State President, excepting that the State Vice President can still act as chairperson in the manner and circumstances set out in Rule 12.8;
  - (iv) State Council retains all powers and discretion in relation to the temporary appointment of the State Vice President to the State President's position, including its termination.

#### **4.36 Removal from office**

- (a) An Officer may be removed from office on the following grounds:
  - (i) if, in the reasonable opinion of State Council, the Officer has ceased to be eligible to hold the office; or
  - (ii) if, in the reasonable opinion of State Council, the Officer has been found guilty of:
    - A. misappropriation of the Union's property;
    - B. a substantial contravention of these Rules; or
    - C. gross misbehaviour or gross neglect of duty in the office.
- (b) The procedure for removing an Officer is as follows:



- (i) An allegation(s) against an Officer may be made by State Council if it is satisfied, in its reasonable opinion, there is evidence to substantiate the allegation(s).
  - (ii) An allegation(s) under this Rule shall be in writing, be clearly specified, and shall be signed by the State President or any three other Officers.
  - (iii) An allegation(s) under this Rule shall be heard and determined by a meeting of State Council as soon as practicable, however, at least fourteen days written notice of the date, time and place of such hearing shall be given to the Officer of the hearing. This notice may be waived by the Officer in writing. At such hearing the Officer will be given the opportunity to respond to the allegation(s).
  - (iv) State Council may proceed to hear and determine an allegation(s) notwithstanding the absence of the Officer if due notice of hearing has been given in accordance with these Rules. Further, such absence shall not invalidate any decision made.
  - (v) If the Officer is found guilty of the allegation(s) in the reasonable opinion of State Council, State Council may remove the Officer from office.
  - (vi) If the allegation(s) is not proven in the reasonable opinion of State Council, the allegation(s) must be dismissed.
  - (vii) There is no appeal from a decision of State Council in accordance with this Rule, other than in accordance with the Act.
- (c) For the purpose of this Rule, "guilty" shall mean where, in the reasonable opinion of State Council, the evidence more likely than not substantiates the allegation(s).

## **5. Executive Committee**

### **5.1 Composition of the Executive Committee**

The Executive Committee consists of the following Officers:

- (a) State President;
- (b) State Vice President;
- (c) State Secretary; and
- (d) State Treasurer.

### **5.2 Powers and duties of the State President**

- (a) The powers and duties of the State President include (but are not limited to):
  - (i) chairing all meetings of State Conference, State Council and the Executive Committee;
  - (ii) ensuring that all business required to be carried out before these meetings is carried out in a proper and expeditious manner in accordance with any Standing Orders and these Rules;





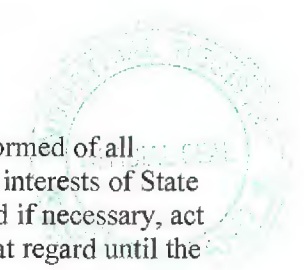
- (iii) signing the minutes of the preceding meeting when satisfied they are correct; and
  - (iv) certifying all accounts passed for payment as within his/her authority.
- (b) State Council may advise other powers and duties of the State President from time to time.
- (c) The State President may authorise the other Officers to perform some of their duties and powers by delegation, however, the Officer remains at all times responsible for the exercise of the powers and functions of their position howsoever performed.

### **5.3 Powers and duties of the State Vice President**

- (a) The powers and duties of the State Vice President include (but are not limited to):
  - (i) assisting the State President in his/her official duties;
  - (ii) keeping or causing to be kept by the Union a Register of Members and Officers' Register in accordance with the Act and these Rules; and
  - (iii) arranging for the Officers' Register to be filed as required by the Act.
- (b) State Council may advise other powers and duties of the State Vice President from time to time.

