

**NOTICE SETTING OUT PARTICULARS OF ALTERATIONS TO THE
RULES OF THE HEALTH SERVICES UNION**

Applicant Organisation

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Suburb:	SOUTH MELBOURNE	State: VIC	Postcode: 3205
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The Applicant applies for certification of alterations to its Rules.

Particulars of the alterations are as follows:

1. By deleting sub-rule 19(b) and inserting:

"The National Council shall determine from time to time whether the offices of National Secretary and Senior National Assistant Secretary shall be full time paid offices, provided that the status of either of those offices as full time paid offices may not be varied during the term of office of an incumbent holder of that office without the consent in writing of that holder of the office."

2. Amend rule 20(a)(ii) by adding after the word "thereof" the following: "up until 10,000 members, and one delegate for every 2,000 thereafter."
3. In rule 29, deleting the following words appearing immediately after the heading 29 – Elections "*Elections for all Branch and National positions shall take place in 2006*".
4. By deleting sub-rule 29 A - and inserting the following:

"A – Branch Elections

Elections shall take place in 2010 and each four years thereafter for all Branch positions in all Branches .

(a) General

The provisions of this rule shall apply to all elections for the following positions in the Union -

- (i) Officers of a branch;*
- (ii) Ordinary members of a Branch Committee (known as the Union Council in the HSU East Branch);*
- (iii) Branch delegates to the National Council.*

(b) Tenure of Office

- (i) Subject to paragraph (ii) herein, elections for the positions set out in A(a) shall be conducted every four years by secret postal ballot of all financial members of their respective branch. Persons declared elected shall hold office for four years or until such time as there successors have been elected or appointed and taken office.*
- (ii) In the HSU East Branch the President and Vice Presidents of the Branch shall be elected by and from all members of the Union Council except for the General Secretary, the Deputy General Secretaries, the Divisional Secretaries, the Assistant Divisional Secretaries, and any other employees of the branch who hold an office by secret ballot, and*

shall take office from the declaration of their election and shall hold office for a period of four years or until successors thereto have been elected and taken office.

- (iii) *In the event that the taking of an office occurs beyond the time at which the term of office would ordinarily expire, for any reason including any caused by any election inquiry conducted by the Federal Court under the Fair Work (Registered Organisations) Act 2009, the person elected shall take office from the time of declaration of the ballot in which he/she is elected, and shall hold office for a period of four years less the period of the time between the time that the term of office would ordinarily expire and the taking of office, or until a successor has been elected and taken office.*
- (iv) *The purpose of paragraph (iii) of this sub-rule is to ensure that so far as possible elections are synchronised, in a four yearly cycle, with persons elected to office taking office from the time of declaration of the ballot in which he/she is elected and holding office for a period of four years, and, if there are any delays in the electoral process, returning elections to that synchronised cycle.*

(c) *Returning Officer*

- (i) *At its first meeting after election the Branch Committee shall appoint a Returning Officer for the conduct of any ballots or plebiscites and, subject to the Fair Work (Registered Organisations) Act 2009, any elections as may be necessary throughout the ensuing year provided that a duly appointed Returning Officer shall hold office until a successor thereto is duly appointed.*
- (ii) *A Returning Officer so appointed –*
- a. May or may not be a member of the Union;*
 - b. Shall not be the holder of any office in or an employee of the Union or any branch of the Union; and*

- (iii) *In the event of a duly appointed Returning Officer being unable or unwilling to act as and when required, whether during the conduct of any election or ballot or not, the Branch Committee shall appoint another person to act as Returning Officer for that election or ballot.*

(d) *Conduct of Elections*

The Returning Officer shall conduct elections and ballots of the union in the following manner.

- (i) *Nominations for positions shall be called for in a national daily newspaper.*
- (ii) *The opening date of nominations shall be the 1st of June with the closing date of the nominations being the 14th of June.*
- (iii) *Nominations must be in writing signed by the member who is nominated, and endorsed by at least six financial members of the Union.*
- (iv) *Nominations must be forwarded by certified mail or by any other means that ensures delivery to the Returning Officer at the registered office of the Branch.*
- (v) *At the closing hour of the nominations, the Returning Officer, in the presence of the Scrutineers (if present), shall proceed to open all nominations.*
- (vi) *The Returning Officer shall check all nominations received for compliance with the requirements of these rules and shall reject any that do not so comply; provided that in the event of his/her finding a defect in any nomination, he/she shall before rejecting the nomination notify the person concerned of the defect, and, where it is practicable to*

do so, give him/her the opportunity of remedying the defect where practicable within seven days of his/her having been so notified.

- (vii) *If there be no more nominations than the number to be elected for any position, the Returning Officer shall declare the nominated person/s to be elected to the position/s. The names of the persons so declared elected by the Returning Officer will appear on the ballot paper with the words "declared elected" printed in a box next to his or her name. The person or persons shall take office in accordance with sub-rule 29A(b).*
- (viii) *A candidate who has been nominated in an election may, by notice in writing addressed to the Returning Officer, withdraw the nomination at any time before the close of nominations.*
- (ix) *If there are two or more nominations for any position, the Returning Officer shall advise each of the candidates immediately on receipt of the nominations of the names of the other candidate or candidates.*
- (x) *The day on which the roll of voters for the ballot is to be closed shall be on the seventh day prior to the opening of nominations.*
- (xi) *Candidates shall have the right on request, to scrutinise the membership records of the Branch.*
- (xii) *If more than the required number of nominations are received for any position, the Returning Officer shall have ballot papers printed and delivered to him containing the name of the candidates for each position in an order chosen in accordance with paragraph 29A(d)(xiii) herein, indicating the number to be elected to each position, the manner in which votes shall be recorded and the date and the time of closing of the ballot.*
- (xiii) *The order of candidates' names on ballot papers will, subject to the provisions of this rule dealing with "team nominations", be determined by lot, the drawing of which shall be conducted at a time that will be*

determined by the Returning Officer. The candidates will be notified of such date and time.

