

Constitution, Rules, and Standing Orders

As amended by
ACTU Congress 2021



ACTU CONSTITUTION, RULES AND STANDING ORDERS

As amended at ACTU Congress 2021

CONTENTS

1. CONSTITUTION	3
2. OBJECTS	3
3. ACTU MEMBERSHIP.....	4
4. CONGRESS.....	4
5. CONGRESS COMPOSITION.....	4
6. CONGRESS VOTING ENTITLEMENTS	5
7. CONGRESS MEETINGS	5
8. BUSINESS OF ORDINARY CONGRESS.....	5
9. SPECIAL MEETING OF CONGRESS.....	6
10. BRANCHES.....	7
11. THE EXECUTIVE	7
12. EXECUTIVE POWERS.....	7
13. EXECUTIVE WEIGHTED VOTE.....	8
14. EXECUTIVE MEETINGS	8
15. OFFICERS.....	8
16. UNION MEMBERS ON THE EXECUTIVE	10
17. YOUTH AND ABORIGINAL AND TORRES STRAIT ISLANDER MEMBERS ON THE EXECUTIVE	12
18. CASUAL VACANCIES ON EXECUTIVE.....	13
19. OTHER MEETINGS	14
20. INDUSTRIAL DISPUTES	15
21. FEES AND LEVIES	15
22. FUNDS	16
23. AUDIT AND AUDITOR.....	16
24. RETURNING OFFICER.....	16
25. RECOGNITION OF SPECIAL SERVICE.....	16
26. STANDING ORDERS.....	17
SCHEDULE 1 – AFFILIATION FEES.....	20

1. CONSTITUTION

- 1.1 The Australian Council of Trade Unions (ACTU) is a non-profit unincorporated association that acts as the peak body of for Australian Unions. It shall be the body to speak on behalf of Australian unions as a whole.

2. OBJECTS

The objects of the ACTU shall be:

- (a) To provide democratic leadership for Australian unions, their members, and working Australians and their families;
- (b) To achieve the socialisation of industry, ie. production, distribution, and exchange;
- (c) To achieve the complete and effective organisation of the Australian workforce through unions;
- (d) To take all appropriate measures necessary to grow union membership, and to promote the right for workers to join, have access to, and be represented by their union including through collective bargaining, industrial action, and consultation.
- (e) To ensure Australian resources are used for the benefit of the people – to maintain full employment, establish equitable and improving standards of living for present and past members of the work-force which rise with increasing output and changing living costs, provide work and life balance and full opportunities for the development of the talents and capacities of the individual.
- (f) To take all appropriate measures necessary to ensure secure jobs and income in decent employment that includes: fair wages and working conditions; safe and healthy workplaces free from harrassment, intimidation, violence and discrimination; quality jobs with career paths; reasonable hours of work; protection from unfair treatment; and equal levels of remuneration and benefits for all workers with similar skills, responsibilities and roles.
- (g) To promote secure and adequate retirement incomes for Australian workers.
- (h) To engage with community groups and take all other appropriate measures to achieve the political objectives of the ACTU, affiliates, union members and workers; including taking political action to secure where appropriate, legislative implementation of the declared policies of the ACTU.
- (i) To facilitate and promote union education, training, skills and the sharing of union resources to grow union membership and advance the skills of union representatives and officials.
- (j) To promote equal opportunity in access and outcome of public services such as education, healthcare, income and family support, and targeted support for those in need, including the unemployed.
- (k) To advance the rights of Aboriginal and Torres Strait Islanders, recognise their status as Australia's first peoples and respect their cultures and relationship with the land.
- (l) Support diversity and tolerance and take all measures necessary to prevent discrimination in any form.
- (m) To coordinate industrial disputes and campaigns where it is determined appropriate by the Officers and/or Executive.

- (n) To assist and promote the rationalisation of trade union coverage through amalgamation and other means available. To resolve demarcation disputes in the interests of affiliated unions and their members.
- (o) To work with other organisations in the community to achieve these objects.
- (p) To do all such other acts and things as are incidental to or in any way relate to the carrying out of the above objects.

3. ACTU MEMBERSHIP

3.1 The Australian Council of Trade Unions shall be constituted by the following ACTU Members:

- (i) Affiliated unions as recognised by the ACTU Congress or Executive;
- (ii) State Branches of the ACTU being the Trades and Labour Councils from New South Wales, Queensland, South Australia, Tasmania, Western Australia and Victoria;
- (iii) Provincial/Regional Trades and Labour Council as recognised by the ACTU Congress or Executive (provided that such council is officially recognised by the relevant State Branch of the ACTU) and Territorial Trades and Labour Council as recognised by the ACTU Congress or Executive.

4. CONGRESS

4.1 There shall be a Congress of the Australian Council of Trade Unions which shall be the supreme governing body of Australian unions. Its decisions shall be binding on all ACTU Members. Congress shall have power to alter, amend and rescind these Rules or to adopt new Rules.

