

Fair Work (Registered Organisations) Act 2009, subsection 94(4)

APPLICATION FOR BALLOT UNDER PART 3 OF CHAPTER 3

TO: THE FAIR WORK COMMISSION

I, Grahame Kelly:

- (a) apply for a ballot to be held to decide whether the Mining and Energy Division should withdraw from the Construction, Forestry, Maritime, Mining and Energy Union; and
- (b) nominate myself, of 215-217 Clarence Street Sydney in the State of New South Wales as the representative constituent member for the purposes of the ballot.

PARTICULARS

1. Grahame Kelly (**the Applicant**) is a member of the Central Council of the Mining and Energy Division (**ME Division**) of the Construction, Forestry, Maritime, Mining and Energy Union (**CFMMEU**). The Central Council of the ME Division is the committee of management of the ME Division within the meaning of s.6 of the *Fair Work (Registered Organisations) Act 2009* (Cth) (**RO Act**).
2. On 25 March 2021 the Central Council of the ME Division passed a resolution which, inter alia, authorised the Applicant to make this application and nominated him as the representative constituent member for the purposed of the ballot. A copy of the resolution is attached to this application and marked "**Annexure 1**".
3. The ME Division became part of the CFMMEU as a result of an amalgamation under Chapter 3, Part 2 of the RO Act between the Construction, Forestry, Mining and Energy Union, the Maritime Union of Australia and the Textile Clothing and Footwear Union of Australia which took effect on 27 March 2018. Accordingly, this application meets the requirements of s.94(1) of the RO Act.
4. The Fair Work Commission has not rejected an application for a ballot to be held in relation to the ME Division, nor has a ballot been held that rejected the withdrawal of the ME Division from the CFMMEU.
5. It is proposed that the ballot question to be put to the members of the ME division be as follows:
"Do you approve the proposed withdrawal of the Mining and Energy Division from the Construction, Forestry, Maritime, Mining and Energy Union and its registration as a separate organisation under the *Fair Work (Registered Organisations) Act 2009* (Cth)?"
6. This application is accompanied by the following documents:
 - (a) a written outline of the proposal for the ME Division to withdraw from the CFMMEU which is marked "**Annexure 2**"
 - (b) a copy of the rules and name proposed for the new organisation, "**Annexure 3**";
 - (c) a copy of the altered rules and name proposed for the CFMMEU when the proposed withdrawal of the ME Division takes effect, which is marked "**Annexure 4**".

Lodged by: Grahame Kelly

Telephone: (02) 8071 2749

Address for service: c/o Slater & Gordon Lawyers

Fax: (02) 8267 0650

Level 5, 44 Market Street, Sydney NSW 2000

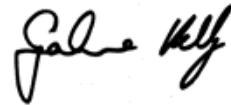
Email: phillip.pasfield@slatertgordon.com.au

7. The Applicant applies for an order pursuant to s.102(1)(a) of the RO Act allowing the proposed ballot to be conducted by a designated official pursuant to an exemption which is in force under s.186 of the RO Act. The Applicant seeks that the ballot be conducted as an attendance ballot but that the designated official have the power to conduct a postal ballot in respect of members for whom it is not practical to conduct an attendance ballot.

Note 1: Section 95 of the Act requires this application to be accompanied by a fair and accurate written outline of the proposal to withdraw from the amalgamation.

Note 2: Section 95A of the Act requires this application to be accompanied by a statement of the name, and a copy of the rules, proposed for the new organisation and a statement of the name, and a copy of the alterations of the rules, proposed for the amalgamated organisation.

Dated: 26 March 2021



.....
Signature of Grahame Kelly

Annexure 1

THE CENTRAL COUNCIL NOTES:

1. The resolution of the National Convention dated 1 March 2021 regarding the withdrawal of the Mining and Energy Division from the CFMMEU.
2. That the following documents were tabled on 24 March 2020:
 - a. an application to the Fair Work Commission pursuant to s.94 of the Fair Work (Registered Organisations) Act 2009 (Cth) (**RO Act**) for a ballot to be held to decide whether the Mining and Energy Division should withdraw from the CFMMEU (**the Application**);
 - b. a written outline of the proposal for the Mining and Energy Division to withdraw from the CFMMEU;
 - c. a copy of the rules proposed for the new organisation;
 - d. a copy of the altered rules proposed for the CFMMEU when the proposed withdrawal of the Mining and Energy Division takes effect; and
 - e. a written statement in support of the proposal for the Mining and Energy Division to withdraw from the CFMMEU (**the Yes Case**).

THE CENTRAL COUNCIL RESOLVES THAT:

1. It endorses and adopts the resolution of the National Convention dated 1 March 2021 regarding the withdrawal of the Mining and Energy Division from the CFMMEU.
2. It resolves to make an application to the Fair Work Commission for a ballot of the members of the Mining and Energy Division to approve the withdrawal of the Mining and Energy Division from the CFMMEU and the establishment of a new union for the members of the Mining and Energy Division.
3. Grahame Kelly is hereby authorised and directed to make the application referred to in resolution 2 above and take all necessary steps in relation to it.
4. The application (and the accompanying documents) are to be substantially in the terms of the documents tabled at the meeting of the Central Committee on 24 March 2021, however, Grahame Kelly is authorised to make any amendments which are necessary.

Moved: Peter Jordan
Seconded: Stephen Smyth

CARRIED UNANIMOUSLY

Annexure 2

Outline of Proposed Withdrawal of the Mining and Energy Division from the Construction, Forestry, Maritime, Mining and Energy Union

A. Introduction

1. On 1 March 2021, the National Convention of the Mining and Energy Division ('ME Division') of the Construction, Forestry, Maritime, Mining and Energy Union ('CFMMEU') voted unanimously to recommend to the Central Council of the Mining and Energy Division that an application be made under the *Fair Work (Registered Organisations) Act 2009* ('the Act') to withdraw from the CFMMEU.
2. The National Convention is the single largest gathering of delegates, officials and Lodge Officers of the ME Division. More than 300 National Convention delegates voted to endorse the resolution.
3. On 25 March 2021, a meeting of Central Council voted unanimously to make an application ('the Application') to the Fair Work Commission ('FWC') under s.94 of the Act for a ballot of members under the Act to decide whether the ME Division should withdraw from the CFMMEU and form its own registered organisation. The Central Council is the supreme governing body and the committee of management of the ME Division. The Central Council also specifically approved a detailed scheme of withdrawal, including this Outline.
4. The Central Council has also appointed Grahame Kelly to make the application as provided for in s.94(3)(d) of the Act.

Annexure 1 to the Application contains a copy of the resolution of the Central Council approved on 25 March 2021 concerning the application to the FWC for a withdrawal ballot.

5. The ME Division is well placed to operate effectively as a separately registered organisation. If approved the newly registered organisation would have around 21,000 financial members which would automatically transfer across from the CFMMEU pursuant to s.111 of the Act ; it would be in a very strong financial position with over \$96 million in assets; its existing officials, professional and administrative staff would transfer to the newly registered organisation; the existing democratic structures would be preserved in the newly registered organisation and finally, it would have an already strong reputation to build upon.

6. Importantly, if approved the newly registered organisation will not be responsible for any penalties, liabilities or debts that belong to other Divisions of the CFMMEU. The newly registered organisation, as an independent organisation, will also be free to set its own industrial priorities free from any interference from the CFMMEU.

B. The proposal

7. The ME Division is a constituent part of the CFMMEU. The CFMMEU is an ‘amalgamated organisation’ for the purposes of Chapter 3, Part 3 of the Act.
8. The ME Division became a constituent part of the CFMMEU as a result of the amalgamation of the Construction, Forestry, Mining and Energy Union, the Maritime Union of Australia and the Textile Clothing and Footwear Union of Australia in 2018.
9. The ME Division is a ‘separately identifiable constituent part’ under sub-paragraph (c) of the definition contained in s.93 of the Act.
10. It is proposed that members of the ME Division of the CFMMEU should be allowed to vote in a secret ballot to decide whether or not the ME Division should withdraw from the CFMMEU. The ballot application is made pursuant to s.94 of the Act.
11. It is proposed that the ballot question to be put to the members of the ME Division will be as follows:

“Do you approve the proposed withdrawal of the Mining and Energy Division from the Construction, Forestry, Maritime, Mining and Energy Union and its registration as a separate organisation under the *Fair Work (Registered Organisations) Act 2009*?”
12. The ballot question will require members to vote ‘yes’ or ‘no’. If a majority of the ME Division members who participate in the ballot vote ‘yes’ to the ballot question, the members of the ME Division will have approved the proposed withdrawal from the CFMMEU.
13. It is proposed that the ballot be conducted both as an attendance ballot and also a postal ballot (in the circumstances described below) and be conducted by a designated official pursuant to s.102(1A) of the Act. It is anticipated that a majority of members of the ME Division will vote via an attendance ballot. This approach reflects the longstanding practice of members of the ME Division of voting in ballots conducted by a National Returning Officer.

14. The attendance ballots will be secret ballots and will be conducted in accordance with the requirements of the Act and the *Fair Work (Registered Organisations) Regulations 2009* ('Regulations'). However, the designated official will have the power to conduct a postal ballot for any member who is absent from the work site, or in other circumstances where it is not practical to conduct an attendance ballot. Any postal ballot will be conducted in accordance with the Act and the Regulations.
15. Following the declaration of the ballot result, if the members of the ME Division vote 'yes', the ME Division will make application to the Federal Court of Australia pursuant to s.109 of the Act. The application will seek orders fixing the withdrawal date of the ME Division and will seek orders dealing with the transfer of assets to the newly registered organisation and any other matters requiring Court approval.
16. Once the Federal Court of Australia determines the withdrawal date, the General Manager of the FWC will enter the new registered organisation into the register of organisations pursuant to and in accordance with s.110 of the Act.
17. Pursuant to s.111 of the Act, existing members of the ME Division will automatically become members of the newly registered organisation on registration day and will cease being members of the CFMMEU. The former members of the CFMMEU will become members of the newly registered organisation without the payment of entrance fees.

C. Names of the newly registered organisation and the amalgamated organisation

18. It is proposed that the name of the newly registered organisation will be the Mining and Energy Union ('MEU').
19. It is proposed that the name of the amalgamated organisation after withdrawal, will be the Construction, Maritime and Manufacturing Union.
20. The proposed name of the newly registered organisation reflects its coverage of workers in the mining and energy industries. The proposed name of the newly registered organisation does not offend s.95A(2) of the Act, as it is not so similar to the proposed name of the amalgamated organisation or any other organisation as to cause confusion.
21. The proposed name of the amalgamated organisation reflects the requirement in s.95A(3) of the Act in that the name of the amalgamated organisation must reflect the fact of the withdrawal of the constituent part. Accordingly, the name of the amalgamated organisation will be exactly the same as before the withdrawal save only for:

- a. the deletion of the reference to the mining or energy industries which will be covered by the MEU; and
- b. the reference to “Forestry” being updated with “Manufacturing”.