- (xiv) *The ballot shall open on the 7th of July. The ballot shall close at 5pm on the 7th of August.*
- (xv) *The Returning Officer shall, forward by prepaid post to every member entitled to vote a ballot paper which has been initialled by him/her together with an envelope containing the ballot paper marked "Ballot paper – Health Services Union" and a business reply envelope addressed to the Returning Officer, Mail Exchange box number (obtained for the ballot). He/she shall forward by prepaid post a ballot paper and declaration envelope and a prepaid envelope addressed to the Returning Officer for the return of the vote to each member entitled to receive a ballot paper.*
- (xvi) *Envelopes enclosing ballot papers shall be marked: "if not delivered within seven (7) days please return to P.O. Box No. " (obtained for ballot).*
- (xvii) *The Returning Officer shall secure a postal box and bag, in his/her name, at the mail exchange to which all ballot papers shall be returned.*
- (xviii) *The Returning Officer, in the presence of a Scrutineer (if present), shall clear the box and bag each day of business and shall sign for receipt of ballot papers from the mail exchange.*
- (xix) *Immediately after the closing date of the ballot, the box and bag at the Mail Exchange shall be cleared by the Returning Officer, in the presence of the Scrutineers, who shall accompany the Returning Officer to his/her office or place approved by the Returning Officer, to begin the counting.*
- (xx) *The Returning Officer shall be responsible for the safe custody of the ballot papers.*

- (xxi) *On request of a member prior to the closing date of the ballot, his/her returned, undelivered ballot paper shall be readdressed. At the close of the ballot, the Returning Officer shall separate returned, undelivered ballot papers from returned votes, and the undelivered ballot papers shall be retained.*
- (xxii) *At the close of the issue of ballot papers, the number issued by the Returning Officer shall be checked with the ballot papers and business reply envelopes obtained from the printers, and the surplus shall be retained.*
- (xxiii) *Upon completion of the count of the ballot, the Returning Officer shall immediately inform the Branch President that he/she is ready to announce the result. The Branch President shall convene a special meeting of Branch Committee of Management or a special General Meeting as soon as practicable at which the Returning Officer shall declare the result of the ballot. The persons so declared elected will take office from the conclusion of the meeting in accordance with sub-rule 29 Part A (b).*
- (xxiv) *The Returning Officer will then notify all successful candidates by letter of their election.*
- (xxv) *This rule does not apply to ballots and elections in Sub-Branches or workplace committees.*
- (xxvi) *a Notwithstanding anything elsewhere in this rule, any nominee for the position of President and Vice President of the HSU East Branch shall:*
- 1 *Be a member of the Union Council at the time of his/her nomination (not including any person holding such an office merely because of having filled a casual vacancy in the office*

within the last 12 months, or the last quarter of the term of the office);

- 2 *Be a financial member of the Union at the time of the nomination;*
- 3 *Be nominated by a member of the Union Council (who shall be a financial member of the Union); and*
4. *Not be nominated for more than one position.*
5. *The opening date of nominations shall be the 15th day of August, the closing date of nominations shall be the 31st day of August.*

b The provisions of this sub-rule (d) shall otherwise apply to the election of the President and Vice Presidents of the HSU East Branch with the necessary changes.

(e) Qualification for Office

- (i) Nominations for any position of full time paid Branch Officer, or a General Representative from New South Wales to the Union Council of the HSU East Branch, shall have been a continuously financial member of the Union for not less than twelve months immediate preceding his/her nomination and shall be a financial member of the Union at the date of his/her nomination.*
- (ii) Nominations for any position other than that of full time paid Branch Officer, or a General Representative from New South Wales to the Union Council of the HSU East Branch, shall have been a continuously financial member of the Union for not less than three months immediately preceding his/her nomination and shall be a financial member of the Union at the date of his/her nomination.*
- (iii) No member may nominate for more than one position at each election of Branch Officers and ordinary members of the Branch Committee of Management.*

(f) Team Nominations

Notwithstanding sub rule (d) of this rule, candidates in an election of:

- (i) *Officers of a branch;*
 - (ii) *Ordinary members of a Branch Committee (called the Union Council in the HSU East Branch);*
 - (iii) *Branch delegates to the National Council;*
- may, subject to the following conditions, nominate as members of a "team nomination":-*
- a. *Each candidate being nominated as a member of a team nomination must signify his/her acceptance of such nomination by signing the nomination to the Returning Officer.*
 - b. *No member of a team nomination may nominate or be nominated as a member of another "team nomination" or as an individual candidate.*
 - c. *A "Team" nomination must nominate a candidate (or the required number of candidates) for each position for which nominations have been called whereupon each candidate will be considered to have nominated for each position concerned.*
 - d. *The Returning Officer will ensure that the names of members of a team nomination are printed on the ballot paper in a manner which clearly identifies that the candidate is standing for election in the nominated position as part of a team. The names of members of a team nomination will appear on the ballot paper as a group. If there is more than one team nomination the order of team nomination appearing on the ballot paper will be determined by lot at the same time and place as the determination by the Returning Officer of the order on the ballot paper of individual candidates. The Returning Officer will at the same time also determine by lot whether the team nominations appear before or after the names of individual candidates on the ballot paper.*
 - e. *Where a person who has nominated as part of a team nomination is declared elected to a position by the Returning Officer pursuant to sub-rule (e) of this rule, that person's name together with the words*

“declared elected” shall appear on the ballot paper together with the other members of the team nomination.