5. CONGRESS COMPOSITION

5.1 Congress shall consist of –

- (i) Delegates from affiliated unions – two (2) delegates from each two thousand five hundred (2,500) members of part thereof, calculated in accordance with Rule 6.3.
- (ii) Two (2) delegates from each State Branch of the ACTU.
- (iii) One (1) delegate from each Provincial/Regional, and each Territorial Trades and Labour Council, recognised in accordance with Rule 3.1. Provided that in the case of any Provincial/Regional Trades and Labour Council the relevant State Branch has confirmed such recognition to the ACTU not later than 6 weeks prior to the meeting of Congress.
- (iv) The Full-time Officers.
- (v) Members of the Executive (other than the full-time Officers) provided that, if not credentialed delegates to Congress, they shall have the right to speak but not to vote or stand for election.

5.2 Delegates from affiliated unions to Congress must be members of the union which they represent.

5.3 Each affiliated union is required to make every effort to ensure that its Congress delegation is representative of the membership of that union in respect of men, women, young, Aboriginal and Torres Strait Islander peoples, and non-English speaking background members.

6. CONGRESS VOTING ENTITLEMENTS

- 6.1 Subject to this Rule each delegate to Congress and each full-time Officer shall have one vote only.
- 6.2 Affiliated unions will be accredited by the Executive with the number of delegates to which they are entitled.
- 6.3 The number of delegates to which an affiliated union is entitled under Rule 5.1 shall be calculated:
- (i) be reference to the payment of annual affiliation fees quarterly in advance as required by Rule 21.3, and
 - (ii) On the total membership of that union on the last day of the third such quarter preceding the quarter in which the ordinary Congress is held.
- 6.4 **Plural Voting System**
- Instead of having each of its delegates exercise one vote each a union may authorise one or more of its delegates to exercise up to four votes, being votes that would otherwise be exercised by individual delegates from that union (a plural voting system). Such an authorisation must be advised in writing to the Secretary of the ACTU at the time the union nominates its delegates to Congress specifying by name which delegate is to exercise which number of delegate votes.
- 6.5 The Secretary of the ACTU shall then issue to each such named delegate an identification card specifying the number of delegate votes (a voting card) and, when an election is to be held, the number of election ballot papers to which that delegate is entitled.
- 6.6 No delegate may exercise more than four (4) votes.
- 6.7 Where two or more affiliated unions amalgamate the voting rights for the amalgamated union shall be calculated through the application of Rule 5.1(i) to the membership of the amalgamated union.
- 6.8 No union shall be entitled to representation and voting at Congress unless affiliation fees and any levy has been paid in accordance with Rule 21 and the union is financial in accordance with that Rule.
- 6.9 To be eligible to representation and voting at ordinary Congress a union seeking affiliate with the ACTU in any ordinary Congress year must lodge such application with the ACTU Secretary no later than six weeks before the commencement of that meetings of ordinary Congress. The Executive shall determine that application.

7. CONGRESS MEETINGS

- 7.1 The ordinary meeting of Congress shall be held every third year at a time and place to be determined by the Executive. A special meeting of Congress may be held under Rule 9.
- 7.2 A quorum at any meeting of Congress shall be the majority of the sum of the number of votes entitled to be cast at that meeting under Rule 6.
- 7.3 Voting on all questions other than elections shall be by show of hands. Delegates who are exercising two, three, or four votes or division shall so indicate by raising their voting cards in their hands.
- 7.4 Voting in elections at ordinary Congress shall be by secret ballot and conducted in accordance with Rule 24.

8. BUSINESS OF ORDINARY CONGRESS

- 8.1 The Order of Business at ordinary Congress shall be –

- (i) Reception of credentials
- (ii) Reception of agenda
- (iii) Consideration of procedural matters and standing orders
- (iv) Consideration and decision on items on the agenda
- (v) Consideration and decision on other items as submitted by Executive and/or affiliated unions
- (vi) Appointment of Returning Officer and Deputy Returning Officer
- (vii) Elections
- (viii) General Business

8.2 The Agenda of Ordinary Congress

- (i) Items for consideration of ordinary Congress may be submitted by any ACTU Member not later than three months prior to the date fixed for ordinary Congress, or any lesser period determined by the Executive.
- (ii) The Agenda Paper shall be determined by the Executive and shall be forwarded to ACTU Members before Congress is held.
- (iii) Agenda items may be submitted for the consideration of ordinary Congress by the Executive in the form of a supplementary agenda.
- (iv) Ordinary Congress may decide at its meeting to add items to the agenda. Such a decision must be made at least 24 hours before the time fixed for Congress to consider that item.
- (v) Ordinary Congress may decide at any time to adopt a recommendation of the Executive to consider new business as an agenda item.

9. SPECIAL MEETING OF CONGRESS

9.1 Special meetings of Congress shall be held whenever called for by:

- (i) A decision of the Executive; or
- (ii) A written resolution to deal with a specific matter or matters supported in writing by a majority of Branches to deal with that specific matter or matters; or
- (iii) A written resolution to deal with a specific matter or matters supported in writing by affiliated unions who at the time of the Secretary's receipt of such written support:
 - (a) are entitled to representation and voting rights under Rule 6 as though ordinary Congress is then meeting; and
 - (b) whose combined total membership as at the last meeting of ordinary Congress was at least one third of the total membership of all affiliated unions who are so entitled.