D. General rules of the proposed newly registered organisation

22. The proposed rules of the amalgamated organisation after withdrawal and the proposed rules of the MEU are attached to the Application.

‘Annexure 3 to the Application’ contains the proposed rules of the MEU and its District Branches.

‘Annexure 4 to the Application’ contains the proposed rules of the amalgamated organisation after withdrawal which is marked.

23. The proposed rules of the MEU largely reflect the existing rules of the ME Division and its District Branches. This is because it has been sought to only amend the existing ME Division rules to the extent necessary to give effect to the withdrawal, or to ensure consistency in processes of the newly registered organisation and District Branches and consistency in terminology, or to otherwise ensure compliance with the Act.
24. Accordingly, the vast majority of the changes to the ME Division rules concern the change of the word ‘Division’ to ‘Union’ (as the relevant context requires) and similar consequential changes to give effect to the existence of a new registered organisation out of what was the ME Division, or to ensure consistency in processes of the newly registered organisation and consistency in terminology.
25. The organisational structure of the ME Division will be retained in the MEU. That is, each of the existing District Branches is identified and retained, the relevant governing bodies of the ME Division become the governing bodies of the MEU and the Lodge structure which is particular to the ME Division will continue to exist in its current form. There are other rule changes that are more substantive and reflect the need to deal with organisational matters that were previously dealt with in the rules of the CFMMEU. These include new rules simplifying and modernising the method by which employees may join the newly registered organisation; a new rule conferring power on the Central Council to deal with a situation in which a District Branch might cease to function properly; a new rule requiring financial and expenditure policies to be developed and implemented by the newly registered organisation and a new rule dealing with offences and penalties.

26. Also, the rules contain a substantial transitional rule which explicitly deals with the transfer of existing office holders and structures of the ME Division into the MEU. The transition rule is necessary to ensure that there is no confusion or interruption to the normal operation of the ME Division as it transitions into the MEU.

E. General rules of the amalgamated organisation after withdrawal

27. The ME Division has sought only to amend the rules of the amalgamated organisation to the extent necessary to reflect the withdrawal of the ME Division. Accordingly, the approach taken has been to simply delete all references to the ME Division, its members and District Branches.
28. The deletion of references to the ME Division is also reflected in rules dealing with the governing bodies of the amalgamated organisation. The rule changes simply provide that the ME Division no longer exists as part of the amalgamated organisation and has no presence on its governing bodies.
29. The proposed rules of the amalgamated organisation have been provided to the FWC with tracked changes in order to demonstrate the limited nature of the proposed alterations to the rules of the amalgamated organisation.

F. Eligibility rules of the amalgamated organisation and the newly registered organisation

30. The approach that has been taken to the drafting of the eligibility rules of the respective organisations is to give effect to the requirements of sections 95A(4) to (6) of the Act.
31. It is not sought or intended that the MEU cover any employee or class of employee that was not covered by the ME Division as part of the CFMMEU. To this end attention has been given to:
- a. The wording of the existing eligibility rules of the CFMMEU.
 - b. The principles set out in rule 42 of the CFMMEU, which deals with the translation of members into industry Divisions.
 - c. The practical application of the eligibility rules as between the respective Divisions of the CFMMEU.

- d. Existing and/or historical agreements or arrangements between the respective Divisions of the CFMMEU about demarcation/the allocation of members between the Divisions.

32. Accordingly, the proposed eligibility rules of the MEU are comprised of the following components:

- a. Rule 2 (A) of the proposed MEU rules deals with the coverage of the MEU in the coal industry. This rule originally derived from the now de-registered United Mineworkers Federation of Australia ('UMFA'). With the exception of the State of South Australia, it is uncontroversial that the ME Division has at all relevant times exercised exclusive coverage of workers in the coal industry as part of the CFMMEU.
- b. Rule 2 (B) of the proposed MEU rules deals with the coverage of the MEU in the Mining, Exploration and Energy industries of workers who would have previously been eligible to be members of the Federated Engine Drivers and Firemens' Association of Australasia ('FEDFA'). It is proposed that the eligibility rule that derives from the FEDFA be shared by the MEU and the amalgamated organisation based on the principles set out in rule 42. Accordingly, the approach taken to drafting the eligibility rules of both the MEU and the amalgamated organisation is that both organisations will retain the FEDFA rule, but with appropriate mutual limitations reflecting the existing application of the rule (that is, the existing demarcation/allocation of members) within the CFMMEU.
- c. Rule 2(C) of the proposed MEU rules deals with the coverage of the MEU of bauxite mining operations in or around the town of Weipa in far north Queensland. This eligibility rule derives from an order of the Australian Industrial Relations Commission. As the coverage solely concerns the mining industry, it is appropriately part of the coverage of the MEU.
- d. Rule 2 (D) of the proposed MEU rules deals with the coverage of the MEU in the County of Yancowinna, which is based around the town of Broken Hill in New South Wales. The coverage proposed in respect of this class of employees is based on the wording of rule 42(iii) of the CFMMEU rules and the existing practices and arrangements in respect of this class of employees since 1993.
- e. Rules 2(E), 2(F) and 2(G) pertain to the additional eligibility that accrues to the newly registered organisation as a result of the 'uplifting' of the eligibility rules of

counterpart State registered organisations in the States of Queensland, New South Wales and Western Australia under section s.158A of the Act. The ME Division has sought to only include those aspects of the former State eligibility rules that pertain to the Mining, Exploration or Energy Industries and which derive from the former UMFA or FEDFA. These rules are, by their terms, restricted in operation to the States from which they derive and are similarly limited by any State demarcation order or agreement applying as of the date of the withdrawal application.

f. Rule 2(H) provides that independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

33. The proposed rules of the MEU have also retained each of the limitations or restrictions that applied to the relevant eligibility rules described above as of the day before the withdrawal application was made. Accordingly, the MEU will be subject to the same restrictions or limitations on eligibility as applied to the ME Division as of its date of registration.

G. Particulars of the assets and liabilities of the amalgamated organisation and the newly registered organisation

34. The CFMMEU is a reporting unit for the purposes of the Act. A reporting unit must comply with the reporting requirements set out in Chapter 8 of the Act. These requirements include detailing the financial and assets positions of the reporting unit, prepared in accordance with mandated accounting standards.

35. Each of the Divisions of the CFMMEU is also a reporting unit for the purposes of the Act. As such, each of the Divisions is required to lodge annual financial reports with the Registered Organisations Commission ('ROC').

36. Rule 27(iii) of the CFMMEU provides that: "*Each Division shall have autonomy in relation to its funds and property*". This has meant that each Division has had the control and exclusive use of the funds and property that are attached to the Division. In the case of the ME Division, there is likewise a Divisional rule that provides for District Branch autonomy in respect of property owned or acquired by the District Branch (ME Division rule 12(ii)).

37. The CFMMEU has, in practice, operated on the basis of a highly decentralised financial structure with the funds and assets of the organisation residing overwhelmingly in the Divisions. That is shown by the fact the CFMMEU Central Office in its most recent (2019) financial year report recorded a net loss of (\$272,275) and a net liability position of (\$627,405).
38. In contrast, the latest financial reports for each of the respective Divisions lodged with the ROC reveals the following results for funds and assets:
 - a. Mining and Energy Division – a net surplus result of \$1,387,627 and a net asset value of \$57,922,822.
 - b. Construction and General Division – a net surplus result of \$1,942,207 and net asset value of \$11,589,312.
 - c. MUA Division – a net surplus of \$1,310,497 and a net asset value of \$44,695,228.
 - d. Manufacturing Division – a net deficit of (\$2,881,196) and a net asset value of \$4,568,889.
39. In addition, whilst the MUA Division and Manufacturing Division reports consolidate the financial reports for each of their Branches, the ME Division and the Construction and General Division do not. Accordingly, to ascertain the total financial and asset position of each of those Divisions, the financial returns of each of the respective Divisional Branches needs to be combined with the Central Office return.
40. Under this method, the total surplus of the ME Division increases to \$4,337,020 and the net asset position increases to \$96,967,598.
41. There is no property, assets or liabilities held in common by the ME Division and any other Division or part of the CFMMEU, with the possible exception of part ownership of any current deficit attaching to the Central Office.
42. The ME Division proposes that the newly registered organisation will assume ownership of all of the funds, assets, property and liabilities of the ME Division as outlined in the most recent financial reports to the ROC by the ME Division National Office and each of its District Branches, with any necessary adjustments being made to reflect the date of withdrawal.

43. Further, the ME Division proposes that the inventory of funds, assets, property and liabilities belonging to the ME Division will be subject of transfer to the newly registered organisation and will be the subject of orders sought from the Federal Court of Australia under s.109 of the Act.
44. The asset and funds position of the ME Division is very strong and will enable the newly registered organisation to properly represent members as a newly registered organisation.

The proposed rules of the MEU, the proposed rules of the amalgamated organisation after withdrawal and the most recently lodged financial reports of the CFMMEU, its Divisions and Divisional Branches can be accessed via this QR code.