- f. *The Returning Officer shall ensure that the ballot paper makes provision for the recording of a vote for each member of a team nomination by way of marking one box at the top of the list of names of members of that team (a “team box”). The Returning Officer shall also ensure that the ballot paper contains clear instructions to the effect that a member voting may vote individually for candidates, including members of a team nomination, or, alternatively, vote for each member of a team by marking the team box.*
- g. *The withdrawal from the ballot of a member of a team nomination after the close of nominations does not invalidate that team nomination. A vote for a team nomination shall count as a vote for each of that team remaining in the ballot. Once a candidate has nominated for a team nomination he/she cannot withdraw unless with the consent of all the members of that team.*

(g) *Scrutineers*

- (i) *Each candidate shall have the right to appoint a Scrutineer, who shall be entitled to be present at all stages of the ballot, without cost to the Union. The candidate appointing the scrutineer shall, before the closing of nominations, notify the Returning Officer in writing of the name of such scrutineer.*
- (ii) *Scrutineers may be present during the whole conduct of the ballot and at every operation from receipt of nominations to final count of the ballot.*
- (iii) *Scrutineers shall be entitled to be present throughout the ballot and may query the inclusion or exclusion of any vote in the count, but the Returning Officer shall have final determination of any vote so queried.*
- (iv) *Scrutineers shall not be entitled to remove, mark, alter or deface any ballot paper or other document used in connection with the election.*

- (v) *Scrutineers shall not interfere with or attempt to influence any member at the time such member is casting his vote.*

- (h) *Extraordinary Vacancies of the Branch*
 - (i) *Where an extraordinary or casual vacancy (howsoever occurring) in the office of any Officer of a branch, ordinary member of a Branch Committee of Management or branch delegate to the National Council, the Branch Committee shall take immediate action to have such vacancy filled by secret postal ballot of all financial members of the branch provided that:*
 - a. *where the unexpired portion of the term of office in which the vacancy occurs does not exceed three years, the Branch Committee may fill such vacancy by appointment of an eligible member of the Union; and,*
 - b. *where the unexpired portion of the term of office in which the vacancy occurs exceeds three years the Branch Committee of Management may fill such vacancy by appointment of an eligible member of the Union until an election is held, provided that no person so appointed shall hold office for a period exceeding six months.*
 - (ii) *Such ballot shall be conducted by the Returning Officer appointed pursuant to this rule and the Returning Officer so appointed shall determine the dates for the closing of nominations and the closing of the ballot and shall report the result of the ballot to the next following meeting of the Branch Committee.*
 - (iii) *Any person so elected shall take office from the date of the declaration of his/her election and shall hold office until the expiration of the term of the person he/she replaces.*

- (i) *System of Voting*

- (i) *The system of voting in any election conducted pursuant to this Rule shall be the first-past-the-post system.*
- (ii) *A voter shall record his/her vote or votes (as the case may be) by placing a single 'X' or a tick opposite the name or names of all candidates for whom he/she desires to record a vote provided that he/she shall not record a vote for more candidates than are required to fill any particular position or office.*
- (iii) *A ballot paper shall be rejected if it is not marked in a manner prescribed or allowed by this Rule; but except as otherwise provided by these Rules a ballot paper shall not be rejected for any reason other than the reason set out in this Rule but effect shall be given according to the voter's intention so far as his/her intention is clear."*

5 Delete rule 46 and insert the following:

"46 FINANCE COMMITTEE

- (a) *A Finance Committee consisting of the National President, National Senior Vice-President, National Trustees, National Secretary, Senior National Assistant Secretary and National Assistant Secretary shall meet at least monthly and at such other times as the National Secretary or the Finance Committee determines.*
- (b) *A meeting of the Finance Committee may be conducted by telephone or video conference as determined by the National Secretary or the Finance Committee.*
- (c) *The role and function of the Committee shall be:*
 - (i) *With the advice of the National Secretary, develop the Union's annual budget before the start of the financial year to which it relates for adoption by the National Executive.*

- (ii) *Monitor and report to National Executive on the financial performance of the Union against the budget.*
- (iii) *Ensure there are adequate internal control systems in place and functioning to promote operational efficiency, minimise financial risk and fraud, and to ensure financial accountability.*
- (iv) *Examine and monitor all expenditure of the union to ensure that expenditure is consistent with achieving the objects of the Union.*
- (v) *Examine and monitor all credit card expenditure by employees and paid officers of the Union to ensure compliance with Union policy and procedures.*
- (vi) *Authorise any extraordinary operating expenditure exceeding \$10,000 but less than \$50,000 and report such expenditure to the next meeting of the National Executive.*
- (vii) *Ensure that the Financial Governance Procedures for the National Office are complied with at all times.*
- (viii) *Ensure that the rules of the Union concerning the finances and financial management of the Union are complied with at all times.*
- (ix) *Ensure that the provisions of the Fair Work (Registered Organisations) Act 2009 concerning the finances and financial management of the Union are complied with at all times.*
- (x) *Serve as the Audit Committee to:*
 - a. *oversee any tender process for the appointment of the National Auditor and make recommendations regarding the appointment of the National Auditor to the National Executive; and*
 - b. *monitor and ensure that the Union is complying with all requirements and obligations regarding financial management and reporting requirements under the Fair Work (Registered Organisations) Act 2009*
- (xi) *meet with the National Auditor to ensure that:*
 - a. *the Union has implemented appropriate systems to identify, monitor and mitigate significant financial risk.*
 - b. *appropriate systems of internal control, which ensure compliance with Union policies and procedures, are in place and operating effectively;*