9.2 A special Congress shall only deal with the specific matter or matters for which it is held in accordance with Rule 9 and such other businesses as may be referred to it by the Executive.

9.3 The Executive shall determine the time and place for the holding of a special Congress and the Secretary shall advise all ACTU Members forthwith of the business to be dealt with by the special Congress.

10. BRANCHES

- 10.1 The State Branches shall be Trades and Labour Council from New South Wales, Queensland, South Australia, Tasmania, Western Australia and Victoria.
- 10.2 Where any conflict occurs between the Rules of State Branches and the ACTU Rules, the ACTU Rules shall prevail.
- 10.3 A State Branch shall have power inter alia to deal with business submitted to it by any Provincial/Regional Council or affiliate organisation, intervene in any dispute within the province of the State, and to deal with all industrial matters of an intra State character.
- 10.4 Decisions of Congress and Executive shall be binding on State Branches.

11. THE EXECUTIVE

- 11.1 The Executive shall consist of –
- (i) the Officers;
 - (ii) six delegates, one to be appointed by and from each of the ACTU State Branches, provided that in the event of a delegate from one of the State branches being unable to attend an Executive meeting the State Branch concerned shall have the authority to appoint a proxy delegate for such meetings as the regular delegate is unable to attend;
 - (iii) a representative of each affiliated union having more than 8,000 affiliated members appointed in accordance with Rule 16.1;
 - (iv) a Small Unions member representing affiliated unions with less than 8,000 affiliated members elected in accordance with Rule 16.7;
 - (v) two Affirmative Action members – one representing Aboriginal and Torres Strait Islander unionists and one representing young unionists – elected in accordance with Rule 17; and
 - (vi) women members appointed in accordance with Rule 16.2

12. EXECUTIVE POWERS

- 12.1 Subject to these Rules the Executive shall have all the powers of Congress other than the power to alter, amend and rescind these Rules or to adopt new Rules. Its powers shall include the power to:
- (i) make and alter policy between Congresses;
 - (ii) review and if necessary, alter the level and method of payment or affiliation fees and to set levies;
 - (iii) initiate and deal with all matters affecting the interests of Australian unions as a whole;
 - (iv) deal with business submitted to it by any ACTU Member; and
 - (v) determine to intervene in any dispute or participate in any campaign in the interest of Australian unions and working people.
- 12.2 Decisions of the Executive shall be binding on all ACTU Members.

13. EXECUTIVE WEIGHTED VOTE

13.1 Any two (2) Executive members who have a right to vote may request that a matter for decision of Executive be made in accordance with the “weighted voting procedure”.

When such a request is made the decision of Executive shall be determined accordingly:

- (i) For the purposes of this Rule the “weighted voting procedure” shall mean that each union represented on the Executive shall be entitled to cast as many votes as that union was entitled to cast at the preceding ordinary Congress.
 - (ii) Each union’s votes shall be cast by the National Secretary (or equivalent office holder by whatever title) of the union concerned if that person is a member of the Executive and present at the meeting, otherwise the union concerned shall advise the Secretary which of its Executive members or proxies shall cast its votes.
 - (iii) In this Rule a proxy for any member of the Executive shall be entitled to the votes that the member would be entitled to cast if that person was not present.
- 13.2 The Small Unions’ Executive member shall be entitled to cast as many votes as the sum of the votes small unions were entitled to cast at the preceding ordinary Congress.
- 13.3 All other Executive members who are not union representatives and have a right to vote on the Executive shall be entitled to cast one vote.
- 13.4 A simple majority of all votes cast shall decide the issue the subject of the vote.

14. EXECUTIVE MEETINGS

- 14.1
- (i) Meetings of the Executive may be called by the Executive or by the President and/or Secretary.
 - (ii) When no date has been fixed for a meeting of the Executive the President and/or Secretary shall fix a date. In case of neglect of either the Executive or the President and Secretary to do so a simple majority of the members of the Executive may require a meeting to be held on a date it determines. Such an Executive decision shall be made by the requisite simple majority of the Executive so determining in writing.
 - (iii) The quorum for Executive meetings shall be a majority of the total number of its members who are entitled to vote.
 - (iv) The Agenda and associated papers for Executive meetings shall be circulated to all Executive members in a reasonable period before the meeting and all proposed resolutions shall be circulated prior to the meeting unless the Executive determines otherwise.
 - (v) Meetings, ballots and votes of the Executive may be held in physical, telephonic, facsimile, electronic, postal or such other form as is determined appropriate at the time the meeting is called. The Officers authorised by these Rules to call the meeting will be responsible for determining the meeting’s form.

15. OFFICERS

15.1 The Officers of the ACTU are the full-time Officers, the Senior Vice-President and seven Vice-Presidents.

15.2 Full-time Officers –

- (i) The Full-time Officers of the ACTU are the President, Secretary and two Assistant Secretaries.

- (ii) The Full-time Officers once elected shall be employed on a full-time basis and hold office for three years subject to good conduct and the satisfactory performance of duties and adherence to the policy and objects of the ACTU as determined from time to time by Congress or the Executive.
- (iii) The Full-time Officers shall remain in office until one week after the conclusion of the Congress at which their successors are elected.
- (iv) The Full-time Officers shall receive such salary as is determined by the Finance Committee from time to time.