Insert QR Code

Annexure 3

Rules of the Mining and Energy Union and its District Branches Contents

<u>MINING AND ENERGY UNION</u>	5
<u>1 – NAME</u>	5
<u>2 – ELIGIBILITY TO JOIN THE UNION</u>	5
<u>3 – DESCRIPTION OF INDUSTRY</u>	12
<u>4 – OBJECTS</u>	12
<u>5 – DEFINITIONS</u>	14
<u>6 – MEANS</u>	15
<u>7 – MEMBERSHIP</u>	15
<u>8 – ENTITLED TO VOTE</u>	18
<u>9 – CENTRAL COUNCIL</u>	19
<u>10 – ATTENDANCE AT MEMBERSHIP MEETINGS</u>	25
<u>11 – THE CENTRAL EXECUTIVE</u>	25
<u>12 – FINANCE AND PROPERTY</u>	30
<u>13 – DISTRICT BRANCHES</u>	36
<u>14 – AMALGAMATION</u>	39
<u>15 – VALIDATION OF ACTS</u>	39
<u>16 – NEW RULES AND ALTERATION OF RULES</u>	40
<u>17 – BALLOT</u>	40
<u>18 – MINIMUM REQUIREMENT FOR ELIGIBILITY FOR OFFICE</u>	48
<u>19 – RETIRED MEMBERS</u>	48
<u>20 – KEEPING OF MINUTE BOOKS IN THE UNION</u>	49
<u>21 – AGREEMENTS WITH STATE UNIONS</u>	49
<u>22 – OFFENCES AND PENALTIES</u>	49
<u>23 – NOTIFICATION OF INDUSTRIAL DISPUTES</u>	51
<u>24 – TRANSITIONAL RULES</u>	52
<u>NORTHERN MINING AND NSW ENERGY DISTRICT BRANCH</u>	59
<u>1 – NAME</u>	59
<u>2 – MEMBERSHIP OF THE DISTRICT BRANCH</u>	59
<u>3 – OBJECTS</u>	60
<u>4 – MEANS</u>	61
<u>5 – MEMBERSHIP</u>	61
<u>6 – REGISTERED OFFICE</u>	67
<u>7 – ENTITLED TO VOTE</u>	67

8 – BOARD OF MANAGEMENT	67
9 – ATTENDANCE AT MEMBERSHIP MEETINGS	71
10 – DISTRICT EXECUTIVE	71
11 – ADDITIONAL OFFICERS	76
12 – FINANCE AND PROPERTY	76
13 – LODGES	81
14 – ALTERATION OF RULES	84
SOUTH WESTERN DISTRICT BRANCH	86
1 – NAME	86
2 – MEMBERSHIP OF THE DISTRICT BRANCH	86
3 – OBJECTS	86
4 – MEANS	88
5 – MEMBERSHIP	88
6 – ENTITLED TO VOTE	92
7 – BOARD OF MANAGEMENT	92
8 – DISTRICT BRANCH EXECUTIVE	96
9 – ADDITIONAL OFFICERS	99
10 – FINANCE AND PROPERTY	101
11 – LODGES	106
12 – ALTERATION OF RULES	109
13 – DISSOLUTION OF THE DISTRICT BRANCH	110
QUEENSLAND DISTRICT BRANCH	111
1 – NAME	111
2 – MEMBERSHIP OF THE DISTRICT BRANCH	111
3 – OBJECTS	111
4 – MEANS	113
5 – MEMBERSHIP	113
6 – ENTITLED TO VOTE	117
7 – DISTRICT BRANCH CONVENTION	117
8 – BOARD OF MANAGEMENT	118
9 – DISTRICT BRANCH EXECUTIVE	123
10 – ADDITIONAL OFFICERS	127
11 – FINANCE AND PROPERTY	128
12 – LODGES	132
13 – ALTERATIONS TO RULES	135
14 – DISSOLUTION OF THE DISTRICT BRANCH	135

15 – MORTUARY BENEFIT FUND	135
16 – LEGAL AND ASSISTANCE FUND	136
17 – STANDING ORDERS AND CODE OF CONDUCT	136
18– RETIRED MEMBERS	136
TASMANIAN DISTRICT BRANCH	137
1 – NAME	137
2 – MEMBERSHIP OF THE DISTRICT BRANCH	137
3 – OBJECTS	137
4 – MEANS	138
5 – MEMBERSHIP	139
6 – ENTITLED TO VOTE	143
7 – BOARD OF MANAGEMENT	143
8 – STATE EXECUTIVE OFFICER	146
9 – HONORARY DISTRICT PRESIDENT	148
9A – DISTRICT BRANCH CENTRAL COUNCILLOR	149
10 – FINANCE AND PROPERTY	149
11 – LODGES	152
12 – ALTERATION OF RULES	155
WESTERN AUSTRALIAN DISTRICT BRANCH	156
1 – NAME	156
2 – MEMBERSHIP OF THE DISTRICT BRANCH	156
3 – OBJECTS	156
4 – MEANS	158
5 – MEMBERSHIP	158
6 – ENTITLED TO VOTE	162
7 – BOARD OF MANAGEMENT	162
8 – DISTRICT BRANCH EXECUTIVE	165
9 – ADDITIONAL OFFICERS	168
10 – FINANCE AND PROPERTY	168
11 – GROUP COMMITTEES	173
12 – LODGES	173
13 – ALTERATION OF RULES	176
VICTORIAN DISTRICT BRANCH	177
1 – NAME	177
2 – MEMBERSHIP OF THE DISTRICT	177
3 – OBJECTS	177

4 – MEANS	178
5 – MEMBERSHIP	179
6 – ENTITLED TO VOTE	183
7 – BOARD OF MANAGEMENT	184
8 – DISTRICT EXECUTIVE	188
9 – DISTRICT CENTRAL COUNCILLORS	191
10 – FINANCE AND PROPERTY	191
11 – LODGES	196
12 – ALTERATION OF RULES	201
13 – DISSOLUTION OF THE DISTRICT	202

MINING AND ENERGY UNION

1 – NAME

The name of the Union shall be the Mining and Energy Union.

2 – ELIGIBILITY TO JOIN THE UNION

The following persons are eligible to be members of the Union:

- (A) An unlimited number of employees engaged in or in connection with the coal and shale industries, other than in the State of South Australia together with such other persons whether employees in the industries or not as have been appointed officers and admitted as members are eligible to be members of the Union.
- (B) Without limiting the generality of the foregoing and without being limited thereby, other than the State of South Australia an unlimited number of:
 - (a) all classes of engine drivers, firemen, crane drivers, mobile crane drivers, forklift drivers, tow motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery connected with the production or utilisation of power on land or any harbour or river, and boiler attendants attending boilers not generating steam for power purposes, and are engaged:
 - (i) in or in connection with the Coal and Shale Industry,
 - (ii) in or in connection with the Mining or Exploration Industries,
 - (iii) as employees or as employees of contractors, in or in connection with the following industries:
 - (A) power generation, co-generation, transmission and distribution;
 - (B) oil;
 - (C) gas;
 - (D) nuclear; and
 - (E) chemical production;

and

- (b) such persons as have been elected or appointed as paid officers of the Union or a branch of the Union or whilst financial members of the Union are elected as representatives of any working-class organisation to which the Union or a branch thereof is affiliated, or as a working-class member of Parliament.
- (c) Provided that mobile crane drivers, operators of fork lifts and/or tow motors engaged on the waterfront upon such work being that of a waterside worker or engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership.

(C) Additional Eligibility Weipa:

Without limiting the generality of the foregoing, or being limited thereby, employees other than managerial, supervisory, administrative, professional and clerical employees and trades persons employed by Comalco Aluminium Limited at its operations at Weipa in the State of Queensland are eligible to be members of the Union.

(D) Additional Eligibility County of Yancowinna:

Without limiting the generality of the foregoing, or being limited thereby, employees engaged in work in the County of Yancowinna coming within the eligibility Rules of the Construction, Forestry, Maritime, Mining and Energy Union as they existed on 31 December 2020 are eligible to be members of the Union.

(E) Additional Eligibility in the State of Queensland:

Without limiting the generality of the foregoing, or being limited thereby, the following persons are eligible for admission to membership of the Union in the State of Queensland:

(a) An unlimited number of all classes of engine drivers, firemen, crane drivers, mobile crane drivers, forklift drivers, tow-motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery connected with the production or utilisation of power on land or any harbour or river and boiler attendants attending boilers not generating steam for power purposes, and are engaged:

- (i) in or in connection with the Coal and Shale Industry,
- (ii) in or in connection with the Mining or Exploration Industries,
- (iii) as employees or as employees of contractors, in or in connection with the following industries:
 - (A) power generation, co-generation, transmission and distribution;
 - (B) oil;
 - (C) gas;
 - (D) nuclear; and
 - (E) chemical production;

and

(b) such persons as have been elected or appointed as paid officers of the Union or a District Branch of the Union or whilst financial members of the Union are elected as representatives of any working class organisation to which the Union or a Branch thereof is affiliated or as a working class member of parliament:

and

-
- (c) persons not under the age of fourteen years employed or formerly employed in or about any coal, shale, metal, coke, and smelting works in Queensland, and who are approved by the Committee of Management.
 - (d) Provided that nothing in sub-Rules 2(E)(a) or (E)(b) shall make eligible for membership any mobile crane drivers, operators of fork lifts and/or towmotors engaged on the waterfront upon such work being that of a waterside worker or engaged in the transport of goods by road, or motor truck drivers wherever employed.
 - (e) Nothing in sub-Rules 2(E)(a) or E(b) shall make eligible for membership any employee employed in or in connection with the conduct of Hamilton Island and Dent Island as part of the Island Tourist Resort Industry other than employees of contractors and/or subcontractors employed on the mainland and performing work on Hamilton Island and Dent Island from time to time.
 - (f) Notwithstanding any other provision in this Rule 2(E), a person employed by a sugar mill, refinery, distillery, terminal or storage operation and milling, refining, distilling, terminal, storage or other sectors of the sugar industry shall not be eligible to become a member of the Union under this sub-Rule.
 - (g) Notwithstanding the foregoing provisions of Rule 2(E), the persons employed by Dalrymple Bay Coal Terminal Pty Ltd at the Dalrymple Bay Coal Terminal site shall not be eligible for membership under this sub-Rule.
 - (h) Provided further that, notwithstanding the foregoing provisions of Rule 2(E), the Union does not have the right to enrol as members under Rule 2(E), employees of Mount Isa Mines Limited covered by the Mount Isa Mines Limited Award and the Mount Isa Mines Limited Tracing Employees Industrial Agreement.
 - (i) Without limiting any other Rule, sub-Rules 2(E)(a) or (b) do not make any person eligible to be a member of the Union who is in a class of employees for whom, at the time of the Rule being approved, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland was subject to a representation order, a State demarcation order or a demarcation undertaking or agreement (however described) in relation to that class of employees, in favour of another organisation or association.

(F) Additional Eligibility in the State of New South Wales:

Without limiting the generality of the foregoing, or being limited thereby, the following persons are eligible for admission to membership of the Union in the State of New South Wales:

- (a) An unlimited number of persons engaged in, or in connection with the Coal, Shale or Coke Industries in the Western District and in the Metalliferous Mining Industry and any person who is a duly registered unemployed member in compliance with these Rules, together with and including other persons temporarily or permanently taken from the Industry and who are employed by the members or representatives of the members appointed by them, who shall be aggregated in Lodges already established or which may be established by the authority of the Union.
- (b) Without limiting the generality of the foregoing and without being limited thereby, an unlimited number of persons engaged in any capacity in connection with coal and shale mining or in connection with the coke industry, but excepting persons employed in the iron, steel and metal industries; and excepting also persons who are now members, or

in the future may be eligible for membership of the United Collieries Staff Association of New South Wales; but as regards the last mentioned union, so as not to exclude lampmen and grooms.