- c. *the Union's annual financial statements are fairly represented in all material respects in accordance with Australian Accounting Principles and Standards.*
- d. *any matter that the National Auditor wishes to bring to the attention of the National Executive has been given adequate attention.*
- e. *the audit function has been effectively carried out.*

(d) *The Finance Committee shall report to each meeting of National Executive."*

6 By deleting rule 48(a) and inserting the following new sub-rule 48(a):

- (a) *The Union may establish such Branches as the National Council may from time to time decide and the existence of the following Branches is hereby confirmed:*

Victoria No. 2

Victoria No. 4

Tasmania No .1

Tasmania No. 2

HSU East

South Australia

Queensland

Western Australia"

7 Delete sub-rule 48(b) and inserting the following:

"(b) The HSU East Branch shall consist of all members of the Union in New South Wales and the Australian Capital Territory, and all members of the Union employed in Victoria other than members:-

- (i) a. *employed under the provisions of the Public Administration Act 2004 (Vic) as amended from time to time; and/or*

- b. *employed in or in connection with the provision of mental and/or mental retardation services.*

Note: The Public Administration Act 2004 (Vic) is a successor to the Public Service Act 1974 (Vic) due to the operation of Section 7(c) of Schedule 2 (Saving and Transitional Provisions) of the Public Administration Act 2004 (Vic).

- (ii) *eligible to be members of the Victoria No. 4 branch.*

Note: Members of the Union employed in Victoria who are employed in the following classifications, other than those eligible to be members of the Victoria No. 2 or 4 Branches, are members of the HSU East Branch.

Research Technologist (employed at the Peter McCallum Institute)

Medical Laboratory Technician

Physiotherapist

Radiographer/Medical Imaging Technologist

Radiotherapy Technician/Radiation Therapy Technologist

Hospital Librarian

Occupational Therapist

Orthoptist

Speech Therapist/Speech Pathologist

Medical Photographer

Medical Illustrator

Chiropodist/Podiatrist

Nulceographer/Nuclear Medicine Technologist

Orthotist (excluding those persons employed by the Commonwealth Government and its Statutory Authorities)

Orthotist/Prosthetist (excluding those persons employed by the Commonwealth Government and its Statutory Authorities)

Prosthetist (excluding those persons employed by the Commonwealth Government and its Statutory Authorities)

Recreation Therapist

Music Therapist

Dentist

Psycho-Therapist who would have been covered by the (Victorian) Health Professional Services Award as that award stood immediately before 1st March 1993

Recreation Worker

Welfare Worker

Youth Worker

Community Development Worker

Social Planner

Rehabilitation Counsellor

Behavioural Scientist who would have been covered by the (Victorian) Health Professional Services Award as that Award stood immediately before 1st March 1993

Orientation and Mobility Practitioners

Medical Records Administrator

Cardiac Technician

Safety Officer

Radiation Engineer

- 8 Delete sub-rule 48(ba).
- 9 Deleting sub-rules 48(d), (f), and (l).
- 10 Renumbering current sub-rules 48(e) as 48(d), 48(g) as 48(f); 48(h) as 48(g); 48(i) as 48(h); 48(j) as 48(i); 48(k) as 48(j) 48(m) as 48(k), 48(n) as 48(l); 48(o) as 48(n) and 48(p) as 48(n).
- 11 By deleting rule 48B and inserting a new Rule 48B:

"48B - SPECIAL TRANSITIONAL ENABLING RULES – HSU EAST BRANCH

(a) Introduction

- (i) *The provisions of this Rule shall apply notwithstanding anything elsewhere contained in these Rules.*
- (ii) *This Rule is intended to enable the amalgamation of the operations, administration, funds and resources of the Victoria*

No. 1 Branch and the Victoria No. 3 Branch with the New South Wales Branch, in an orderly and expeditious fashion.

- (iii) This rule provides for the alteration of the areas embraced by the New South Wales Branch.*
- (iv) For the purpose of the Rules-*
 - a. "the merger date" shall mean the date of certification of this rule.*
 - b. "transitional period" shall mean the period from the merger date to the declaration of the ballot referred to in rule 29A(d)(xxiii) herein.*
- (v) This Rule shall take effect on the merger date.*

(b) Membership

- (i) On the merger date the Victoria No. 1 and the Victoria No. 3 Branches of the Union shall amalgamate and merge with the New South Wales Branch. The name of the merged Branch shall be the New South Wales Branch described in these rules and known as the HSU East Branch. On and from the merger date the area embraced by the HSU East Branch shall include the area embraced by the Victoria No. 1 and the Victoria No. 3 Branch.*
- (ii) On the merger date any person who is then a member, life member, or Associate Member of the Victoria No. 1 Branch and the Victoria No. 3 Branch shall become a member, life member, or Associate Member of the HSU East Branch.*
- (iii) On the merger date, any period of membership and/or financial membership of the Union in the Victoria No. 1 Branch and the Victoria No. 3 Branch in accordance with the Union's Rules prior to the merger date shall be deemed to be for all purposes membership and/or financial membership of the Union in the HSU East Branch Any period of unfinancial membership in the Victoria No. 1 Branch and the Victoria No. 3 Branch in accordance with the Union's Rules prior to the merger date shall be deemed to be for all purposes a period of unfinancial membership in the HSU East Branch.*

(c) Abolition of offices

On the merger date, all of the offices in the in the Victoria No. 1 Branch, the Victoria No. 3 Branch and the New South Wales Branch are abolished.

