

FAIR WORK COMMISSION

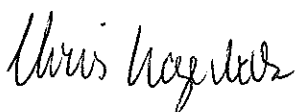
Fair Work (Registered Organisations) Act 2009
Fair Work (Registered Organisations) Regulation 2009

NOTICE OF PARTICULARS OF RULE ALTERATIONS

I Christopher Gazenbeek of 385 St Pauls Terrace, Fortitude Valley, Queensland 4006 am Secretary of the Queensland Branch of the Shop Distributive & Allied Employees' Association and am authorized to give this notice of particulars of alterations to the rules of the Queensland Branch of the Shop Distributive & Allied Employees' Association and to make this declaration as required by Regulation 126 of the *Fair Work (Registered Organisations) Regulations 2009*.

1. I declare that the alterations were made in accordance with the rules of the Queensland Branch of the Shop Distributive & Allied Employees' Association.
2. The particulars of the rule alterations are attached to this declaration and labelled 'Schedule A'.
3. The actions taken under the rules to make these alterations were as follows:
 - (a) A Postal Ballot of the members of State Council, the result of which was unanimous in favour of the changes.
4. I declare that the particulars set out in this notice are true and correct to the best of my knowledge and belief.

DATED this 2nd day of July 2016



Chris Gazenbeek
BRANCH SECRETARY

SCHEDULE A

PROPOSED ALTERATIONS TO THE RULES OF THE SHOP DISTRIBUTIVE AND ALLIED EMPLOYEES ASSOCIATION (QUEENSLAND BRANCH)

Old Rule, Clause or Paragraph	Amendment to Old Rule	New Rule, Clause, or Paragraph Required to be Registered
<p>15 (c) (i) Candidates for the office of President, Secretary-Treasurer, Assistant Secretary and Vice President shall have had not less than 12 Months continuous financial memberships at the date when nominations are called, provided that the requirement of 12 months financial membership shall not apply until the expiration of six months from the certification of this sub-rule 15 (c) (i); and</p> <p>(ii) The candidate for the office of Secretary-Treasurer must have had at least 6 months as a member of State Council and a candidate for the office of Assistant Secretary must have had at least 3 months as a member of State Council at the date when nominations are called, provided that the requirement of 3 months membership of State Council for the office of President shall not apply until 3 months after the assumption of office of all candidates at the 2014 ordinary election; and</p>	<p>Delete the existing sub-rule and substitute the following:</p> <p>Candidates for the office of President, and Vice President shall have had not less than 12 Months continuous financial memberships at the date when nominations are called, and candidates for the office of Secretary-Treasurer and Assistant Secretary shall have not less than 24 months continuous financial membership at the date when nominations are called: and</p> <p>Amend as follows:</p> <p>After the word "President" on the second line insert the following words: "and the office of Assistant Secretary". After the word "called" on the third line delete the comma and all words up to but not including the semi-colon.</p>	<p>(i) Candidates for the office of President, and Vice President shall have had not less than 12 Months continuous financial memberships at the date when nominations are called, and candidates for the office of Secretary-Treasurer and Assistant Secretary shall have not less than 24 months continuous financial membership at the date when nominations are called: and</p> <p>(ii) The candidate for the office of Secretary-Treasurer must have had at least 6 months as a member of State Council and a candidate for the office of President and the office of Assistant Secretary must have had at least 3 months as a member of State Council at the date when nominations are called; and</p>