15.3 Elections – Full-time Officers and Senior Vice President

- (i) Elections for the positions of Full-time Officers shall be held at each ordinary Congress. The Full-time Officers shall be eligible to stand for re-election. Candidates for election must be voting members of the Congress at the meeting at which they seek election, or an employee of the ACTU or of a State Branch of the ACTU, being also a member of an affiliated union. Such candidates must be nominated by a delegate to the ordinary Congress.
- (ii) An election for the position of Senior Vice-President shall be held at each ordinary Congress. The Senior Vice-President shall be eligible to stand for re-election. The Senior Vice-President shall be elected by and from Congress and shall remain in office until one week after the conclusion of the Congress at which his or her successor is elected.
- (iii) Any casual vacancy in any of the offices of Full-time Officers or Senior Vice-President shall be filled in accordance with casual vacancy Rule 18.1.
- (iv) All elections shall be conducted in accordance with Rule 24.

15.4 Elections – Vice Presidents

Subject to this Rule 15.4, as soon as practicable after all Executive positions have been filled at an ordinary Congress, seven Vice-Presidents shall be elected by and from the Executive.

- (i) Subject to this Rule 15.4, as soon as practicable after all Executive positions have been filled at an ordinary Congress, seven Vice-Presidents shall be elected by and from the Executive.
- (ii) If more than the required number of nominations are received for the position, an election shall be conducted in accordance with Rule 24, in which voting members of the Executive shall be entitled to one vote each.
- (iii) There shall be equal numbers of women and men Vice-Presidents, including the position of Senior Vice-President.
- (iv) Any casual vacancy arising in any of the seven Vice-President offices shall be filled in accordance with Casual Vacancy Rule 18.2.

15.5 Full-time Officers' Duties

(i) President

The President shall:

- (a) Preside at and conduct all meetings of Congress and the Executive unless otherwise engaged on ACTU business or unavailable to attend;
- (b) Be responsible to the Congress and the Executive for the implementation of their decisions and directions in relation to the execution of the duties of the President;

(c) Subject to the powers of Executive or Congress other duties as allocated by the Secretary;

(d) The President shall be an ex-officio member of any committee of the ACTU.

(ii) Secretary

The Secretary shall, unless otherwise engaged on ACTU business, or unavailable to attend, attend all meetings of Congress, and the Executive and shall arrange for the keeping of a correct record thereof; and, subject to the direction on Congress or the Executive, shall:

(a) be the Chief Executive Officer of the ACTU;

(b) be responsible for the general administration of the ACTU including the correspondence, finance and control of the staff and for the implementation of the policy and decisions of Congress, and the Executive;

(c) be responsible to Congress and the Executive for the financial administration of the ACTU including the collection of affiliation fees from unions and for the transaction of all financial business;

(d) be responsible for the keeping of proper books and accounts recording the financial affairs of the ACTU and for the provision of the books and accounts to an auditor each year in accordance with Rule 23 hereof;

(e) In accordance with procedures determined by the Executive, be responsible for the engagement and employment of any industrial, research, clerical or other staff who shall be under the control and supervision of the Secretary and shall perform such duties as may be assigned to them; and

(f) generally supervise and direct work of the ACTU.

(iii) Assistant Secretaries

The Assistant Secretaries shall, unless otherwise engaged on ACTU business, or unavailable to attend, attend all meetings of Congress, and the Executive. Consistent with their independence as members of Congress and the Executive, the Assistant Secretaries shall be under the control and supervision of the Secretary and shall perform such duties as may be assigned to them by the Secretary or as may be directed by the Executive. In general, the Assistant Secretaries shall give all reasonable assistance required by the Secretary in the performance of the Secretary's duties.

(iv) Right of Audience

The full-time Officers shall have the right of audience at meetings of Branches of the ACTU or meetings of Provincial/Regional/Territorial Trades and Labour Councils.

16. UNION MEMBERS ON THE EXECUTIVE

16.1 At each ordinary Congress each union which is at that time financial within the meaning of Rule 21 and which has more than 8,000 members, shall appoint one representative from that union who shall be entitled to be a member of the ACTU Executive.

(i) Such appointment shall be made in writing to the Returning Officer in accordance with a timetable determined by the Secretary.

(ii) Such union representatives shall take office one week after the conclusion of the ordinary Congress at which they are appointed.