(d) Transitional Union Council

- (i) *The Union Council of the New South Wales Branch shall meet prior to the merger date and will appoint one each of its organisers to be the holder of the offices of Divisional Secretary and Assistant Divisional Secretary of the Union Council of the HSU East Branch during the transitional period and that person shall, subject to removal from such office, hold such office from the merger date for the transitional period.*
- (ii) *On the merger date and for the transitional period the persons who hold offices in the New South Wales and Victoria No. 3 and Victoria No. 1 Branches, shall hold the offices on the Union Council of the HSU East Branch as follows:*

Office in Pre-Merger Branches**Office in HSU East Branch****Full time**

General Secretary/Treasurer NSW	General Secretary
Assistant Secretary NSW	Deputy General Secretary
1 Organiser (<i>appointed prior to the merger date by and from the Union Council of the New South Wales Branch in accordance with paragraph (i) herein</i>)	Divisional Secretary
1 Organiser (<i>appointed prior to the merger date by and from the Union Council of the New South Wales Branch in accordance with paragraph (i) herein</i>)	Assistant Divisional Secretary

Secretary Vic No. 1	Deputy General Secretary
President Vic No 1	Divisional Secretary
Assistant Secretary Vic No 1	Assistant Divisional Secretary
Secretary Vic No 3	Executive President

Honorary

President NSW	President
Senior Vice President NSW (see rule 55)	Senior Vice-President
Junior Vice Pres NSW (see rule 55)	Second Junior Vice-President
20 Organisers NSW;	20 General Representatives from NSW
24 Councillors NSW	24 from geographical and employment areas in NSW
Senior Vice-President Vic No 1	Councillor
Junior Vice Pres Vic No 1	Councillor
2 Trustees Vic No 1	Councillor
8 members of Vic No 1 BCOM	Councillor
President Vic No 3	First Junior Vice-President
Senior Vice-Pres Vic No 3	Councillor
Junior Vice-President Vic No 3	Councillor
Assistant Sec Vic No.3	Councillor
2 Trustees Vic No 3	Councillor
4 members of Vic No 3 BCOM	Councillor
Branch Delegates to National Council	NSW, Vic No 1 and Vic No 3 Branch Delegates to National Council

(e) *National Council Delegates Election 2010*

Notwithstanding rule 20(b), for the purposes of electing delegates from the HSU East Branch in 2010, the membership of the HSU East Branch in 2010 shall be the membership of that branch as at the merger date certified as such by the Union Council. Otherwise the provisions of rule 20(b) shall apply.

(f) *Branch Property*

On the merger date the assets, funds and property of, and the debts and liabilities incurred by, the Victoria No. 1 Branch and the Victoria No. 3 Branch shall be the assets, funds and property of, and the debts and liabilities of, the HSU East Branch. From the date of certification of this rule in 2010 the persons who held office as officers or ordinary members of the Branch Committee of Management of the Victoria No. 1 Branch and the Victoria No. 3 Branch and the persons who held office as officers or Councillors of the New South Wales Branch prior to the date of certification of this rule in 2010 shall take all and every action and execute such documents as may be necessary for, or helpful in, effecting the transfer of those assets, funds and property and debts and liabilities to the HSU East Branch.

- 12 By deleting the last sentence of sub-rule 49(a) and inserting the following:

"The HSU East Branch Committee shall be called the Union Council."

- 13 By deleting sub-rule 50(b) and insert the following:

"Notwithstanding paragraph (a) herein and rule 57, the Branch Officers of the HSU East Branch shall be the President, the Vice-Presidents, the General Secretary, the Executive President, the Deputy General Secretaries, two Divisional Secretaries and two Assistant Divisional Secretaries. The offices of General Secretary, Executive President, Deputy General Secretary, Divisional Secretary and Assistant Divisional Secretary shall be full time paid offices.

14 By deleting rule 51A and inserting:

"51A – HSU EAST BRANCH UNION COUNCIL

- (j) Notwithstanding rule 51, the affairs of the HSU East Branch shall be vested in the Union Council which shall consist of a total of 76 members (plus the President and the 3 Vice-Presidents who are elected by and from the Council) as follows:*
- (a) General Secretary (1) (elected by and from the members of the Branch)*
 - (b) Executive President (1) (elected by and from the members of the Branch)*
 - (c) Deputy General Secretaries (2) - (elected by and from the members of the Branch)*
 - (d) Divisional Secretaries (2) - (elected by and from the members of the Branch)*
 - (e) Assistant Divisional Secretaries (2) - (elected by and from the members of the Branch)*
 - (f) twenty-one Councillors from Hospitals or Health Services one of whom shall come from Health Managers Sub-Branches and with at least two but not more than three Councillors being drawn from each of the eight Area Health Services) (refer note 1) (elected by the membership of the Branch from members of the Branch in New South Wales)*
 - (g) Twenty General Representatives from New South Wales (elected by the membership of the Branch from members in New South Wales)*
 - (h) Twenty-three Councillors from Victoria (elected by the membership of the Branch from members of the Branch in Victoria)*
 - (i) One Councillor from a private hospital (elected by and from the members of the Branch)*
 - (j) One Councillor from an aged care facility (elected by and from the members of the Branch)*
 - (k) One Councillor from an Ambulance Service (elected by and from the members of the Branch)*