### **5.4 Powers and duties of the State Secretary**

- (a) The State Secretary is the chief administrative officer of the Union.
- (b) The State Secretary's powers and duties include (but are not limited to):
  - (i) controlling and managing the office and any employees of the Union;
  - (ii) keeping or causing to be kept and having charge of the records of the Union, including all official correspondence that is received and distributed as a part of these duties;
  - (iii) conducting correspondence on behalf of the Union;
  - (iv) ensuring that the necessary administrative arrangements are made for the meetings of State Conference, State Council and the Executive Committee, including the preparation and distribution of all notices, agendas and minutes in consultation with the State President;
  - (v) ensuring that the auditor appointed in accordance with Rule 13.5 is given notice of relevant State Conference meetings;
  - (vi) preparing and furnishing all returns, statements, declarations and any other document or report required by law (unless delegated to another Officer by these Rules);
  - (vii) having authority to represent or arranging for the representation of the Union or a Member or Members before all courts of law, industrial tribunals, statutory tribunals, inquiries and the like;



- (viii) as deemed appropriate, keeping the State President informed of all information coming to his/her knowledge affecting the interests of State Council, the Executive Committee or the Members, and if necessary, act in accordance with the State President's direction in that regard until the matter is reported to State Council;
  - (ix) attending meetings of State Conference, State Council and the Executive Committee and keeping or causing to be kept a record of the proceedings of such meetings; and
  - (x) having responsibility for providing notifications to the Queensland Industrial Relations Commission as may be required from time to time by the Act (unless delegated to another Officer by these Rules).
- (c) State Council may advise other powers and duties of the State Secretary from time to time.

## **5.5 Powers and duties of the State Treasurer**

- (a) The State Treasurer's powers and duties include (but are not limited to):
- (i) receiving all monies on behalf of the Union and depositing same to the Union's credit in an approved bank or financial institution;
  - (ii) presenting statements of account issued by financial institutions in relation to the Union's accounts at each State Conference, State Council and Executive Committee meeting;
  - (iii) preparing the accounts and other statements as prescribed by the Act for each financial year, and submitting to each meeting of State Conference, State Council and the Executive Committee a statement of accounts (as current);
  - (iv) keeping or causing to be kept accounting records as required by the Act;
  - (v) appointing an auditor in accordance with Rule 13.5(b);
  - (vi) providing assistance to the auditor to enable the auditor to complete its audit report within the required time;
  - (vii) arranging for a copy of the audit report and relevant accounts as prescribed by the Act to be available to the Members at least 28 days before State Conference;
  - (viii) presenting the audit report and relevant accounts as prescribed by the Act to State Conference;
  - (ix) ensuring that a copy of the audit report and relevant accounts and other documentation as prescribed by the Act are filed within 14 days after presented to State Conference; and
  - (x) undertaking such other tasks as required to ensure the Union complies with its accounting and audit obligations in these Rules and the Act.
- (b) State Council may advise other powers and duties of the State Treasurer from time to time.



## **5.6 Powers and duties of the Executive Committee**

- (a) In addition to any specific powers set out in these Rules, the Executive Committee has the following powers only:
  - (i) implementing resolutions of State Conference and/or State Council, including presenting the members viewpoints and decisions when representing the Union;
  - (ii) acting as a finance committee with decision making authority within the financial parameters set by these Rules;
  - (iii) acting as an industrial committee for the conduct of campaigns arising out of decisions of State Conference and/or State Council;
  - (iv) making recommendations to the membership, State Conference and/or State Council on all matters affecting the Union and its Members; and
  - (v) administering the proper functioning of the Union between State Conference and State Council meetings.

## **5.7 Meetings of the Executive Committee**

- (a) The Executive Committee shall meet at least twice per year at a time and place determined by the State President.
- (b) All Executive Committee members shall be given three days prior notice of each Executive Committee meeting.
- (c) Executive Committee members may raise items from the floor of the meeting if not covered on the agenda.

## **6. Branch Councillors and branch meetings**

### **6.1 Branches**

- (a) There are separate Branches of the Union for each region of the QFRS (provided that for the purpose of these Rules State Headquarters of the QFRS, including Whyte Island Training Facility, shall be deemed to be a separate region).
- (b) The Branches are:
  - (i) Far Northern Branch;
  - (ii) Northern Branch;
  - (iii) Central Branch;
  - (iv) North Coast Branch;
  - (v) South Western Branch;
  - (vi) Brisbane Branch;
  - (vii) South Eastern Branch; and

- (viii) State Headquarters Branch (including the Whyte Island Training Facility).
- (c) Branch Councillors will be elected to represent each of the Branches in Rule 6.1(b).