- (iii) Any such union representative may be replaced with another representative of that union by notice in writing from that union to the Secretary who shall take that office on the date specified in that notice.
- (iv) In the event of a casual vacancy in the position of a union member on the Executive the union concerned shall in writing, notify the Secretary of its appointment of the person who is to fill that vacancy – see also Rule 18.3.
- (v) Each union representative must be a member of the union

16.2 Women Members

- (i) At least fifty percent of the voting members of the Executive shall be women. In the event that the composition of the Executive is such that this minimum requirement is not met through the processes contained in Rules 15 and 16 for the election and appointment of voting members to the Executive, then the Executive shall co-opt the necessary number of women to the Executive in accordance with sub-rule (ii) of this Rule 16.2.
- (ii) As soon as practicable after the completion of all the elections to the Executive at ordinary Congress and the appointment of union members on the Executive in accordance with Rules 15.3, 16.1 and 16.7 at ordinary Congress, the Secretary shall determine whether or not fifty percent of the Executive members so constituted are women. Where the Secretary determines that it is necessary to co-opt women members onto the Executive to ensure compliance with Rule 16.2:
 - (a) The Secretary shall determine the number of women so required to be co-opted onto Executive;
 - (b) The Secretary shall then invite the unions who have appointed representatives onto the Executive under Rule 16.1 to appoint, within a specified time, a woman to be a further representative of the relevant union on the Executive. Such an appointee must be a member of an affiliated union.
 - (c) Those unions shall be invited to appoint such a further representative in sequence according to the size of the union's membership starting with the largest first.
 - (d) If any union so invited does not appoint such a further representative within the time specified by the Secretary, the next largest union will be invited to do so and the processes of this Rule 16.2 (ii) (b) (c) and (d) shall apply.
- (iii) A union which appoints a woman to the Executive in accordance with this Rule 16.2 shall also appoint a woman as a proxy to attend such meetings as that woman is unable to attend. Such an appointment must be advised in writing to the Secretary within one week after the conclusion of the meeting of ordinary Congress.
- (iv) Women appointed to the Executive in accordance with this Rule shall be full members of the Executive representing their union and shall take office one week after the end of ordinary Congress and shall be entitled to remain on the Executive until the next Executive takes office one week after the next ordinary Congress.
- (v) Any such woman union representative or proxy may be replaced with another woman representative or proxy of that union by notice in writing from that union to the Secretary who shall take that office on the date specified in that notice.

16.3 Notification / Confirmation of Executive Member

In each year by 1 February each union which is represented on the Executive under Rule 16.1 and 16.2 shall in writing to the Secretary notify the name of the person or persons who is/are at that date to be that union's representative/s. That notification may confirm that union's representative(s) remain(s) the same or is to be replaced by another eligible person.

16.4 Additional Representative

Unions who have made appointments in accordance with Rule 16.1 may, in special circumstances, seek an additional representative on the Executive. All such requests shall be considered by the Officers and if, in the opinion of a majority of the Officers, the circumstances justify the inclusion of an additional representative, then the Officers may determine that such an additional representative be appointed to the Executive.

16.5 A union's request for an additional representative shall be made within one month of the end of ordinary Congress.

16.6 In each year by the 1 February, each union which has an additional representative on the Executive under Rule 16.4 shall notify the Secretary in writing of the name of the person who is at that date to be the union's additional representative. That notification may confirm that union's additional representative remains the same or is to be replaced by another eligible person.

16.7 Small Unions' Representative

A Small Union's Executive member representing each affiliated union with a total membership of less than 8,000 shall be elected at each ordinary Congress by and from those Congress delegates representing such unions which are at that time financial within the meaning of Rule 21. These unions shall also in the same manner elect at each ordinary Congress a proxy delegate for such meetings as the regular Executive member is unable to attend. The delegates shall exercise the number of votes to which their union is entitled.

- (i) Small Unions' Executive Members and proxy members shall take office one week after the conclusion of the ordinary Congress at which they are elected.
- (ii) Any casual vacancy in a position of Small Union's Executive member shall be filled in accordance with casual vacancy Rule 18.
- (iii) All elections for Small Union's representative and proxy shall be conducted in accordance with Rule 24.

16.8 Where this Rule 16 refers to a union's membership numbers that number shall be calculated in accordance with Rule 6.3.

17. YOUTH AND ABORIGINAL AND TORRES STRAIT ISLANDER MEMBERS ON THE EXECUTIVE

17.1 Elections for the positions of the Youth Affirmative Action Executive member and the position of Aboriginal and Torres Strait Islander Affirmative Action Executive member shall be held at each ordinary Congress. At the same time proxies for each such position who may attend Executive meetings in the absence of the elected member shall also be elected in the same manner.

17.2 The Affirmative Action members and their proxies shall be elected as follows:

- (i) One Youth Affirmative Action member and one proxy elected by and from Congress delegates aged 25 years or under in that Congress year.

- (ii) One Aboriginal and Torres Strait Islander Affirmative Action member and one proxy elected by and from Aboriginal and Torres Strait Islander Congress delegates.
- 17.3 The Affirmative Action members shall be eligible to stand for re-election and shall remain in office until the conclusion of the Congress at which their successors are elected.
- 17.4 Any causal vacancy in a position of a Youth or Aboriginal and Torres Strait Islander Affirmative Action Executive member or proxy of such Executive member shall be filled in accordance with the casual vacancy Rule 18.5.
- 17.5 Provided that the Youth Affirmative Action Member and Proxy once having fulfilled the requirements of Rule 17.2 Sub Rule (i) and been elected at a Congress may have their term extended for one term of 3 years beyond the subsequent Congress.