- (i) one Councillor from the Australian Capital Territory (elected by the members of the Branch from members in the ACT)
- (ii) All of the above shall be holders of offices of the Branch within the meaning of the Fair Work (Registered Organisations) Act 2009 provided however that with the exception of the Union President and Vice-Presidents, there shall not be more than one member of any sub-branch.
- (iii) All of the members of the Council shall have a vote on the Council except for the Divisional Secretaries, the Assistant Divisional Secretaries and any other employees of the Branch who hold office.
- (iv) Where a member of the Union Council becomes the President or a Vice-President, he/she shall cease to be and act as a member of the Union Council and the office previously held shall be a casual vacancy and filled in accordance with rule 29A(j).

Note 1 - The eight Area Health Services ('AHS') as constituted by section 17, and specified in Schedule 1, of the Health Services Act 1997, as at 1 October 2005, with these being Sydney South West AHS, Sydney West AHS (incorporating the Children's Hospital at Westmead), South Eastern Sydney and Illawarra AHS, Northern Sydney and Central Coast AHS, Greater Western AHS, Greater Southern AHS, North Coast AHS and Hunter and New England AHS."

15 Insert a new rule 54 after current rule 53 as follows:

"54 – EXECUTIVE COMMITTEE OF HSU EAST BRANCH

- (a) The Executive Committee of the HSU East Branch shall consist of the General Secretary, the Executive President, the Deputy General

Secretaries, the two Divisional Secretaries and the two Assistant Divisional Secretaries.

- (b) *The Executive Committee of the HSU East Branch shall, subject to these Rules and to the decisions of the Union Council and to the control of members as hereinafter mentioned, have power (in addition to powers conferred on it elsewhere in these Rules) to conduct and manage the affairs of the HSU East Branch and between meetings of the Union Council may exercise all the powers of Union Council except the power to fix remuneration of and terms and conditions of employment of full time paid officers of the Branch and the power to make, add to, amend, rescind and/or otherwise alter the Branch Rules. It shall be responsible for the preparation of the Union Council agenda and for the carrying out of the decisions of the Union Council between its meetings.*
- (c) *Five members shall constitute a quorum.*
- (d) *The Executive Committee shall meet at such times as determined by the General Secretary or Executive President who may, by notice in writing either by post, email or other communication method call a meeting of the Executive Committee. The General Secretary or the Executive President may decide that a meeting of the Executive Committee be conducted by such telephonic or electronic means as may be from time to time be available. The members of the Executive Committee shall participate in such a meeting and the decision of the majority shall be binding as if such decision were obtained at a regularly constituted meeting of the Executive Committee.*
- (e) *The Union Council may review any act or decision of the Executive Committee.*

16 By deleting current sub-rule 55(b) and inserting:

“(b) In the absence of the Branch President, the Senior Vice-

President (and in his/her absence also the Junior Vice-President) shall preside over a meeting of the branch or the Branch Committee and when so doing shall exercise all the powers and functions of the Branch President.

- (c) *In the HSU East Branch in the absence of the Branch President, the Senior Vice-President (and in his/her absence also the First Junior Vice-President and in his or her absence also the Second Junior Vice-President) shall preside over a meeting of the branch or the Union Council and when so doing shall exercise all the powers and functions of the Branch President. In the HSU East Branch the Senior Vice-President shall be the Vice-President possessing the greater service in that position, and the First Junior Vice-President shall be the Vice-President possessing the second greatest service in that position and the Second Junior Vice-President shall be the Vice President possessing the third greatest service in that position. If all Vice-Presidents have held their position for the same length of time, the Senior Vice-President shall be the Vice-President with the greater service on the Union Council, and the First Junior Vice-President shall be the Vice-President of the second greatest service on the Union Council.*
- (d) *In the event of the Branch President and all Vice-Presidents being absent from a meeting of a branch or a Branch Committee, the members present shall appoint a chairman to preside over the meeting.”*

17 Renumber current rule 55 as rule 56.

18 Insert in current rule 56, after sub-paragraph (n), the following:

- “(o) *In the HSU East Branch the Branch Secretary shall be called the General Secretary.”*

- (p) *In the HSU East Branch the General Secretary shall consult with and seek the advice of the Executive President in the exercise of his/her duties."*

19 Renumber current rule 56 as rule 57.

20 Inserting immediately after new rule 57 the following new rules 58, 59, 60 and 61:

"58 – EXECUTIVE PRESIDENT

In the HSU East Branch, the Executive President shall –

- (a) *be subject to the direction of the General Secretary; and*
- (b) *Consult with and advise the General Secretary and assist him/her at all times in the exercise of his/her duties; and*
- (c) *preside over all meetings of the Executive Committee.*
- (d) *be ex-officio, a member of all committees and Sub-Committees of the branch."*

"59 – DEPUTY GENERAL SECRETARIES

In the HSU East Branch, the Deputy General Secretaries shall-

- (a) *assist the General Secretary at all times in the exercise of his/her duties; and*
- (b) *be subject to the direction of the General Secretary and act in his/her stead whenever appointed to do so by the Union Council."*

"60 – DIVISIONAL SECRETARIES

In the HSU East Branch, the Divisional Secretaries shall –

- (a) *assist the General Secretary, the Deputy General Secretaries and the Executive President at all times in the exercise of his/her duties; and*
- (b) *be subject to the direction of the General Secretary."*

"61 – ASSISTANT DIVISIONAL SECRETARIES

In the HSU East Branch, the Assistant Divisional Secretaries shall –

- (a) *assist the Divisional Secretaries at all times in the exercise of their duties; and*

(b) *be subject to the direction of the General Secretary.*"

21 By deleting from current rule 58 the words:

"New South Wales Branch shall be undertaken by the General Secretary/Treasurer"

and inserting in lieu thereof the words:

"HSU East Branch shall be undertaken by the General Secretary".