<p>(iii) All other candidates must be financial members of the Branch at the date when nominations are called and all candidates must be nominated by six financial members of the Branch; and</p> <p>15(p) A person shall not be eligible to be a candidate for any office in the Branch if there is reasonable ground for believing that:-</p> <p>(i) Within twelve months prior to the date of his nomination he was a member of any body of persons, incorporated or unincorporated, which by its constitution or propaganda or otherwise advocates or encourages the overthrow by force or violence of the established government of the Commonwealth or of a State or of any other civilised country or of organised government; or</p> <p>(ii) He himself advocates or encourages or has within twelve months prior to the date of his nomination advocated or encouraged the overthrow by force or violence of the established government of the Commonwealth or of a State or of any other civilized country or of organised government.</p>	<p>Amend sub-rule 15 (c)(iii) as follows:</p> <p>After the word "must" on the first line delete the words "be financial members" and insert the words "have 6 months continuous financial membership of the Branch"</p> <p>Delete and replace with the following:</p> <p>15(p)(a) A person shall not be eligible to be a candidate for office if he or she has intentionally urged another person to overthrow by force or violence:</p> <p>(i) The Constitution of the Commonwealth, a State or Territory; or</p> <p>(ii) The Government of the Commonwealth, a State or Territory; or</p> <p>(iii) The lawful authority of the Government, or of a State or of a Territory; and</p> <p>(b) The candidate does so intending that force or violence will occur.</p>	<p>(iii) All other candidates must have 6 months continuous financial membership of the Branch at the date when nominations are called and all candidates must be nominated by six financial members of the Branch; and</p> <p>15(p)(a) A person shall not be eligible to be a candidate for office if he or she has intentionally urged another person to overthrow by force or violence:</p> <p>(i) The Constitution of the Commonwealth, a State or Territory; or</p> <p>(ii) The Government of the Commonwealth, a State or Territory; or</p> <p>(iii) The lawful authority of the Government, or of a State or of a Territory; and</p> <p>(b) The candidate does so intending that force or violence will occur.</p>
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<p>15 (g) A person shall not be eligible to hold or continue to hold office in the Branch if there is reasonable ground for believing that:-</p> <p>(i) He is a member of any body of persons incorporated or unincorporated, which by its constitution or propaganda or otherwise advocates or encourages the overthrow by force or violence of the established government of the Commonwealth or of a State or of any other civilized country or of organised government; or</p> <p>(ii) He himself advocates or encourages, or has within twelve months prior to the date of his election advocated or encouraged, the overthrow by force or violence of the established government of the Commonwealth or of a State or of any other civilized country or of organised government.</p>	<p>Delete the existing sub-rule 15(q) and replace with the following:</p> <p>15(q)(a) A person shall not be eligible to hold office in the Branch if the person is a member of an organisation incorporated or incorporated which by its Constitution or propaganda or otherwise advocates the overthrow by force of violence:</p> <p>(i) The Constitution of the Commonwealth, a State or Territory; or</p> <p>(ii) The Government of the Commonwealth, a State or Territory; or</p> <p>(iii) The lawful authority of the Government of the Commonwealth, a State or of a Territory; and</p> <p>(b) The candidate or holder of an office in the Branch believes that force or violence will be necessary to achieve the objects of the organisation to which he or she is a member.</p>	<p>15 (q)(a) A person shall not be eligible to hold office in the Branch if the person is a member of an organisation incorporated or incorporated which by its Constitution or propaganda or otherwise advocates the overthrow by force of violence:</p> <p>(i) The Constitution of the Commonwealth, a State or Territory; or</p> <p>(ii) The Government of the Commonwealth, a State or Territory; or</p> <p>(iii) The lawful authority of the Government of the Commonwealth, a State or of a Territory; and</p> <p>(b) The candidate or holder of an office in the Branch believes that force or violence will be necessary to achieve the objects of the organisation to which he or she is a member.</p>
<p>22.(b) Where the Branch has a website and on the website there is provision for an applicant to apply for membership electronically, then such application will be submitted by the Secretary-Treasurer to the next State Council or Committee of Management for acceptance provided the applicant has submitted payment into the Branch's account via the website.</p> <p>Unless rejected the applicant shall be bound</p>	<p>Delete all words after sub-rule 22(b) and replace with the following:</p> <p>Insert a new sub-rule (c) as follows:</p> <p>(c) Applicants for membership shall be informed in writing of:</p> <p>(i) the financial obligations arising from membership; an</p>	<p>Rule 22</p> <p>(c) Applicants for membership shall be informed in writing of:</p> <p>(i) the financial obligations arising from membership; an</p> <p>(ii) the circumstances and the manner in which a member may resign from</p>

<p>by the registered rules of the Association and Queensland Branch and shall pay the fees prescribed whilst a member.</p> <p>Any applicant who is not accepted shall be refunded the fees tendered.</p> <p>Applicants for membership shall be informed, in writing, of:</p> <p>(i) the financial obligations arising from membership; and</p> <p>(ii) the circumstances, and the manner in which a member may resign from the Association.</p>	<p>(ii) the circumstances and the manner in which a member may resign from the union.</p> <p>(d) (i) Unless an applicant is not eligible to become a member in accordance with the eligibility rule of the union which relates to the occupation and the industry in which the applicant is employed or the applicant is of general bad character, then that person shall be admitted to membership; and</p> <p>(ii) to remain a member so long as the person complies with rules of the union.</p> <p>(e) If an applicant for membership is refused in accordance with sub-rule 22 (d) (i) above, then the applicant shall be refunded any fee or payment made with his or her application.</p>	<p>the union.</p> <p>(d) (i) Unless an applicant is not eligible to become a member in accordance with the eligibility rule of the union which relates to the occupation and the industry in which the applicant is employed or the applicant is of general bad character, then that person shall be admitted to membership; and</p> <p>(ii) to remain a member so long as the person complies with rules of the union.</p> <p>(e) If an applicant for membership is refused in accordance with sub-rule 22 (d) (i) above, then the applicant shall be refunded any fee or payment made with his or her application.</p>
<p>Rule 28(ac) There shall be no quorum required at report back meetings. The meetings shall open and close at a time most convenient to the members in the area where the meeting is held, but shall not exceed 1½ hours.</p>	<p>Delete the first sentence and replace it with the following words:</p> <p>There shall be not less than 2 members present to form a quorum at a report back meeting.</p>	<p>Rule 28(ac) There shall be not less than 2 members present to form a quorum at a report back meeting. The meetings shall open and close at a time most convenient to the members in the area where the meeting is held, but shall not exceed 1½ hours.</p>