18. CASUAL VACANCIES ON EXECUTIVE

18.1 Full-time Officers and Senior Vice-President:

In the event of a casual vacancy in an office of a Full-time Officer or the Senior Vice-President a person shall be elected to that vacancy in the following manner:

- (i) The Secretary shall be responsible for calling for nominations and arranging for the ballot. In the event that the vacancy is in the office of the Secretary the Executive shall appoint another person to perform those tasks (“the appointed person”).
- (ii) Any member of the Executive may nominate any member of an affiliated union as a candidate for election to the vacant office.
- (iii) The election to fill the casual vacancy shall be conducted in accordance with Rule 24.
- (iv) The ballot shall be conducted amongst Executive members in accordance with provisions of Rule 13.1 “weighted vote procedure” as though the request referred in the rule had been made.
- (v) The person elected to a casual vacancy shall, subject to these rules, be entitled to hold office until the expiration of the term of the office held by its occupant prior to the casual vacancy.

18.2 Vice-Presidents:

- (i) In the event of a casual vacancy arising in respect to an office of Vice-President elected by the Executive an election shall be conducted in accordance with Rule 24.
- (ii) Voting members of the Executive shall be entitled to one vote each.
- (iii) Rule 15.4 (iii) shall apply to voting in such a ballot.
- (iv) The provisions of Rule 18.1 (v) shall apply to Vice-Presidents so elected.

18.3 Union Members on Executive

- (i) In the event of a casual vacancy in the office of union member on Executive, the Secretary shall invite the union concerned to appoint a representative from the union concerned to become a member of the Executive.
- (ii) The provision of Rule 16.1 (iii) and (v) and 16.3 shall apply to that union member on Executive.

18.4 Small Unions’ Executive Member

- (i) In the event of a casual vacancy in the office of Small Unions’ Executive member or proxy member, an election shall be conducted in accordance with Rule 24.

- (ii) Nomination for election to that office shall be called from affiliated unions who are at that time entitled to vote for such Executive member in accordance with Rule 16.7 and 16.8, as though ordinary Congress were being held.
- (iii) The provision of Rule 18.1 (v) shall apply to Small Unions' Executive member so elected.

18.5 Affirmative Action Members

In the event of a vacancy occurring in the position of either of the Affirmative Action positions or of a proxy for either such position on the Executive a person shall be elected in the following manner to fill the relevant position for the remainder of the term of office of the affirmative action representative or proxy being replaced.

- (i) An election shall be conducted in accordance with Rule 24.
- (ii) Eligibility to vote and to be elected in any such ballot shall be determined as follows:
 - (a) such eligibility for Youth Affirmative Action member shall be limited to those delegates who were entitled to vote under Rule 17.2 (i) at the preceding ordinary Congress. Each such delegate may exercise only one vote.
 - (b) such eligibility for Aboriginal and Torres Strait Islander Affirmative Action member or proxy shall be limited to those delegates who were entitled to vote under Rule 17.2 (ii) at the preceding ordinary Congress together with the current members of the ACTU Indigenous Committee. Each such delegate member may exercise only one vote.
- (iii) The provisions of 18.1 (v) shall apply to affirmative action members and proxies.

18.6 Women Members

- (i) In the event of a casual vacancy in an office of a woman member or woman member proxy on the Executive, the Secretary shall invite the union which appointed that woman or proxy to appoint a woman to fill that vacancy.
- (ii) That union is required to make an appointment.
- (iii) The provisions of Rule 18.1 (v) shall apply to that woman member or woman member proxy.

19. OTHER MEETINGS

19.1 The following committees shall be established by the Executive and shall be subject to the decisions of Executive:

- (i) Growth and Campaign Executive Committee

The role of the Growth and Campaign Executive Committee shall be to coordinate and implement the ACTU's growth and campaign strategy.
- (ii) Finance Committee

The role of the Finance Committee shall be to receive and consider reports from the Secretary on the finances of the ACTU and other such matters as determined by the Executive.
- (iii) Membership of the above committees will be determined by the Executive from time to time.

19.2 Meetings of Affiliated Unions and State Branches

20. INDUSTRIAL DISPUTES

In the event that an industrial dispute occurs involving one or more affiliated unions of the ACTU any affiliated union affected may notify the ACTU and seek assistance in its resolution. Acting in consultation with affiliated unions affected the ACTU Secretary may take whatever action is appropriate consistent with ACTU policy to attempt to resolve a dispute which has been referred for ACTU attention.