22 By deleting current rule 58A.

23 By adding to current sub-rule 60(c) after the words "Assistant Secretary" the following:

"or, in the HSU East Branch, one of the Deputy General Secretaries)"

24 Renumber current rules 57, 58, 59, 60 and 61 as 62, 63, 64, 65 and 66.

25 By adding to current rule 62 the following new sub-rule (g):

"(g) Notwithstanding anything elsewhere in these rules, this sub-rule shall apply to the HSU East Branch.

(i) The HSU East Branch may call a general meeting of members by way of a series of general meetings of members at different locations in each of New South Wales, Victoria and the Australian Capital Territory.

(ii) A Special General Meeting of the branch shall be called by the Branch President or the General Secretary upon receipt by him/her of a request signed by not less than 600 financial members or five per cent of the members of the branch, whichever is the lesser amount. Such request shall state the business to be discussed at the meeting and shall contain the signature and name written in block letters of each petitioner and shall also contain a statement that the petitioner has read and understood the request prior to attaching his or her signature.

(iii) For the convenience of facilitating member attendance, video conferencing may be used for the series of general meetings

(iv) At the series of general meetings, the Branch President or the Branch Vice-President shall preside. All members of the Branch shall be entitled to attend and vote.

(v) Not less than 50 shall form a quorum which shall be calculated by reference to the total number of members attending the series of

general meetings. The general meeting is taken to have occurred at the time of the last of the meetings in the series.

- (v) *No general meeting of members of the HSU East Branch shall have the power to direct the Union Council or reject or review a decision of the Union Council unless a total of at least 800 members are present at the series of meetings.”*

26 By inserting a new rule 67 as follows:

“67 - APPOINTMENT OF DELEGATES TO REPRESENTATIVE BODIES

The HSU East Branch may from time to time appoint and remove delegates to bodies to which the Branch is affiliated. The General Secretary shall exercise that power in relation to bodies in New South Wales and the ACT and the Executive President shall exercise such power in relation to bodies in Victoria.”

27 By adding a new rule 68 as follows:

“68 - DUAL MEMBERSHIP AND FINANCIAL PROVISIONS – HSU EAST BRANCH

- (a) *For the purposes of this Rule “State Trade Union” shall mean the Health Services Union, an industrial union of employees registered pursuant to the provisions of the Industrial Relations Act 1996 (NSW).*
- (b) *If a member who becomes a member of the Union or is financial pursuant to those provisions transfers from the HSU East Branch to any other Branch pursuant to Rule 11 of these Rules he/she shall, when it next falls due and thereafter, be liable to pay to the Branch to which he/she transfers the annual subscriptions set by that Branch pursuant to Rule 8 of these Rules and his/her financial status shall thereafter be determined in accordance with that Rule.*
- (c) *The General Secretary of the HSU East Branch is empowered to make application for membership of the State Trade Union on behalf of all financial members of the Branch not members of the State Trade Union, provided however that each member of the Branch on whose behalf an application is made shall by notice of a publication that is distributed amongst such persons be notified that he/she may decline to so become a member of the State Trade Union by so notifying the*

General Secretary of the State Trade Union within one month of distribution of that publication.”

28 Renumber current rules 62 to 66 as rules 69 to 73 respectively.

29 Delete current sub-rule 73(d) and insert the following:

“(d) No person shall simultaneously hold more than one of the following offices -

Branch President, Branch Vice-President, Branch Secretary, Branch Assistant Secretary Trustee, ordinary member of Branch Committee, and, in the HSU East Branch, General Secretary, Executive President, Deputy General Secretary, Divisional Secretary and Assistant Divisional Secretary.”

30 Renumber current rules 67 to 75 as 74 to 82 respectively.

31 By deleting the index and contents to the Rules and inserting in lieu thereof the following:

**“Rules of the HSU
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PART A - NAME, OBJECTS, MEMBERSHIP

- 1 - NAME**
- 2 - INDUSTRY**
- 3 - CONDITIONS OF ELIGIBILITY FOR MEMBERSHIP**
- 4 - OBJECTS**
- 5 - REGISTERED OFFICE**
- 6 - ADMISSION TO MEMBERSHIP**
- 7 - MEMBERSHIP AGENCY**
- 8 - ANNUAL CONTRIBUTIONS**
- 9 - LEVIES**
- 10 - FINANCIALITY RULE**
- 11 - TRANSFER OF MEMBERS**
- 12 - LIFE MEMBERS**
- 13 - TERMINATION OF MEMBERSHIP**
- 14 - RE-ADMISSION TO MEMBERSHIP**
- 15 - RECOVERY OF CONTRIBUTIONS ETC.**
- 16 - PURGING THE REGISTER**
- 17 - MISCONDUCT OF MEMBERS AND UNION OMBUDSMAN**