## **6.2 Powers and duties of Branch Councillors**

- (a) The powers and duties of the Branch Councillors include (but are not limited to):
- (i) represent the Members within their Branch in all matters that are in accordance with the objectives of these Rules;
  - (ii) be a member of State Council and attend, as reasonably as can be expected, all State Council meetings;
  - (iii) distribute information forwarded from the Executive Committee and State Council;
  - (iv) as applicable, implement the resolutions of State Council and the Executive Committee within their respective Branches;
  - (v) represent the interests of Members within their Branch at State Council meetings.
- (b) State Council may advise other powers and duties of the Branch Councillors from time to time.

## **6.3 Branch meetings**

In addition to any specific powers set out in these Rules, any Branch meeting has the following powers only:

- (a) provide input to the business of the Union by resolution in accordance with these Rules on issues as they arise, and in accordance with the objectives of these Rules; and
- (b) implement the resolutions of State Conference, State Council and the Executive Committee.

## **7. State Council**

### **7.1 Composition of State Council**


State Council is comprised of:

- (a) Officers of the Executive Committee; and
- (b) Branch Councillors.

### **7.2 Powers and duties of State Council**

- (a) State Council makes decisions in relation to the daily operation of the Union necessary for the everyday activities and function of the Union.



- 
- (b) The resolutions of State Council will be in accordance with the operational and strategic direction made at State Conference, including presenting the members viewpoints when representing the Union.

### **7.3 Meetings of State Council**

- (a) State Council shall meet at least once each calendar year at a time determined by the Executive Committee.
- (b) State Council may meet more frequently as determined by a preceding meeting of State Council or by resolution of the Executive Committee.
- (c) Where possible, every second State Council meeting is to be conducted at a venue in a different regional centre, country centre or Branch. The State President shall decide the location of every second State Council meeting.
- (d) All State Council Officers shall be given fourteen days notice of the venue, date and time of State Council meetings.
- (e) In addition to matters submitted by the Executive Committee, the State Secretary may include in the agenda for State Council meetings all matters he/she deems necessary.
- (f) State Council Officers may raise items from the floor of the meeting if not covered on the agenda.

## **8. State Conference**

### **8.1 Composition of State Conference**

All Members and Officers are invited to attend State Conference meetings.

### **8.2 Powers and duties of State Conference**

State Conference is responsible for the making of all substantive, operational, strategic and ideological decisions to ensure the efficient and effective management of the Union.

### **8.3 Meetings of State Conference**

- (a) State Conference shall meet at least once each calendar year, before 30 April, at a time and place determined by the Executive Committee.
- (b) The Executive Committee may also resolve, in its discretion, that another State Conference meeting be held throughout the calendar year, at a time and place determined by the Executive Committee.
- (c) All Officers shall be given 4 weeks notice of the venue, date and time of State Conference. It is the responsibility of all Branch Councillors to notify the Members within their Branch.
- (d) Branch Councillors are invited to forward agenda items to the State Secretary not later than 2 weeks prior to State Conference.
- (e) The Executive Committee may submit items for the agenda and is also responsible for:





- (i) prioritising the agenda items; and
  - (ii) forwarding a copy of the agenda to each Member not later than 1 week prior to State Conference.
- (f) Between State Conferences the affairs of the Union shall be conducted by the State Council and the Executive Committee.

#### **8.4 Conduct at State Conference**

The following business may be conducted at State Conference:

- (a) confirmation of the minutes of the previous State Conference;
- (b) presentation of the State President's report;
- (c) presentation of the balance sheet, statements of account and the auditor's report;
- (d) recording the result of any election of Officers; and
- (e) attending to general business.

### **9. Administrative appointments**

- (a) The Executive Committee may, from time to time, appoint a person or persons to assist an Officer in performing their powers and duties under these Rules.
- (b) Any person appointed pursuant to Rule 9(a) is not an Officer.
- (c) The duties, duration of appointment and remuneration (if any) is as determined by the Executive Committee.

### **10. Appointment of external service providers**

- (a) The Executive Committee may appoint or engage one or more persons or entities to provide services to the Union and/or its Members as required from time to time.
- (b) If the external service provider's fees may be in excess of \$20,000, the approval of State Council is required prior to the appointment.

### **11. New Officer positions**

Any new Officer position(s) will be in accordance with these Rules and the Act.