- (c) Without limiting the generality of the foregoing and without being limited thereby, the Union shall also be composed of an unlimited number of persons employed in and around the coal mines, shale mines and coke works in the Northern District of New South Wales.
- (d) Without limiting the generality of the foregoing and without being limited thereby the Union shall also consist of:
 - (i) an unlimited number of all classes of engine drivers, (including operators of rear side and/or bottom dumpers on construction work), firemen, crane drivers dynamo attendants, mobile crane drivers, forklift drivers, tow motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery, and are engaged:
 - (A) in or in connection with the Coal and Shale Industry,
 - (B) in or in connection with the Mining or Exploration Industries,
 - (C) as employees or as employees of contractors, in or in connection with the following industries:
 - * power generation, co-generation, transmission and distribution;
 - * oil;
 - * gas;
 - * nuclear; and
 - * chemical production;

and

- (ii) and all operators and trainees howsoever called employed by Shell Refining (Australia) Pty Limited at its Clyde Refinery and Gore Bay terminal or any other site where these installations may be relocated in the future.

Provided that persons engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership.

Provided further, that persons employed in the steel wire netting and wire rope industries shall not be admitted to membership or retained as members. Provided further, that the Union shall not admit to membership or retain as members, any manager, foreman or members of the salaried staff of any employer, excepting salaried staff employed by the Electricity Commission of New South Wales on operational duties as power plant operator, ie one engaged in the operation and control of generating plant (turbine boiler and generator) by instrumentation and assistant power plant operator, ie one engaged in

assisting in the operation and control of generating plant (turbine boiler and generator) by instrumentation.

- (e) Further provided that the Union shall also consist of Elected officers and position holders of the Union whether or not employed in an industry in respect of which the Union is registered, and any person who whilst a financial member of the Union is elected as a representative of a working class organisation to which the Union is affiliated, or as a working class Member of Parliament and who have been admitted as members of the Union.
- (f) Provided that nothing in this Rule 2(F) shall make any person eligible to be a member of the Union who is of a class of employees for whom, as of the date of this Rule being approved, was subject to a representation order, a State demarcation order, a demarcation order, a demarcation undertaking or agreement (however described) in relation to that class of employees, in favour of another organisation or association.

(G) Additional Eligibility in the State of Western Australia:

Without limiting the generality of the foregoing Rules and without being limited thereby, the following persons are eligible for admission to membership of the Union in the State of Western Australia:

- (a) Any person who is employed, or usually employed in the State of Western Australia including all islands bounding the whole coastline of the State in any of the following capacities:

Engine drivers, steam boiler and gas producer firemen, trimmers or fuelmen or tour guides in power houses, engine cleaners, greasers, boiler cleaners, crane drivers, dynamo attendants in power houses, stationary motor drivers, electric power sub-station attendants, power house switchboard attendants, electric locomotive drivers, railway shunters, locomotive observers, railway car and wagon examiners (not being tradesmen) and railway messengers, and are engaged:

- (A) in or in connection with the Coal and Shale Industry,
- (B) in or in connection with the Mining or Exploration Industries,
- (C) as employees or as employees of contractors, in or in connection with the following industries:
 - * power generation, co-generation, transmission and distribution;
 - * oil;
 - * gas;
 - * nuclear; and
 - * chemical production.

Provided that, in respect of the vocations referred to in this subRule 2(G)(a), employees of the Western Australian Government Railways Commission shall not be eligible for membership of the Union.

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- (b) The Union may admit to membership all other persons in the State of Western Australia whether employees in the foregoing callings or vocations or not as have been appointed or elected officers of the Union, provided that no person shall be a member who is not an employee within the meaning of the Industrial Relations Act (WA) 1979 as amended.
- (c) The provisions of this Rule 2(G) do not extend and are not intended to operate as extending the eligibility Rules of the Union beyond that of the Construction, Forestry, Mining and Energy Union of Workers. This proviso applies regardless of any term or other provision of this Rule 2(G).
- (d) Without limiting any other Rule, this Rule 2(G) does not make any person eligible to be a member of the Union who is in a class of employees for whom, at the time when this Rule was approved by the General Manager, was subject to a representation order, a State demarcation order or a demarcation undertaking or agreement (however described) in relation to a class of employees of which that person is a member, in favour of another organisation or association.
- (e) This Rule 2(G) does not allow the Union to cover in the State of Western Australia or elsewhere any person who, as of the date of this Rule being approved, is of a class of employees in respect to which the Construction, Forestry, Mining and Energy Union of Workers was subject to a representation order, a State demarcation order, a demarcation order, or a demarcation undertaking or agreement (however described) in regards to that class of employees in favour of another organisation or association.
- (H) Without limiting the generality of the foregoing or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.
- (I) Limitations on Eligibility:
- (a) Without limiting the generality of sub-Rule 2(A) above and without being limited thereby, nothing in sub-Rule 2(B) shall make eligible for membership of the Union any person employed by Queensland Alumina Limited in its operations at Gladstone in the State of Queensland.
- (b) Without limiting the generality of sub-Rule 2(A) above and without being limited thereby, nothing in sub-Rule 2(B) above shall make eligible for membership of the Union any person employed by the following employers in metalliferous mining in Tasmania or South Australia:
- Aberfoyle Resources Ltd
Beaconsfield Gold Mines Ltd
Mt Lyell Mining & Railway Co. Ltd
Pasminco Mining
Renison Ltd
Tasmania Mines Ltd
Western Mining Corporation
Adelaide Chemical Company
Boral Resources (SA) Pty Ltd
Penrice Soda Products Pty Ltd
Mt Gunson Mines Ltd
Commercial Minerals (SA) Pty Ltd

(c) For the purposes of this sub-Rule:

1.1 "employees" shall mean and include employees of employers engaged in the operations of sugar mills, refineries, distilleries, terminals and sugar storage facilities in the milling, refining, distilling, terminal, storage and other sectors of the sugar industry in Queensland and/or in any by-product or tourism operations conducted by an employer but shall not mean and include –

1.1.1 persons employed to perform office clerical and tradespersons' work, or

1.1.2 in the case of CSR Limited, persons who are from time to time members of the CSR Ltd Officers' Association or who are from time to time salaried staff of CSR Limited eligible for membership of the CSR Ltd Officers' Association, or

1.1.3 persons who are contractors or subcontractors engaged by employers, and

1.2 "employers" shall mean and include -

1.2.1 Australian National Power Alcohol Company Proprietary Limited,

1.2.2 Babinda Sugar Limited,

1.2.3 Bingera Sugar Pty Ltd,

1.2.4 The Bulk Sugar Terminal Operations,

1.2.5 Bundaberg Distilling Company Pty Limited,

1.2.6 Bundaberg Sugar Ltd,

1.2.7 CSR Limited,

1.2.8 CSR Plane Creek Pty Ltd,

1.2.9 The Haughton Sugar Company Pty Limited,

1.2.10 Isis Central Sugar Mill Co Limited,

1.2.11 Mackay Sugar Co-operative Association Limited,

1.2.12 Millaquin Sugar Pty Ltd,

1.2.13 Moreton Sugar Ltd,

1.2.14 Mossman Central Mill Company Pty Ltd,

1.2.15 Pioneer Sugar Mills Limited,

1.2.16 Proserpine Co-operative Sugar Milling Association Limited,

1.2.17 Schumer Pty Ltd,

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- 1.2.18 South Johnstone Mill Limited,
 - 1.2.19 The Maryborough Sugar Factory Limited,
 - 1.2.20 Mulgrave Central Mill Co Limited,
 - 1.2.21 Tully Sugar Limited, and
 - 1.2.22 W H Heck & Sons Pty Ltd.
- 1.3 Employees (as defined) of employers (as defined) shall not be eligible to join the Union.
- (d) Employees of Thiess Services Pty Ltd employed as maintenance workers at South Eastern Water pursuant to the Australian Workers Union Construction and Maintenance Award 1989 and the Thiess Environmental Services Pty Ltd Victorian Maintenance and Construction Services Enterprise Agreement 1995-1997 shall not be eligible for membership.
 - (e) Persons employed or to be employed by Energy Developments Limited and/or its subsidiaries or related companies shall not be eligible for membership of the Union pursuant to any Rule of the Union, and the Union shall not have the right to represent under the Act the industrial interests of such persons.

3 – DESCRIPTION OF INDUSTRY

The industries in connection with which the Union is formed are:

- (A) the Coal and Shale Industry;
- (B) the Mining or Exploration Industries;
- (C) the power generation, co-generation, transmission and distribution industry;
- (D) the oil industry;
- (E) the gas industry;
- (F) the nuclear industry; and
- (G) the chemical production industry.

4 – OBJECTS

The Objects of the Union are:

- (a) to ensure the ongoing viability, direction and voice of organisations representing Mining and Energy workers.
- (b) to uphold the right of combination of labour, and to improve, protect, and foster the best interests of the Union and its members, and to assist them to obtain their rights under industrial and social legislation.

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- (c) to improve the conditions and to protect the interest of the members of the Union by increasing the proportionate share of the wealth to the workers and endeavouring to educate and work for the complete abolition of the present wage system and the substitution of the common ownership of the means of production, distribution and exchange;
 - (d) to discuss, consider and put into force when approved, any scheme for the better guidance and extension of Australian industrial organisation;
 - (e) to uphold the Rules of the Union and to regulate the conditions under which members may be employed;
 - (f) to prevent by conference or otherwise needless cessation of work;
 - (g) to do all things conducive to the welfare and organisation of the working class;
 - (h) to provide support for members involved in extended cessation of work;
 - (i) to secure the return of working-class representatives in parliament to promote such legislative enactment as will ensure industrial justice to Australian workers;
 - (j) to protect members of the Union from any infringement of their rights;
 - (k) in order to further or ensure the better advocacy of the principles and rights of labour or for any other purpose which the Central Council may deem proper, to support, own in whole or in part, and/or subsidise any newspaper or any other publication advocating the cause of labour;
 - (l) to provide legal assistance to the Union and its members to protect the interests of the Union and its District Branches, and to assist other trade unions by any legal method;
 - (m) to raise funds by levies, subscriptions, contributions, donations, loans or otherwise for all or any of the objects of the Union;
 - (n) from time to time to raise funds for the purpose of applying and/or investing the same;
 - (o) to federate or to amalgamate with any trade or industrial union or organisation, or to join or to cooperate with them in any way deemed desirable or necessary for carrying out all or any of the objects set out herein;
 - (p) to promote global solidarity and the interaction of members between the Union and other unions throughout the world;
 - (q) to support the formation of associations of retired members and to otherwise assist and promote the welfare of retired members;
 - (r) to support bona fide charitable and other worthy causes consistent with the interests of members of the Union; such support may include, but is not limited to, donations to community groups, relief funds, individuals and other humanitarian, environmental, social or similar causes;
 - (s) to organise the education and/or training of members;
 - (t) to assist members by loan or otherwise;

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- (u) to provide for more efficient inspection of the coal and shale mines and in other workplaces where members may work and to take any legal steps which may be necessary to ensure the maximum safety and health for members;
 - (v) to carry on, or participate directly or indirectly and alone or with others in the carrying on of, any mining or prospecting operation and related activities;
 - (w) to pursue collective agreements with employers containing terms and conditions that benefit members and to promote and maintain a strong and relevant award system for the benefit of members;
 - (x) to do all such other acts and things as are incidental or in any way related to the carrying out of any one or more of the above Objects;
 - (y) generally to do all acts, matters and things that may appear to be in the best interests of members; and
 - (z) to do any other act provided for in the Rules of the Union

5 – DEFINITIONS

In these Rules:

"Financial member" means any member who has paid all subscriptions, fees, fines, levies and dues in accordance with the Rules of the Union.