18 - RULE BOOK**PART B - NATIONAL ORGANISATION****19 - OFFICERS OF THE UNION****20 - NATIONAL COUNCIL****21 - POWERS AND DUTIES OF NATIONAL COUNCIL.****22 - MEETINGS OF NATIONAL COUNCIL****23 - AGENDA FOR NATIONAL COUNCIL****24 - FARES AND EXPENSES****25 - MATTERS REQUIRING DECISION BETWEEN NATIONAL COUNCIL MEETINGS****26 - NATIONAL EXECUTIVE****27 - POWERS OF NATIONAL EXECUTIVE****28 - MEETINGS OF NATIONAL EXECUTIVE****29 - ELECTIONS****30 - NATIONAL PRESIDENT****31 - NATIONAL VICE-PRESIDENT****32 - NATIONAL SECRETARY****33 - NATIONAL ASSISTANT SECRETARIES****34 - TRUSTEES****35 - NATIONAL AUDITOR****35A - FINANCIAL REPORTING REQUIREMENTS****36 - NATIONAL FUNDS AND PROPERTY****37 - REMOVAL OF OFFICERS ETC.****38 - NATIONAL INDUSTRIAL PROCEEDINGS****39 - SEAL****40 - INDUSTRIAL AGREEMENTS****41 - NATIONAL VOTING****42 - NATIONAL QUORUMS****43 - DISPUTES BETWEEN BRANCHES****44 - RIGHTS OF BRANCHES****45 - NATIONAL PLEBISCITE****46 - FINANCE COMMITTEE****47 - STUDENT MEMBERS****PART C - BRANCH ORGANISATION****48 - BRANCHES****48A - VICTORIAN NUMBER 4 BRANCH TRANSITIONAL RULE****48B - SPECIAL TRANSITIONAL ENABLING RULES - HSU EAST BRANCH****49 - BRANCH MANAGEMENT****50 - BRANCH OFFICERS****51 - BRANCH COMMITTEE****51A - HSU EAST BRANCH UNION COUNCIL****52 - POWERS AND DUTIES OF BRANCH COMMITTEE****53 - MEETINGS OF BRANCH COMMITTEE****54 - EXECUTIVE COMMITTEE OF HSU EAST BRANCH****55 - BRANCH PRESIDENT****56 - BRANCH VICE PRESIDENT****57 - BRANCH SECRETARY.....****58 - EXECUTIVE PRESIDENT.....****59 - DEPUTY GENERAL SECRETARIES****60 - DIVISIONAL SECRETARIES****60 - ASSISTANT DIVISIONAL SECRETARIES****61 - ASSISTANT DIVISIONAL SECRETARIES****62 - BRANCH ASSISTANT SECRETARIES****63 - BRANCH TRUSTEES****64 - BRANCH AUDITOR****65 - BRANCH FUNDS AND PROPERTY****66 - REMOVAL OF BRANCH OFFICERS ETC.****67 - APPOINTMENT OF DELEGATES TO REPRESENTATIVE BODIES**

- 68 - DUAL MEMBERSHIP AND FINANCIAL PROVISIONS – HSU EAST BRANCH
- 69 - BRANCH GENERAL MEETINGS
- 70 – WORKPLACE COMMITTEES (SUB BRANCHES) AND REPRESENTATIVES
- 71 - BRANCH QUORUM
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**DECLARATION PURSUANT TO REGULATION 126(2) OF THE FAIR WORK
(REGISTERED ORGANISATIONS) REGULATIONS 2009**

I, Katherine Jackson of 208-212 Park Street, South Melbourne in the State of Victoria,
Union Official, declare:

- 1 I am the National Secretary of the Health Services Union (“HSU”).
- 2 I am authorised under the Rules of the HSU to sign this Declaration.
- 3 The alterations to the Rules of the HSU as contained in this Notice were made in accordance with the Rules of the HSU.
- 4 The rule alterations contained in this Notice were made by the National Council of the HSU in accordance with Rule 71 of the Rules of the HSU at a meeting of the National Council held at Sydney on Tuesday 6 April 2010.
- 5 Notice of the proposal to alter the Rules was given in writing to each member of the National Council and to the Secretary of each Branch of the HSU on Monday 1 March 2010.
- 6 The purpose of the Rule alterations contained in this Notice is to give effect to the amalgamation and merger of the Victoria No. 1 and Victoria No. 3 Branches with the New South Wales Branch.
- 7 On 25 February 2010 the Branch Committee of Management of the New South Wales Branch resolved to consent to the amalgamation of the Branch with the Victoria No. 1 and Victoria No. 3 Branches and alterations to the areas embraced by those Branches in accordance with proposed alterations to the Rules of the HSU tabled at that meeting.
- 8 On 26 February 2010 the Branch Committee of Management of the Victoria No. 1 Branch resolved to consent to the amalgamation of the Branch and the Victoria No. 3 Branch with the New South Wales Branch and alterations to the areas embraced

by those Branches in accordance with proposed alterations to the Rules of the HSU tabled at that meeting.

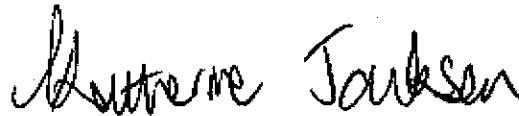
- 9 On 26 February 2010 the Branch Committee of Management of the Victoria No. 3 Branch resolved to consent to the amalgamation of the Branch and the Victoria No. 1 Branch with the New South Wales Branch and alterations to the areas embraced by those Branches in accordance with proposed alterations to the Rules of the HSU tabled at that meeting.
- 10 The particulars set out in this Notice are true and correct to the best of my knowledge and belief.

DECLARED

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On 13 April 2010

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Katherine Jackson