### **12. Meetings - General**

#### **12.1 Quorum**

The following table shows the required quorum for each meeting:

<b>State Conference</b>	15 Financial Members (which must include the State President and one other Officer of the Executive Committee)
<b>Branch Meetings</b>	Branch Councillor plus 50% of the Financial Members of that Branch

<b>State Council Meetings</b>	4 Branch Councillors and 2 Officers of the Executive Committee
<b>Executive Committee Meetings</b>	3 Officers of the Executive Committee



## 12.2 Proxies

- (a) Subject to these Rules, a Financial Member, other than an Officer of the Executive Committee, may appoint a person to act as their proxy in the absence of that Member from a meeting.
- (b) Branch Councillors may only appoint a proxy to attend State Council meetings on their behalf.
- (c) The proxy must be a current Financial Member of the Union.
- (d) An authorised proxy has the voting rights of the Financial Member they are replacing.
- (e) The Financial Member appointing the proxy must notify the State Secretary, at least the day before the meeting, in writing and signed by the Financial Member, of:
  - (i) the Financial Member's name,
  - (ii) the name of the person they are appointing as their proxy; and
  - (iii) the period of the appointment.
- (f) A Member may revoke the appointment of a proxy by written signed notice to the State Secretary, which takes effect when it is received by the State Secretary at the registered office.
- (g) To remove any doubt, a proxy is to be included as part of the quorum for the relevant meeting.

## 12.3 Standing Orders

The conduct and order of business at the Union's meetings may be guided by any Standing Orders made by State Council from time to time.

## 12.4 Resolutions

- (a) A resolution of any meeting of the Union will be valid if:
  - (i) the required quorum for the meeting, as set out in Rule 12.1 is present; and
  - (ii) it has been approved by a simple majority (being 50% plus one) of the Financial Members present (in person, by postal vote or by proxy) and voting.
- (b) If the Rules require the approval by a meeting of the Union, then this means a resolution of that meeting in accordance with this Rule.

- (c) State Council or State Conference may amend any part of these Rules, or create new Rules, in accordance with Rule 12.4(a) above.



## **12.5 Voting by show of hands**

- (a) Subject to Rule 12.7, a resolution put to the vote at any meeting of the Union is decided by a show of hands.
- (b) The State President must count the number of votes for and against the resolution and direct the State Secretary to record the result in the minutes of meeting.

## **12.6 Postal vote**

- (a) A Financial Member, including an Officer, may make arrangements with the State Secretary to vote on a resolution by postal vote in anticipation of the Financial Member's absence from a future meeting.
- (b) This Rule does not apply if a proxy is appointed in accordance with Rule 12.2.

## **12.7 Secret postal ballot**

- (a) The Executive Committee may determine that a resolution of a future meeting of the Union is to be put to the Financial Members by a secret postal ballot.
- (b) Subject to Rule 12.7(c), the State Secretary has responsibility for co-ordinating the secret postal ballot.
- (c) The result of the secret postal ballot is to be determined in accordance with Rule 12.4(a) as if the Financial Members were present and voting at the future meeting.
- (d) The result of the secret postal ballot will be announced at the future meeting when held, and will be recorded in the minutes as a resolution of that meeting.

## **12.8 Chairperson of meetings**

- (a) The chairperson for all meetings is the State President.
- (b) In the event of the State President's absence, the State Vice President may act as chairperson.
- (c) Where necessary, the chairperson has a casting vote in addition to their vote.

## **12.9 Committees and subcommittees**

- (a) The Executive Committee or State Council may establish committees or subcommittees to help carry out their functions.
- (b) The Executive Committee or State Council, as appropriate, may make such rules (and may amend, repeal or substitute such rules from time to time) as it considers appropriate in relation to a committee or subcommittee, including but not limited to:
- (i) the functions and powers of a committee or subcommittee;
  - (ii) the tenure of representatives on a committee or subcommittee;
  - (iii) the conduct of meetings (including the frequency and how meetings are called); and

- (iv) how Members may participate in activities or meetings of committees or subcommittees.

## **13. Miscellaneous**

### **13.1 Funds and Profits of the Union**

- (a) The Executive Committee may determine, by resolution, to retain all or part of the surplus, if any, arising in a year from the business of the Union to be applied for the benefit of the Union.
- (b) The Union must not make donations, grants or loans totalling more than \$1,000 to the same person unless State Council:
  - (i) has approved the payment directly or by delegation;
  - (ii) is satisfied the payment is not otherwise prohibited under these Rules; and
  - (iii) in the case of a loan, the security provided for the loan is sufficient and the proposed arrangements to repay the loan are satisfactory.