"FW Act" means the *Fair Work Act 2009* (Cth) or any Act replacing that Act.

"Member" means a member of the Mining and Energy Union and membership shall have a corresponding meaning.

"National Office" shall mean the National Officers of the Union; its reporting unit; and such employees as are engaged from time to time by the National Officers to give effect to the decisions of Central Council and the Objects of the Union.

"Plural / Singular" means every reference in the Rules of the Union to the singular shall include the plural and vice versa.

"RO Act" means the *Fair Work (Registered Organisations) Act 2009* (Cth) or any Act replacing that Act.

"RO Regulations" means the *Fair Work (Registered Organisations) Regulations 2009* or any regulations replacing those Regulations.

"Rules of the Union" means all of the Rules of the Union as read and construed in totality. "Union Rules" shall refer to the Rules other than the District Branch Rules. "District Branch Rules" shall refer to the Rules of any District Branch of the Union established in accordance with the Rules of the Union.

"Union" means the Mining and Energy Union.

6 – MEANS

For the purpose of carrying out all or any of the Objects of the Union and subject to any specific Rules relating to the raising of funds, financial decisions or governance more generally:

- (i) funds may be raised by entrance fees, subscriptions, donations, levies, contributions, dues and loans; and
- (ii) any other financial decisions may be taken as are necessary and/or desirable, including but not limited to with respect to acquiring and disposing of property and other investments.

7 – MEMBERSHIP

- (i) Applications
 - (a) A candidate for membership of the Union shall apply for membership in the manner specified in the Rules of the relevant District Branch.
 - (b) A District Branch may refer any application for membership to be considered and approved or not approved by the Central Executive. In such a case a candidate shall not become a member of the Union until the Central Executive has approved the application and the General Secretary has notified the candidate to that effect in writing. The candidate in such case shall be a member of the Union from the date of the day of the General Secretary's letter of notification to the candidate. Where the Central Executive, the District Branch Committee of Management or the District Branch Secretary decides against the admission to membership of a candidate, the candidate shall have a right of appeal to Central Council. Where the Central Council decides to admit the candidate to membership the candidate shall be a member of the Union from the date of the day of the Central Council's decision.
 - (c) When a candidate is admitted to membership of the Union, the new member's name, address and date of admission shall be entered:
 - (A) if the member is in a Lodge, in the Lodge Register of Members, which shall be kept by the Lodge Secretary, or other person authorised to keep the Lodge Register of Members by the District Branch Rules;
 - (B) entered in the District Register of Members, which shall be kept by the Secretary of the District Branch, or other person authorised to keep the Lodge Register of Members by the District Branch Rules, in which the Lodge and/or workplace is situated; and
 - (C) entered in the Register of Members, which shall be kept by the Union and may, so far as it relates to a District Branch, be kept in a separate part or section at the office of the District Branch.
 - (d) Membership of the Union shall be subject to compliance with sub-Rules 7(ii) and 7(iii) of these Rules.
 - (e) The Union shall inform each candidate for membership, in writing, of:
 - (A) the financial obligations arising from membership;

and

(B) the circumstances, and the manner, in which a member may resign from the Union.

(ii) Subscriptions and Fees

- (a) Every member shall pay such fines, fees, levies and subscriptions as may be prescribed or imposed from time to time according to the Rules of the Union.
- (b) There may be an entrance fee payable by a candidate for membership of the Union on admission to membership. The entrance fee shall be determined by the District Branch Committee of Management. Entrance fees shall be retained by the District Branches.
- (c) Subscriptions, fines, fees and levies owing by a member of the Union may be paid to the District Branch Secretary of a member's District Branch, or a person authorised by the Rules of the District Branch to which the member belongs.
- (d) Payment of subscriptions, fines, levies, fees and dues can be made by the member authorising one of the following methods:
 - (i) payroll deduction scheme; or
 - (ii) electronic funds transfer; or
 - (iii) other direct payment by the member.

A member who elects to pay subscriptions, fines, levies, fees and dues in accordance with this sub-Rule shall be deemed financial from the date of authorising such deduction provided the member owed no arrears in subscriptions, fines, levies, fees and dues prior to authorising the deduction.

- (e) Subject to sub-Rule 7(ii)(g), 7(ii)(h) and 7(iii) any member owing subscriptions, fines, fees or levies or any of them for more than fourteen (14) days from when they became due shall be deemed to be unfinancial and shall not be entitled to any of the privileges of membership, including the right to vote on any matter, and shall be liable to be sued for the recovery of amounts owed to the Union.
- (f) Any member deemed unfinancial under sub-Rule 7(ii)(e) shall be deemed to have become a financial member of the Union again from the date of the completion of payment by the member of all amounts owing to the Union. Continuity of membership and Lodge seniority shall be restored from the date of completion of payment of all sums owing to the Union. However, if a member has become unfinancial as a result of extenuating circumstances outside of the member's control, they may deem the member to be entitled to the privileges of membership, other than the right to vote on any matter, if the District Executive approves a repayment plan for all subscriptions, fines, fees and levies owed. If such a plan is approved, then the member shall be deemed financial from the date of such approval.
- (g) A member's payment becomes due in relation to sub-Rule 7(ii)(d) on the following basis:

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- (i) for the ongoing payroll deduction scheme where the members employer transfers payment of subscriptions, fines, levies, fees and dues from the members wages, and with such transfer being paid preferably monthly, but no greater than three (3) monthly.
 - (ii) for the ongoing electronic funds transfer on a monthly basis or as otherwise set by the District Branch.
 - (iii) for other direct payments by the member on a monthly basis or as otherwise set by the District Branch.
- (h) The District Branch Secretary shall notify the member in writing of the failure to remain financial, and unless the member pays all outstanding subscriptions, fines, levies, fees and dues within twenty-eight (28) days of the date of the notice, the member shall continue to remain unfinancial until all subscriptions, fines, levies, fees and dues due in accordance with this sub-Rule have been paid. Sub-Rule 7(ii)(e) shall apply to the member for the period that the member remains unfinancial.
- (i) Union membership subscriptions shall be set by the Annual Central Council meeting and shall be payable for fifty-two (52) weeks per year.
 - (j) Any member being sick or out of employment in any pay period and not in receipt for that pay of award wages or other award payments equivalent to eighty dollars (\$80) per fortnight (where the member is paid fortnightly) or forty dollars (\$40) per week (where the member is paid weekly), or other amounts which may be determined from time to time by Annual Central Council, shall be exempt from the payment of subscriptions, fees or levies for that pay period.
 - (k) Members on compensation shall pay subscriptions as if at work, however, members receiving compensation for permanent and total incapacity shall be exempt from paying subscriptions, fees and levies.
 - (l) District Branch subscriptions shall be at a rate to be determined by the District Branch Board of Management.
- (iii) Sick and Unemployed Members
- (a) Any member registered in accordance with these Rules as an unemployed member and/or member on sick leave of absence, shall be entitled to the privileges of membership and shall be entitled to vote on all matters affecting the Union excepting upon any matter upon which any decision might be made which would or might involve the Union in the declaration of a strike or in a stoppage of work or in the making of a levy or levies upon the members of the Union.
 - (b) Any member unable to pay subscriptions, fines, fees or levies by reason being unemployed and/or on sick leave of absence and wishing to retain the rights and privileges conferred by these Rules, shall be registered at least once in every quarter in the District Quarterly Register of Unemployed and Sick Members.
 - (c) The Rules of the District Branches shall provide for the manner in which a member of that District Branch may be registered as an unemployed member and/or a member on sick leave of absence.

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- (iv) For the purposes of this Rule and Rule 8, the District Branch Rules may allow members who are on unpaid parental leave to be treated in the same manner as members who are unemployed and/or on sick leave of absence.
- (v) (a) A member may resign from membership of the Union by written notice addressed and delivered to the Lodge Secretary or District Branch Secretary to which the member belongs, or other officer authorised by the District Branch Rules to receive such correspondence.
- (b) A notice of resignation from membership takes effect:
- (i) where the member ceases to be eligible to become a member of the Union;
- (A) on the day on which the notice is received by the Union; or
- (B) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;
- whichever is the later; or
- (ii) in any other case:
- (A) at the end of two (2) weeks after the notice is received by the Union; or
- (B) on the day specified in the notice;
- whichever is the later.
- (c) Any dues payable but not paid by a former member in relation to a period before the member's resignation took effect, may be sued for and recovered in the name of the Union, in a Court of competent jurisdiction as a debt due to the Union.
- (d) A notice delivered to the Lodge Secretary or District Branch Secretary or other officer authorised by the District Branch Rules to receive such correspondence shall be taken to have been received by the Union when it was delivered.
- (e) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with sub-Rule (a) above.
- (f) A resignation from membership is valid even if it is not effected in accordance with this Rule if the member is informed in writing by or on behalf of the Union that the resignation has been accepted.
- (vi) A member who has ceased to be a financial member shall be removed from the relevant membership register/s in accordance with any statutory obligation for them to be removed.

8 – ENTITLED TO VOTE

Subject to Rule 7, the members entitled to vote on any matter shall be all Financial members as shown in Rule 2 and members registered according to Rule in the District Quarterly register of Unemployed and Sick Members.