21. FEES AND LEVIES

- 21.1 Affiliation fees shall be paid by each affiliated union for the total membership of the union. Affiliated unions shall provide all information regarding their membership numbers as and when, and in the form required, by the ACTU. The affiliation fees, as determined from time to time, shall be published as a schedule to these rules.
- 21.2 The ACTU Congress or Executive may strike a levy on affiliated unions for the purpose of raising finance to carry out ACTU policy and decisions determined by Congress, or the Executive. Unless otherwise stated such levy is to be of a specified amount for each member of an affiliated union and shall be payable on the dates fixed when the levy is struck. Congress or the Executive may, in circumstances considered to be appropriate, strike a “special purpose levy” of a specified amount for each such member. Moneys paid by affiliated unions shall be appropriated first to the payment of affiliation fees follows by levies due.
- 21.3 Unless otherwise determined annual affiliation fees for each affiliated union shall be paid quarterly in advance commencing on 1 January each year. Fees may be paid by way of electronic funds transfer or any other means approved by the Secretary. If more than two (2) quarters of fees have not been paid, the union concerned shall be unfinancial until those fees have been paid.
- 21.4 If a union has failed to pay a “levy” or “a special purpose levy” by the date fixed under Rule 21.2, the union concerned shall be unfinancial until the “levy” or “special purpose levy” is paid.
- 21.5 In the year of an ordinary Congress an affiliated union shall not be entitled to attend or in any way participate unless 90 days prior to ordinary Congress starting it is financial in accordance with this Rule 21.
- 21.6 If a union is unfinancial within the meaning of Rules 21.3 or 21.4 that union shall not be entitled to attend Congress or Executive or take any part in an ACTU election or ACTU meeting.
- 21.7 The ACTU Congress or Executive may from time to time agree to accept payments from ACTU Enterprises in satisfaction or part satisfaction of any affiliated union’s obligations to pay affiliation fees and/or levies which are payable in addition to those affiliation fees outlined in the table in the schedule published pursuant to Rule 21.1.
- 21.8 Where two or more unions amalgamate the date from which the amalgamated union will be recognised for the purposes of affiliation fees, voting rights and representation shall be the day on which the amalgamation takes effect in accordance with the provisions of the relevant industrial legislation.
- 21.9 Where any union in an amalgamation has failed to pay affiliation fees or levies as at the time of amalgamation, the Executive shall decide what, if any, and by what date, payment is to be made by the amalgamated organisation in satisfaction of those fees and levies.

Any failure by the amalgamated organisation to comply with that Executive decision shall be dealt with as a breach of Rules 21.3 or 21.4 as the case may be.

22. FUNDS

- 22.1 The assets and income of the ACTU shall be applied solely in furtherance of the objects set out in Clause 2 and no portion shall be distributed directly or indirectly to ACTU Members except as bona fide compensation for services rendered or expenses incurred on behalf of the ACTU.
- 22.2 Where monies are disbursed by cheques, all cheques shall be signed by the Secretary and the President, or in their absence any two of the Full-time Officers. Upon authorisation of the Secretary and/or President, monies may also be disbursed by the use of credit card or other electronic funds transfer as appropriate.
- 22.3 In the event of the ACTU being dissolved, the amount that remains after such dissolution and the satisfaction of all debts and liabilities shall be transferred to another organisation with similar purposes which is not carried on for the profit or gain of its individual members.

23. AUDIT AND AUDITOR

- 23.1 The financial year shall end on December 31, and a properly audited balance sheet and report shall be submitted by the Secretary to the Executive and affiliated bodies after the end of each financial year.
- 23.2 The Executive shall each year appoint or re-appoint an auditor who shall be a certified public accountant or a firm of auditors, in sufficient time for an audit report to be presented to the Executive as soon as practicable in the following year.

24. RETURNING OFFICER

- 24.1 The Congress shall at each ordinary Congress appoint a Returning Officer and Deputy Returning Officer who subject to these rules shall be responsible for all aspects of an election and the ballot in any election.
- 24.2 All elections shall be conducted by secret ballot, which may be a postal secret ballot.
- 24.3 All elections (including election to casual vacancies) shall be conducted on the basis of an exhaustive preferential system with the candidates being eliminated in order of the lowest number of primary votes.
- 24.4 Notwithstanding Rule 24.1 the calling for nominations for elections to casual vacancies and the declaration of such elections where no ballot is required shall be done by the Secretary or "the appointed person" where Rule 18.1 (i) applies.
- 24.5 In the event that the Returning Officer or the Deputy Returning Officer is not available or willing to perform duties under this Rule 24 in relation to a particular ballot the Executive shall appoint a person to act as a Returning Officer for that ballot.
- 24.6 Candidates in an election may appoint a scrutineer for the opening and counting of the ballot.
- 24.7 The Returning Officer or Deputy Returning Officer shall supervise the scrutineers in the counting of any ballot and shall interpret and apply these rules for the purpose of the fair and efficient election and ballot, including the opening and counting of votes in the ballot.

25. RECOGNITION OF SPECIAL SERVICE

- 25.1 The ACTU Executive and/or Congress shall have the authority to recognise members and officers of unions who have made special and extraordinary contributions to the achievement of union objectives.
- 25.2 The contributions shall be recognised by the awarding of an ACTU Meritorious Service Award. Recipients will have had long periods of service, made significant contributions to the achievement of union objectives, and will normally have occupied demanding positions in their organisations. The conferring of Awards shall be determined by the Executive and/or Congress.