#### **13.1A Expenditure for Political Purposes**

Any expenditure for a Political Purpose for a Political Object must comply with the requirements prescribed by the Act.

### **13.2 Control of Property and investment of funds**

Subject to Rule 13.12:

- (a) Control of the Union's property, and investment of its funds, is the responsibility of State Council.
- (b) Approval by State Council is required to:
  - (i) sell or otherwise divest any property of the Union with a value of \$20,000 or more; or
  - (ii) invest any Union funds.

### **13.3 Conditions for spending Union funds**

- (a) All expenditure in excess of \$20,000 must be approved by State Council.
- (b) All expenditure with a value of \$20,000 or less may be authorised by the Executive Committee.

#### **13.3A Financial policies**

- (a) The Union must have financial policies as prescribed by the Act.
- (b) Any expenditure must comply with the financial policies.



### **13.4 Union Cheque Account**

The following persons are authorised to execute cheques on behalf of the Union:

- (a) any 2 Officers of the Executive Committee; or
- (b) by resolution of State Council, a Branch Councillor and an Officer of the Executive Committee.

### **13.5 Accounts, audit and records**

- (a) Consistent with Rule 5.5, the State Treasurer has the responsibility of ensuring that the Union complies with its accounting and audit obligations as set out in these Rules and the Act.
- (b) An auditor qualified to the standard required by the Act may be appointed by the State Treasurer.
- (c) In accordance with the provisions of the Act, the Union's accounts will be audited and an audit report prepared within 4 months of the close of the Union's financial year.
- (d) The financial year of the Union shall close on the thirty-first day of October.

### **13.6 Remuneration of Officers**

Subject to these Rules, the remuneration of any Officer or representative of the Union shall be determined by State Council and reviewed annually at a State Council meeting.

### **13.7 Seal and execution of documents**

- (a) The common seal of the Union shall be kept in such safe custody as determined by State Council.
- (b) The Union may execute a document by affixing the common seal to the document where the fixing of the common seal is witnessed by the State President or State Secretary in the presence of any two other Officers of the Executive Committee.
- (c) The common seal is not required for documents of a non-contractual nature such as:
  - (i) newsletters;
  - (ii) internal correspondence;
  - (iii) correspondence to industrial or government bodies, or stakeholders; or
  - (iv) minutes of meeting, meeting notices and agendas.
- (d) Despite Rule 13.7(c), if a document does not require a common seal, it must still be signed by an Officer of the Union.
- (e) Unless otherwise stated in these Rules, any member of the Executive Committee may sign documents on behalf of State Council and the Executive Committee.





### **13.8 Policy**

- (a) All policy decided by the Union in accordance with these Rules is, until such time as it is rescinded, in whole or in part, binding on all Members in their official communication with any persons or on behalf of or as an Officer of the Union.
- (b) Provided that the Union's policy shall not be binding on a Member until such time as it is communicated whether through minutes of meeting, letter, newsletter, circular, magazine or other means.

### **13.9 Officers' Register**

- (a) The Union must, for each year, keep a written Officers' Register stating who is or was an Officer of the Union during the whole or part of the year.
- (b) The Officers' Register shall record for each person who is or was an Officer of the Union during the whole or part of the year for which the register is kept the person's name and address, each office the person holds or held, the day the person was elected or appointed to each office, and if a person ceased or ceases to hold an office, the day the office holding ceases or ceased.

### **13.10 Inspection of Union's Records**

- (a) The Register of Members and the Officers Register are available for inspection during business hours in accordance with the Act.
- (b) All other records, including accounting and audit records, are available for inspection as required by law.

### **13.11 Forms of the Union**

Standard forms may be made or amended from time to time, subject to approval from the Executive Committee, including in relation to:

- (a) application for membership of the Union;
- (b) authority for payroll deductions of membership fees and/or levies;
- (c) resignation from the Union;
- (d) proxies; and
- (e) postal votes.

### **13.12 Dissolution**

In the event of the Union dissolving, all of the funds and property of the Union, either real or personal, shall be disposed of in accordance with the decision of the Executive Committee.

### **13.13 Disputes**

Upon State Council determining the existence or likelihood of an industrial dispute (within the meaning of the Act), the State Secretary is to notify the Queensland Industrial Relations Commission of the industrial dispute in the manner and form prescribed by the Act.