9 – CENTRAL COUNCIL

- (i) Composition of Central Council and Extraordinary Vacancies:
- (a) The Committee of Management of the Union shall be the Central Council, which shall be the supreme governing body of the Union.
 - (b) The Central Council shall be composed of the General President, the General Vice President/s, the Vice Presidents, the General Secretary, the Affirmative Action Councillor and representatives of the District Branches.
 - (1) Each District Branch shall be entitled to one (1) representative for any number of members up to two thousand (2,000) and that representative shall be the District Branch President or, where the District Branch President is not a full-time District Branch official, the next most senior officer who is a full-time District Branch official. If the District Branch has no full-time official, the most senior officer. Where the membership of a District Branch exceeds two thousand (2,000), it shall be entitled to a further representative for each additional two thousand (2,000) members or part thereof. Except as provided for in sub-Rule 9(i)(e), the number of representatives required shall be calculated by the General Secretary by reference to the membership records maintained by the Union pursuant to the RO Act as at the end of the financial year immediately preceding the relevant election.
 - (2) There shall be one (1) position of Affirmative Action Councillor. The position of Affirmative Action Councillor is open only to female members of the Union, irrespective of the District Branch in which they are employed. Elections for the position of Affirmative Action Councillor shall be conducted by the National Returning Officer in accordance with Rule 17. Where there is more than one (1) nomination for the Affirmative Action Councillor position, a ballot of all members of all District Branches will be conducted. The term of office for the Affirmative Action Councillor shall be four (4) years.
 - (d) Except as provided for in sub-Rule 9(i)(c)(2) and sub-Rule 9(i)(e) each District Branch shall cause an election of its own representatives to be held every four (4) years in accordance with Rule 17, utilising the National Returning Officer to conduct the ballot. Members of Central Council shall take office in accordance with Rule 17.
 - (e) This sub Rule shall apply at the conclusion of the second financial year after the calculation of representatives under sub-Rule 9(i)(c):
 - (i) The General Secretary shall recalculate the number of District Branch members of each District Branch based on the records maintained by the Union pursuant to the RO Act as at the end of the financial year.
 - (ii) Each District Branch shall be entitled to a further representative for an increase of membership of between two thousand and one (2,001) and four thousand members (4,000) in excess of the calculation previously made for that District Branch under sub-Rule 9(i)(c).
 - (iii) Each District Branch shall be entitled to a further representative for each two thousand (2,000) members or part thereof above four thousand (4,000) members in excess of the calculation previously made for that District Branch under sub-Rule 9(i)(c).

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- (iv) Any additional position created by this sub-Rule shall be filled by the holding of an election in accordance with Rule 17.
 - (v) Any member elected under this sub-Rule shall hold office for the remainder of the term for which Branch Councillors were elected under sub-Rule 9(i)(c).
 - (f) Any extraordinary vacancy which occurs in an elected position within the Union shall be filled by the holding of an election in accordance with Rule 17, and the member so elected shall hold office for the remainder of the term for which the previous holder of the office was elected provided that where the remainder of the term does not exceed:
 - (a) twelve (12) months or;
 - (b) three quarters (3/4) of the office, whichever is greater the Central Council or any District Branch Committee of Management, depending on the nature of the office, may appoint by resolution any eligible member of the Union or the District Branch to act in that office for the remainder of the term.
 - (ii) Meetings
 - (a) The Central Council shall meet at least two (2) times a year. Central Council shall meet at such other times as the Central Executive deem necessary. Central Council shall determine which of its meetings will be the Annual Meeting of Central Council.
 - (b) At least one (1) Councillor from each of three (3) District Branches in addition to at least two (2) Central Executive Officers must be present at each meeting of the Central Council.
 - (c) The General President, the General Vice President/s, the Vice Presidents, the General Secretary and each of the Councillors shall have a deliberative vote at any meeting of Central Council. The General President shall in the event of the Central Council being equally divided on any question, be entitled to a casting vote.
 - (d) Any officer or representative absent from any meeting of which due notification has been given, by the General Secretary, in writing, at least seven (7) days before the date of the meeting, without giving an explanation which is accepted by a majority of the Councillors attending and voting at the next subsequent meeting of Central Council, may be fined a sum not exceeding two hundred dollars (\$200) as the Chair may direct.
 - (e) A special meeting of the Central Council may be convened by a majority of the Central Executive, or upon a written request to the General Secretary or General President to call such special meeting signed by at least one (1) Councillor from each of at least three (3) District Branches. Upon receipt of such a request the General Secretary or the General President shall convene a meeting of the Central Council.
 - (f) Notice of every meeting of the Central Council together with a copy of the agenda paper shall be sent by the General Secretary to each Councillor prior to the date of such meeting but no failure to notify will of itself vitiate a meeting.
 - (g) Despite any other Rule of the Union a Central Council meeting (including the hearing of an appeal held pursuant to Sub-Rule 9(vi)(d) or the hearing of charges laid pursuant to Rule 22) may be conducted by any method by which the members of the Central Council, can communicate each with each other, including but not limited to some or all members of the Central Council participating in the meeting by telephone, computer and/or audio-visual conferencing.

(iii) Expenses

Travelling fares, wages and other expenses as prescribed from time to time shall be allowed to representatives to the Central Council or representatives to any other conferences convened by the Union and shall be defrayed by the National Office Fund.

(iv) Endorsement of Decisions

(a) The minutes of Central Council, along with any matters that Central Council specifically requires to be considered (hereafter referred to as “Central Council Resolutions”) for endorsement or as required by the Union Rules shall be sent to the District Branches and Lodges following a meeting of Central Council.

(b) The executive committee of each Lodge shall submit the Central Council Resolutions described in Sub-Rule (a) above and (f) below to a meeting or meetings of the Lodge membership. The Secretary of each Lodge shall record the number of votes for and against each Central Council Resolution. The Lodge Secretary shall provide a return of the votes to the General Secretary, or as otherwise agreed by Central Council within six (6) weeks of the date on which the General Secretary sent the Central Council minutes to the Lodges, or as otherwise notified by the General Secretary.

The General Secretary may extend the period in which Lodge returns may be provided if:

(A) the request for an extension is made before the date upon which the report is due;

(B) there is a practical reason why a meeting has not been able to be called in time to allow the report to be sent to the General Secretary;

(C) the meeting has not yet occurred; and

(D) the extension is no longer than thirteen (13) weeks after the date the confirmed resolution/s was sent to the District Branch and/or Lodge.

(c) A resolution of the Central Council shall become the binding policy of the Union if an aggregate national majority of the members of the Union attending and voting, at Lodge meetings which consider the Central Council Resolutions, vote in favour of the resolution. For the avoidance of doubt, an aggregate national majority may be established without all members of the Union, or all Lodges, voting and/or providing their return of votes to the General Secretary by the due date in accordance with this sub-Rule.

(d) Central Council may from time to time decide a penalty for Lodges which do not send their minute returns to the General Secretary in the weeks allowed. Where there are extenuating circumstances the Central Council may, on consideration of a written explanation from the Secretary of the Lodge concerned, decide by a majority vote of Councillors attending and voting at the meeting at which the explanation is considered, delete, waive, reduce or remove the penalty.

(e) This sub-Rule is to be read subject to the provisions of Rule 16.

(f) The following types of resolutions of Central Council must be endorsed by the members of the Union in the process described in sub-Rule (b) above:

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- (A) Union Rules (unless endorsement is not required in accordance with Rule 16);
 - (B) that Central Council determines should be sent to Lodges for endorsement;
 - (C) that Central Council determines should be sent to Lodges for endorsement as binding policy of the Union;
 - (D) to make, impose, order and enforce any levy on all members of the Union or of a District Branch; or
 - (E) to penalise or dismiss an Officer in accordance with Rule 22.
- (v) National Convention
- (a) Central Council shall be empowered to call from time to time a special meeting of District Branch representatives, which shall be known as a National Convention. The National Convention shall only exercise an advisory function to Central Council and its decisions and resolutions shall have the status of non-binding recommendations.
 - (b) Central Council shall list those questions which it proposes to submit to the National Convention and have those questions sent to the District Branches and Lodges. Central Council shall also invite District Branch Committees of Management to submit items for consideration by National Convention.
 - (c) Central Council may appoint such officers as may be considered proper and necessary to work in conjunction with the Central Executive for the purpose of preparing National Convention and materials for the National Convention and may otherwise do all acts necessary for the calling and conduct of the National Convention. Notice of a National Convention together with the agenda paper, shall be sent by the General Secretary to each District Branch Secretary at least six (6) weeks before the date of such National Convention. No failure to notify pursuant to this provision will of itself vitiate a meeting of National Convention.
 - (d) Central Council shall determine the basis on which District Branches shall appoint representatives for National Convention provided that representation to National Convention shall as nearly as is practically possible be decided according to the principles of proportionate representation. The Central Executive, the Executive Officers of the District Branches and the Central Councillors shall attend National Convention ex officio. National Convention delegates shall hold office for the duration of each National Convention.
 - (e) The General President shall be Chair of the National Convention and conduct the National Convention according to the standing orders established by Central Council, a copy of which shall be made available to each representative attending Convention.
 - (f) All resolutions agreed to by a majority of the representatives voting at the National Convention shall be submitted as recommendations to the next following meeting of Central Council. Central Council shall approve, reject or amend the recommendations of National Convention and shall include all those National Convention recommendations which it has approved with all other decisions of that meeting of Central Council for submission to meetings of members at each Lodge.

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- (g) Despite any other Rule of the Union a National Convention meeting may be conducted by any method by which the representatives to National Convention can communicate each with each other, including but not limited to some or all of the representatives to National Convention participating in the meeting by telephone, computer and/or audio-visual conferencing.

(vi) Powers and Duties of Central Council

The powers and duties of Central Council shall include the following:

- (a) To raise or spend such funds as are necessary to carry out the Objects.
- (b) Decide the general policy of the Union and to take steps to enforce the carrying out of such policy.
- (c) From time to time, determine the number of General Vice Presidents required for the ongoing effective operation of the Union. Any additional position created by this sub-Rule shall be filled by the holding of an election in accordance with Rule 17.
- (d) To hear any appeal (excepting appeals on seniority and matters the subject of Rule 22) from any District Branch, Lodge or member. Any appeal from a member must be dealt with first by the District Branch Committee of Management. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.
- (e) To make, impose, order and enforce any levy on all members of the Union or of a District Branch at the time of imposing the levy for any one (1) or more of the Objects described in Rule 5.
- (f) To determine any matter or report referred to Central Council by the Central Executive or by any District Branch and to settle all disputes within and between District Branches.
- (g) Confirm, overRule or otherwise deal with decisions of the Central Executive.
- (h) Establish District Branches of the Union.
- (i) To consider and reverse any decision of any District Branch except decisions about the purchase or disposal of property, the investment and use of the District Branch Fund or any other matter on which the District Branch has autonomy of decision and Rule making. Where a District Branch decision has been considered and altered by the Central Council the General Secretary shall, on behalf of Central Council, send an explanation, in writing, of Central Council's reason for the decision to the Secretary of the District Branch. The District Branch Executive Officers may then submit the matter to any subsequent meeting of the Central Council and may attend the meeting to explain why they wish the original District Branch decision to stand.
- (j) To from time to time make, alter, amend and rescind standing orders for the regulation and conduct of the business and proceedings of the Union.
- (k) To fix, reduce, increase or alter the salaries and allowances of, and of all and every one of, the officers of the Union attached to the National Office.
- (l) To receive and adopt or otherwise deal with the Annual Report and Balance Sheet of the National Office Fund.