26. STANDING ORDERS

26.1 Motions – How Dealt With

- (i) All motions shall be of an affirmative character and must be moved and seconded by delegates. Such motions become the property of the Congress and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed sixty minutes, unless two-thirds of the delegates present agree to an extension of time.
- (ii) Unless a delegate rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.
- (iii) A motion may be superseded at any time by another motion. 'That it be discharged from the Notice Paper' or, 'That the next business be proceeded with', being resolved in the affirmative.
- (iv) A motion may be amended at any time during the debate thereon by:
 - (a) Striking out certain words;
 - (b) Adding certain words; or
 - (c) Striking out certain words and inserting others in their place;always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.
- (v) Any number of amendments may be proposed and discussed with the motion. For the purpose of debate, the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion, 'That the question be now put', is carried, the mover of the original motion may reply.
- (vi) All motions shall be put to the meeting by the Chairperson in a clear manner by asking those for the motion to vote first and then those against. The Chairperson's decision as to which has the majority will be final unless 15 delegates rise and call for a count whereupon the Chairperson shall put the motion to the meeting in a similar way as before and shall appoint tellers to count the votes. After such a count has been taken, the decision announced shall be final unless 30 delegates rise and claim a division whereupon the Chairperson shall take the vote by asking those for the motion to go to the right and those against to the left. The Chairperson shall then appoint tellers to count the votes for and against the question. If the votes are equal, the question is resolved in the negative.
- (vii) When a count is called for or a division claimed, no delegate shall be allowed to vote who was not present when the question was first put. During a division, every delegate present must vote, or the delegate's vote will be counted on the side on which the delegate is sitting.
- (viii) Any motion agreed to or negatived by Congress cannot again be discussed unless sufficient notice of the proposed recommittal be given to the Congress to enable

one clear day's notice to be given to each delegate prior to the day and time set down for the reconsideration of such question.

- (ix) A mover of a motion to be allowed ten minutes to introduce and five minutes to reply; other speakers, five minutes, unless two-thirds of the members present agree to an extension of time.

26.2 Right to Speak

- (x) Any delegate desiring to speak shall rise and address the Chairperson. If two or more delegates rise at the same time, the Chairperson shall call upon the one who, in their opinion, first rose. Provided that no delegate can speak more than once upon any questions (which shall include the original motion and all amendments thereof) before the Congress except:
 - (a) In reply, as the mover of the original motion;
 - (b) In explanation or correction of some matter during the debate;
 - (c) Upon a point of order raised during debate;
 - (d) Upon a resolution being carried, "That the delegate be now heard".
- (xi) A delegate will not be held to have spoken who simply uses the words, 'I second the motion', or 'amendment', as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by the delegate.
- (xii) Not more than two delegates shall be allowed to speak in succession for or against any question. If at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendment shall be put to the vote.
- (xiii) Any delegate speaking shall at once resume their seat:
 - (a) If the Chairperson rises to speak; or
 - (b) If a point of order is raised;and shall not re-commence to speak until the point of order is decided.
- (xiv) No delegate may speak to any question after it has been put by the Chairperson, or during a division.

26.3 No Delegate to Obtain a Discussion etc.

No delegate shall be allowed to obtain a discussion upon any subject through the medium of personal correspondence. All correspondence having reference to any matter that has been remitted to the Executive or any Committee for consideration and report, shall for the time being, be deemed the property of the Executive or Committee as the case may be. Such correspondence shall, however, be read in open Congress at the time the report is presented, if any delegate so desires.

26.4 Reports – How Dealt With

A report containing a recommendation may be discussed on a motion being moved for its adoption, which, upon being carried, will signify the will of the Congress thereon. If the report contains no recommendation, it shall be competent for a delegate to move a resolution arising out of and relative to the report to obtain the opinion of the Congress on the matter.

26.5 Adjournment of Congress or Debate

A motion for the adjournment of the Congress may be proposed at any time during the meeting thereof, or for the adjournment of the debate at any time during such debate, and shall be at once put to the meeting by the Chairperson unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can only apply thereto.

26.6 Adjournment of Stated Time

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not in any way be abrogated unless with the consent of the Congress.

26.7 Chairperson's Ruling

(xv) The Chairperson's ruling on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with.

(xvi) When a motion to disagree with the ruling of the Chairperson has been duly proposed and seconded, the Chairperson shall leave the chair until the motion has been disposed of by the Congress. The mover only shall speak to the motion, and the Chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

26.8 Suspension of Order of Business

It shall be competent, by a vote of two-thirds of the delegates present, for the Congress to suspend the order of business.

26.9 Sitting as a Committee

(xvii) The Congress may at any time, by a resolution agreed to by a majority of the delegates present, resolve itself into a committee of the whole, and such resolution shall include the exclusion of the press and occupants of the visitors' gallery.

(xviii) The rules governing the business of the Congress shall be observed when in committee.

SCHEDULE 1 – AFFILIATION FEES

1. Affiliation fees shall be as follows:

	January 2022	January 2023	January 2021
Affiliation Fee Net of GST (per member per year)	\$6.55	\$6.68	\$6.81
Total Affiliation Fee (includes GST)	\$7.21	\$7.35	\$7.50

Amounts received by the ACTU from Enterprises shall be received on account of affiliation fees and/or levies due from affiliated unions which are payable in addition to those outlines in the table above, affiliated unions having directed that amounts to be distributed to them by ACTU Enterprises be applied to meeting their obligations to pay affiliation fees and/or levies due to the ACTU.