## Schedule 1 - Definitions and interpretation

### 1. Definitions

"**Act**" means the *Industrial Relations Act 1999*, the *Industrial Relations Regulation 2000* and the *Industrial Relations (Tribunal) Rules 2000*, as amended from time to time.

"**Association**" means the Queensland Fire and Rescue - Senior Officers Union of Employees.

"**Association Council**" shall mean the Union.

"**Ballot Box**" means a ballot box kept under Rule 4.18.

"**Branch**" means the separate branches of the Union set out in Rule 6.1(b).

"**Branch Councillor**" is a person who is elected to represent a Branch as set out in Rule 6.1(c).

"**Candidate**", for an election, means a person—

- (a) who has nominated as a candidate for the office the election is about; and
- (b) whose nomination has been accepted under Rule 4.9(c); and
- (c) whose nomination has not been withdrawn.

"**Commissioner**" means the Commissioner of the Queensland Fire & Rescue Service, from time to time.

"**Eligible Member**" means:

- (a) in the case of a nomination for an Officer's position, a person who meets the criteria in Rule 4.3; and/or
- (b) in the case of a vote for an Officer's position, means a person who meets the criteria in Rule 4.4.

"**Financial Member**" is defined in Rule 3.10.

"**Higher Office**" means—

- (a) for the office of assistant State Secretary, if the position exists—the office of State Secretary, State Vice President or State President; or
- (b) for the office of State Secretary—the office of State Vice President or State President; or
- (c) for the office of State Vice President—the office of State President.

"**Initialled**" by the manager of an election includes being marked with a facsimile of the manager's initials.

"**Member**" means a person who meets the eligibility criteria set out in Rules 3.1, 3.2 or 3.2 and whose Application for membership has been accepted by State Council.

"**Non-Financial Member**" is defined in Rule 3.11.



**"Officer"** is defined in Rule 4.1.

**"Officers' Register"** means the register that must be maintained by the Union as referred to in Rule 13.9.

**"Political Object"** has the same meaning as it has pursuant to the Act.

**"Political Purpose"** has the same meaning as it has pursuant to the Act.

**"QFRS"** means the Queensland Fire & Rescue Service, as that entity is known from time to time.

**"Register of Members"** means the register that must be maintained by the Union as referred to in Rule 3.13.

**"Return Envelope"** has the meaning set out in Rule 4.17(a)(ii).

**"Roll"**, for an election, means the roll of Voters prepared for the election under Rule 4.13.

**"Scrutineer"** means—

- (a) a Candidate who acts personally as a scrutineer; or
- (b) a person appointed as a scrutineer for a Candidate under Rule 4.24.

**"Rules"** means these rules of the Union.

**"Trustee"** means the office of a person holding, whether as trustee or otherwise, property—

- (a) of the Union; or
- (b) that the Union has a beneficial interest in.

**"Standing Orders"** has the meaning set out in Rule 12.3.

**"State Council"** includes the Council and the Association Council.

**"Union"** means the Queensland Fire and Rescue - Senior Officers Union of Employees.

**"Voter"** means a person—

- (a) who is an Eligible Member; and
- (b) whose name is on the Roll under Rule 4.13.

**"Voting Material"** has the meaning set out in Rule 4.17(a).

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## **2. Interpretation**

### **2.1 References to legislation and these Rules**

A reference to:

- (a) any legislation includes any regulation or instrument made under it, and where amended, re-enacted or repealed means that amended, re-enacted or replacement legislation; or

- 
- (b) these Rules, where amended, means these Rules as so amended.

## **2.2 Presumptions of interpretation**

Unless the context otherwise requires, a word which denotes:

- (a) the singular denotes the plural and vice versa;
- (b) any gender denotes the other gender; and/or
- (c) a person denotes an individual and/or a body corporate,

and, where a word or phrase is given a defined meaning, any other part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.

## **2.3 References to time of day**

Unless the context requires otherwise, a reference to a time of day means that time of day in Queensland.

## **2.4 Meaning of periods of time**

For the purposes of determining the length of a period (but not its commencement) a reference to:

- (a) a day means a period of time commencing at midnight and ending 24 hours later; and
- (b) a month means a calendar month with the period commencing at the beginning of a day of one of the 12 months of the year and ending immediately before the beginning of the corresponding day of the next month or, if there is no such corresponding day, ending at the expiration of that next month.