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- (m) To appoint a Financial Inspector to examine all books of the Union and District Branches when necessary.
 - (n) Governance Assurance Review
 - (A) To require a risk assurance review, or similar review, of the National Office and/or a District Branch with respect to standards of good governance and oversight.
 - (B) To appoint an auditor, an officer or appropriately qualified employee of the Union and/or a District Branch, or another appropriately qualified external person to conduct the review.
 - (C) The scope of the review will be agreed between the National Office and the District Branch in advance of the commencement of the review and any amendments to that scope will also need to be agreed. No governance assurance review of a District Branch will be held without the agreement of the District Branch however agreement will not be unreasonably withheld.
 - (D) The senior officers of the National Office and/or District Branch the subject of the review, may be required to provide a written response, within a reasonable period, as to the review's outcomes including a plan to address any significant shortfalls identified by the review.
 - (o) The Central Council may decide that a Special Referendum be taken at any time on important matters. On each occasion of such a decision the Central Council will determine the most appropriate method of conducting the Special Referendum, having regard to any legislative requirements and the desire of the Union to encourage maximum participation in matters of such importance.
 - (p) The Central Council or the Central Executive may by resolution authorise the Secretary of any Lodge or District Branch or any other person whether an officer or member of the Union or not, on behalf of or in the name of the Union to institute, commence, prosecute, continue and pursue to finality any legal proceedings in or before any Court or Tribunal to enforce payment or recovery of any or all levies, subscriptions, contributions, fines, fees and dues owing or payable by members of the Union or any of them or any District Branch at any time and from time to time.
 - (q) Exercise all or any of the powers of the Central Executive.
 - (r) Subject to Rule 16, make alter and rescind any of the Rules of the Union, including District Branch Rules.
 - (s) Confer life membership on a member of the Union.
 - (t) To do any or all other acts, business or things which Central Council decides are proper for the achievement of the Objects established in Rule 4.

(vii) Voting other than at Meetings Assembled

- (a) If the General President or General Secretary consider it advisable to submit any matter, including the imposition of a levy or the alteration or rescission of a Rule, to a vote of Central Council at any time when it is inconvenient to call the Central Council together, the General Secretary may submit a resolution dealing with the matter to the members, by letter, facsimile, telegram, telephone, email, in writing, by computer link and/or by any other means of communication.
- (b) The votes on such resolution shall be returnable to the General Secretary at such time as the General Secretary shall fix and shall be subject to the quorum requirements set out in sub-Rule 9(ii)(b). The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meetings assembled.
- (c) The matter shall be recorded in the minutes on the next Central Council meeting held following the vote.

10 – ATTENDANCE AT MEMBERSHIP MEETINGS

- (i) A National Officer shall be entitled to attend and participate at any meeting of members of the Union convened or constituted pursuant to the Rules of the Union or of any District Branch.
- (ii) A National Officer shall not be entitled to vote at such meeting unless entitled to vote otherwise than pursuant to this Rule.

11 – THE CENTRAL EXECUTIVE

- (i) Central Executive Officers
 - (a) The Central Executive shall consist of the General President, the General Vice President/s, the Vice Presidents and the General Secretary. The General President, the General Vice President/s and the General Secretary shall be full time officers attached to the National Office and referred to as National Officers.
 - (b) The General President, the General Vice President/s and the General Secretary shall be elected by the membership of the Union each four (4) years in accordance with Rule 17. Each such officer shall take office for a term of four (4) years as and from the day provided for in Rule 17.
 - (c) Vice Presidents
 - (i) The Vice Presidents shall be the District Branch President from each of the three (3) largest District Branches.
 - (ii) For the purposes of determining which District Branch Presidents will be the Vice Presidents of the Union, the three (3) largest District Branches will be determined by the number of District Branch members of each District Branch based in the records maintained by the Union pursuant to the RO Act, as at 31 December each year.
 - (d) Each officer shall remain in office unless the officer resigns the position by writing delivered to the General Secretary or General President or unless removed from office.

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- (e) A person elected to office in the Union shall not be dismissed from office other than in accordance with Rule 22.
 - (f) The National Officers shall remain financial members of the Union.
- (ii) Duties of Officers
- (a) General President
 - (1) The General President who shall be the Principal Officer shall preside at all Central Council Meetings and at the National Convention and, in conjunction with the General Secretary and other officers, shall attend to all correspondence, watch the interests of the Union and shall as far as possible, advance the members' interests generally.
 - (2) The General President shall, with the cooperation of the other Executive Officers carry out the Objects of the Union and shall as far as possible, ensure that the Rules are carried out.
 - (3) The General President shall prepare annually a review of the position of the Union and report to the Annual Meeting of the Central Council and in the case of equal voting at Central Council or National Convention shall have the casting vote.
 - (4) The General President shall receive such remuneration as the Central Council may determine from time to time.
 - (b) General Vice President/s and Vice Presidents
 - (1) The General Vice President/s and the Vice Presidents shall act as members of the Central Executive in the exercise of the powers and duties of the Central Executive and shall attend all meetings of Central Council.
 - (2) In the absence of the General President the Chair of the meeting shall be a General Vice President or, if absent, a Vice President. When acting as Chair in the place of the General President at any meeting, the relevant officer shall have a casting vote.
 - (3) The General Vice President/s and the Vice Presidents shall, with the cooperation of the other Executive Officers, carry out the Objects of the Union and shall as far as possible, ensure that the Rules are carried out.
 - (4) The General Vice-President/s shall receive such remuneration as the Central Council may determine from time to time.
 - (c) General Secretary
 - (1) The General Secretary shall have prepared all necessary documents for the Central Council, Central Executive, Auditor, and Trustees and shall prepare and forward the annual and other returns to the relevant statutory bodies in due time.

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- (2) The General Secretary shall attend all meetings of the Central Council and Central Executive, shall file all correspondence, make minutes of the resolutions passed and other business transacted at any meeting, summon members of the Central Council and Central Executive Committee to meetings, draw up a report and have the Balance Sheet submitted to the Central Council annually and submit the National Office's books as soon as practicable following the end of the year to the Auditor.
 - (3) The General Secretary shall submit to the General President any urgent information officially received and, together with the General President, shall decide on the best course to be pursued.
 - (4) The General Secretary shall keep a register of the names and addresses of the officers of the Union and shall, in conjunction with a senior member of the staff and the General President, sign cheques and/or authorise other payments.
 - (5) The General Secretary shall be paid such remuneration as the Central Council may determine from time to time.
 - (6) The General Secretary is hereby empowered to sue in any Court on behalf of the Union.
- (d) Acting in the Role of General President or General Secretary

If the General President or General Secretary are temporarily unable to perform the duties of their office due to absence, illness or injury, and the General President or General Secretary has not resigned, died, or been removed from office in accordance with Rule 22, the Central Executive may appoint a Vice President to act in the position for periods up to, and including, the length of the temporary incapacity.

If the General President or General Secretary, whichever is said to be temporarily unable to perform the duties of their office, objects in writing to the appointment of a Vice President to fill his or her position, the above appointment by Central Executive is of no effect from the time the objection is received by another member of the Central Executive.

(iii) Meeting of the Central Executive

- (a) The General President or General Secretary may convene a meeting of the Central Executive at any time by oral or written communication to the other members of the Central Executive.
- (b) A quorum of any meeting of the Central Executive shall be the majority of the Central Executive.
- (c) The Chair of any meeting of the Central Executive shall have a deliberative but not a casting vote.
- (d) Where matters are due to be decided by the Central Executive and an officer cannot be present the officer may record a vote by telephone, email, or by any other means of communications. In such an event the decision of the majority shall be valid as had they assembled.

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- (e) Voting otherwise than at meetings assembled.
 - (1) If the General President or General Secretary considers it advisable to submit any matter to a vote of the Central Executive at any time when it is inconvenient to call the Central Executive together, the General Secretary may submit a resolution dealing with the matter to the members, by any telephone, email, or by any other means of communication.
 - (2) The votes on such resolution shall be returnable to the General Secretary at such time as the General Secretary shall fix and shall be subject to the quorum requirements set out in sub-Rule 11(iii)(b). The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meetings assembled.
 - (3) The matter shall be recorded in the minutes of the next Central Executive Meeting held following the vote.
 - (f) Despite any other Rule of the Union a Central Executive meeting may be conducted by any method by which the members of the Central Executive can communicate each with each other, including but not limited to some or all members of the Central Executive participating in the meeting by telephone, computer and/or audio-visual conferencing.

(iv) Powers of the Central Executive

The Central Executive shall, subject to the review of its actions by the next ensuing meeting of the Central Council, have the care, control, custody, superintendence, management and administration in all respects of the affairs, funds and property of the Union. The powers of the Central Executive shall include the following:

- (a) interpret and enforce the general policy of the Union as decided by Central Council.
- (b) decide questions of policy not covered by the Central Council decisions.
- (c) To consider and decide upon any application for admission to membership referred to it by the General Secretary or other officer.
- (d) To initiate, manage and control all actions, proceedings, industrial disputes and other matters, and to appoint agents, solicitors or counsel to appear for and represent the Union or any of its members in any Court or proceedings, legal or otherwise.
- (e) To demand and collect all levies, subscriptions, fines and dues payable by the members. A certificate signed by the General President, General Secretary, a General Vice President or a Vice-President that a person joined the Union on a certain date and of the amount of levies, contributions, fines and dues shown on the books of the Union as owing by the person shall be in all Courts and Tribunals prime facie evidence of the facts stated therein. A copy of a resolution certified by the General President, General Secretary, a General Vice President or a Vice-President shall be prime facie evidence that such resolution was carried by the body and on the day specified in the certificate.
- (f) To demand, receive and keep possession of all books and accounts of the Union.
- (g) To demand, or cause to be made, an audit of the books and accounts of the National Office, and of all or any of the District Branches of the Union.