<p>Rule 32 (a) State Council shall have the power to appropriate to the Mortality Fund by transfer from the General Fund such other amounts as may be required from time to time to keep the Mortality Fund solvent.</p> <p>An amount of \$2,000 in the case of a member working twenty hours or more per week in the industry and paying the appropriate rate of Union fees per week, \$1,800 in the case of a member working ten or more but less than twenty hours per week in the industry and paying the appropriate rate of Union fees per week, \$1600 in the case of a member working less than ten hours per week in the industry and paying the appropriate rate of Union fees per week may be paid to the Widow, Widower, Child, Executor, or other legal representatives of a deceased member, or such other persons or in such other manner as the State Council or Committee of Management thinks fit, on the production to the Secretary-Treasurer of a certificate of death of such member.</p> <p>(b) No such representative or other person shall be entitled to any claim on the Mortality Fund on the death of any member, unless such member shall be financial on the books of the Branch at the date of his or her death, and unless such member had not less than two years' continuous membership of the Branch immediately preceding the date of his or her death.</p> <p>(c) Deleted.</p>	<p>Amend by deleting the existing Rule and replacing it with the following:</p> <p>(a) The Branch shall maintain a Mortality Fund for the benefit of dependents of a deceased member.</p> <p>(b) The State Council shall have power to appropriate to the Mortality Fund by transfer from the General Fund such amounts as shall be required from time to time to keep the Mortality Fund solvent.</p> <p>(c) A dependent, a widow or widower or the executor of the deceased member's Will or a legal representative acting for a dependent (other such person) of a deceased member may request assistance from the mortality fund as soon as a possible following the death of a member of the union provided:</p> <p>(i) The dependent or other such person in paragraph (c) above produces to the satisfaction of State Council the deceased member's death certificate; and</p> <p>(ii) Produces proof to the satisfaction of State Council that the claimant is a bona fide dependent or other such person of the deceased member; and</p> <p>(iii) Providing the deceased member had at least two years financial membership and was becoming unfinancial due to sickness or injury which results in the member's death; and</p> <p>(iv) Only one claim on the Mortality Fund shall be permitted by any dependent member or other such person on behalf of the deceased member; and</p> <p>(v) The decision of State Council shall be final in respect to any claim against the Mortality Fund.</p>	<p>Rule 32</p> <p>(a) The Branch shall maintain a Mortality Fund for the benefit of dependents of a deceased member.</p> <p>(b) The State Council shall have power to appropriate to the Mortality Fund by transfer from the General Fund such amounts as shall be required from time to time to keep the Mortality Fund solvent.</p> <p>(c) A dependent, a widow or widower or the executor of the deceased member's Will or a legal representative acting for a dependent (other such person) of a deceased member may request assistance from the mortality fund as soon as a possible following the death of a member of the union provided:</p> <p>(i) The dependent or other such person in paragraph (c) above produces to the satisfaction of State Council the deceased member's death certificate; and</p> <p>(ii) Produces proof to the satisfaction of State Council that the claimant is a bona fide dependent or other such person of the deceased member; and</p> <p>(iii) Providing the deceased member had at least two years financial membership and was becoming unfinancial due to sickness or injury which results in the member's death; and</p> <p>(iv) Only one claim on the Mortality Fund shall be permitted by any dependent member or other such person on behalf of the deceased member; and</p> <p>(v) The decision of State Council shall be final in respect to any claim against the Mortality Fund.</p> <p>(d) Payment from the Mortality Fund to an approved claimant shall be as follows:</p>
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<p>(d) Where a member has had two years membership and has paid no less than 52 weekly deductions during that period, and became unfinancial during the course of illness or injury leading up to his or her death, and provided that the unfinancial membership does not exceed the period of the current quarter or a period in excess of thirteen continuous weekly deductions, the State Council or Committee of Management may, in their discretion, direct that the representative or other persons be entitled to a claim on the Mortality Fund.</p>	<p>Mortality Fund.</p> <p>(d) Payment from the Mortality Fund to an approved claimant shall be as follows:</p> <p>Deceased member who worked 20 hours or more per week: \$3000;</p> <p>Deceased member who worked 10 but less than 20 hours per week: \$2500;</p> <p>Deceased member who worked less than 10 hours per week: \$2250.</p> <p>(e) In the event of exceptional circumstances where an approved claimant pleads extreme hardship, State Council may increase the payment in the respective category in paragraph (d) up to double what is provided for in the respective category.</p>	<p>Deceased member who worked 20 hours or more per week: \$3000;</p> <p>Deceased member who worked 10 but less than 20 hours per week: \$2500;</p> <p>Deceased member who worked less than 10 hours per week: \$2250.</p> <p>(e) In the event of exceptional circumstances where an approved claimant pleads extreme hardship, State Council may increase the payment in the respective category in paragraph (d) up to double what is provided for in the respective category.</p>
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