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- (h) Governance Assurance Review
- (A) To require a risk assurance review, or similar review, of the National Office and/or a District Branch with respect to standards of good governance and oversight.
 - (B) To appoint an auditor, an officer or appropriately qualified employee of the Union and/or a District Branch, or another appropriately qualified external person to conduct the review.
 - (C) The scope of the review will be agreed between the National Office and the District Branch in advance of the commencement of the review and any amendments to that scope will also need to be agreed. No review of a District Branch will be held without the agreement of the District Branch however agreement will not be unreasonably withheld.
 - (D) The senior officers of the National Office and/or District Branch the subject of the review, may be required to provide a written response, within a reasonable period, as to the review's outcomes including a plan to address any significant shortfalls identified by the review.
- (i) To engage such employees or other assistance that in its opinion are necessary for the proper carrying out of the business of the Union, and to pay such wages, salaries and allowances as to it shall seem proper.
 - (j) To incur all necessary accounts, and expenditure for the proper upkeep of the Union, and to pay all sums so incurred.
 - (k) To exercise such other powers as may be conferred upon them by the Central Council, or by any Rule of the Union.
 - (l) To appoint Committees or Sub-committees of the Union for specific purposes of enquiry and report in respect of any matter that may involve the interests of the Union or any member thereof.
 - (m) To submit such matters as may appear to it to be of sufficient importance to the Central Council for decision or directly to the members of the Union for decision by ballot.
 - (n) Industrial agreements may be made, entered into and executed and may from time to time be altered, varied, modified or cancelled by or on behalf of the Union by the Central Executive. Any industrial agreement made, entered into or executed, shall be signed by the General President, a General Vice-President or a Vice-President or the General Secretary. No industrial agreement shall be entered into unless its terms have first been approved by an aggregate majority of the members attending and voting at meetings of the Lodges of the District Branch or District Branches affected. Where the Union makes a greenfield agreement under the FW Act, or any successor legislation, the agreement will not be made without the consent of the District Branches affected.

Similar approval shall be obtained in respect of any alteration, variation or cancellation thereof. All other documents shall be executed on behalf of the Union by the General Secretary, General President, a General Vice-President or a Vice-President.

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- (o) Subject to Rules relating to the autonomy of District Branches, take such action as may be necessary to secure the satisfactory working of any District Branch in the event of the affairs of that District Branch being so conducted as to affect the proper functioning of the Union, as a registered organisation, or as to make the Union liable for a breach or breaches of the FW Act or the RO Act. Subject to Rule 22 herein, such action may include the suspension or dismissal of all or any members holding offices in, or for, a District Branch and the appointment of a member of the Central Executive or any other member or members of the Union to conduct the affairs of such District Branch.
 - (p) Control and supervise the work of the National Officers of the Union.
 - (q) Affiliate to any body on behalf of the Union.
 - (r) To affiliate to the Australian Council of Trade Unions.
 - (s) All acts of the Central Executive done in pursuance of the powers granted it by these Rules shall have full force and effect and be of full validity, notwithstanding anything in these Rules, until such acts shall be reversed or altered or otherwise dealt with by the next ensuing meeting of the Central Council.
 - (t) The Central Executive shall, prior to the sitting of any meeting of the Central Council, prepare an agenda paper. The paper shall set out in such form as the Central Executive may decide the matters to be brought before the Central Council for consideration, and a copy of such shall be sent to all Councillors seven (7) days before the meeting. For the avoidance of doubt, a failure to meet the requirements of this sub-Rule will not constrain the powers of the Central Council to meet and/or pass valid resolutions.
 - (u) The Central Executive shall appoint all delegates to represent the Union on any national body or conference outside the Union and beyond the confines of any one (1) District Branch, unless otherwise decided by the Central Council. All such delegates shall be required to support and vote in favour of Union policy.

12 – FINANCE AND PROPERTY

- (i) Subscription Fees
 - (a) The Annual Central Council meeting shall set the Union membership subscription fees that shall be payable by each District Branch, from the members of that District Branch to the National Office and shall be payable for fifty-two (52) weeks per year. The District Branches shall set their own District membership subscription fees, in accordance with the Rules.
 - (b) In addition, each District Branch shall be responsible to meet all costs associated with the operation of the District Branch, including all costs associated with the attendance and participation by their representatives at meetings unless decided otherwise by the Central Council.

(ii) Control of Union Funds

- (a) The funds of the Union shall be under the control of the body which receives such funds pursuant to the Rules of the Union and such bodies shall deal with the funds on behalf of the Union. The funds and property of the Union shall be invested wherever possible in the name of the Union. Any moneys may have the name of the body controlling the funds added to the name of the Union. In the case of District Branches, money received by the District Branch shall be under the control of the body in that District Branch which, by the Rules of that District Branch is given control and shall be invested in the name of the Union, subject to the last immediately preceding sentence hereof. Where it is not possible or convenient to hold property in the name of the Union the property shall be held in the name of trustees under the Rules of such bodies.

Where funds are received by a District Branch from members of the District Branch where those members properly belong to another District Branch such funds shall be redistributed to the appropriate District Branch in a timely manner.

The funds of the Union may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees. Nothing in this sub-Rule prevents the Union, or a District Branch from entering into an agreement with a trade or industrial union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment or expenditure of funds on a joint basis or a basis on which the funds are held in common so long as the funds are treated, for all purposes, at least as funds of this Union or such of the funds as represent pro rata membership are so treated.

- (b) The funds or property of the Union, under the control of the National Office or District Branch in accordance with the Rules of the Union, shall be under the control of the Central Council, or Central Executive, District Branch Committee of Management and/or Executive respectively.
- (c) Any fines, penalties, damages, costs or other sum(s) ordered by a court against the Union is, if the conduct of a District Branch's officers, employees, agents or members made the Union liable for such amount(s), to be funded by that District Branch.

(iii) The National Office Fund shall consist of:

- (a) any real or personal property of which the Central Council or the Central Executive by these Rules or by any established practice not inconsistent with these Rules, has, or in the absence of any limited term lease, bailment or arrangement, would have, the right of custody, control or management.
- (b) any subscription fees, entrance fees, fines, levies and other monies paid or received from the District Branches, Lodges or members, to the National Office.
- (c) any interest, rents, dividends or other income derived from the investment of the funds of the National Office.
- (d) any property acquired wholly or mainly by expenditure of the funds of, or derived from other assets of, the National Office.
- (e) any other funds received by the National Office.
- (f) the proceeds of any disposal of parts of the Fund.

(iv) Central Executive Control

Subject to the control of the Central Council, the property and funds of the National Office shall be under the control of the Central Executive.

(v) Use of Funds

(a) The National Office Fund shall be applied and/or invested as follows: in such lawful manner as the Central Council may decide, including, without limiting the generality of this sub-Rule, deposit on current account or fixed deposit with any financial institution carrying on business in the Commonwealth of Australia, the mortgage of real or personal estate situated in the Commonwealth, the subscription for or purchase of shares in any company registered and carrying on business in any State of the Commonwealth. Funds so applied shall only be realised on the authority of the Central Executive or on the authority of the Central Council.

(b) Monies shall be drawn from the National Office Fund by cheques signed by, or electronic means authorised by, both the General President and the General Secretary or either of those officers with such other officers or senior members of staff as may be designated from time to time by Central Council.

(c) Loans, grants and donations of any amount exceeding one thousand dollars (\$1,000) shall not be made by the National Office Fund unless the Central Council, or between meetings of the Central Council, the Central Executive, has satisfied itself that the making of the loan, grant or donation is in accordance with the Rules and that, in relation to a loan, that in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory. Loans, grants and donations of an amount exceeding one thousand dollars (\$1,000) shall not be made unless approved by Central Council, or between meetings of the Central Council, the Central Executive.

(d) Notwithstanding paragraph (c) above, the National Office Fund may make a loan, grant or donation of an amount not exceeding three thousand dollars (\$3,000) to a member of the Union if the loan, grant or donation:

(A) is for the purpose of relieving the member or any of the member's dependents from severe financial hardship; and

(B) is subject to a condition to the effect that, if the Central Council, at the next meeting of the Central Council, does not approve the loan, grant or donation, it must be repaid as determined by the Central Council.

(e) In considering whether to approve a loan, grant or donation made in accordance with this paragraph (d), the Central Council must have regard to:

(A) whether the loan, grant or donation was made under the Rules of the organisation; and

(B) in the case of a loan:

(i) whether the security (if any) given for the repayment of the loan is adequate; and

(ii) whether the arrangements for the repayment of the loan are satisfactory.

(vi) Financial Expenditure Policies and Procedures

- (a) The Union shall develop and implement internal control policies and procedures relating to the expenditure of the Union, to ensure that the Union is conducted in accordance with the principles of good governance and to ensure accountability to members of the Union.
- (b) Such policies and procedures shall be adopted by the Central Council and once adopted, shall be binding on all officers and members of the Union. Such policies and procedures must be identified in the resolutions of the Central Council as Rule 12(vi) policies and procedures.
- (c) Rule 12(vi) policies and procedures must be published on the website of the Union within fourteen (14) days of their adoption.
- (d) The provisions of sub-Rules (a) to (c) herein shall apply, mutatis mutandis, to each District Branch of the Union.

(vii) Books and Records

The General Secretary shall keep or cause to be kept all books, records and papers which may be required by law, necessary to the preparation of any return or statement required by law, necessary for the information of the auditor or which may otherwise be required by these Rules or any Central Council.

(viii) Financial Year

The financial year for the accounting purposes of the National Office shall be 31 December in each year.

(ix) Trustees

- (a) There shall be two (2) trustees. The trustees shall be the General President and the General Secretary. Trustees shall hold office for four (4) years concurrently with the Central Council Officers. The Trustees' office shall be subject to sub-Rules 11(i)(d), (e) and (f).
- (b) The Trustees shall, under the direction of the Central Council, prosecute or, if more convenient, direct any District Branch or officer to prosecute any member or other person suspected by them of any offence, legally punishable with reference to the affairs of the Union and they may themselves institute, or if more convenient, may direct any District Branch or officer or officers to institute civil proceedings against any member or other person refusing to give up possession of any of the Union's or any District Branch property; or doing or neglecting to do any act so as to render any member or other person liable to legal proceedings in reference to the Union's affairs, or the affairs of any District Branch thereof.
- (c) All funds, investments and other property of the Union may be held directly by the Union in accordance with the legal capacity of the Union as an incorporated body under the RO Act, and/or vested in the Trustees as joint tenants and be held by them in trust for the members of the Union.

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- (d) The Trustees and/or the Central Council shall without prejudice to any further power and duties conferred by these Rules and by statute be vested with all and every of the powers and duties with which Trustees may lawfully be vested. The Central Council shall have all necessary powers with regard to the bringing or defending of any action, suit, prosecution or complaint in the Union, or authorise the Trustee to institute such proceedings.
- (e) The Trustees shall have power:
- (1) To receive money or other property paid, delivered or conveyed to them as Trustees of the Union and to expend moneys without distinction between capital and income.
 - (2) To invest, sell exchange or otherwise dispose of investments or other property of the Union and to deal with the funds of the Union including purchase or otherwise acquiring of property out of the funds of the Union.
 - (3) To lend and advance money or give credit to any person or corporation, to guarantee, and give guarantees or indemnities for the payment of money or the performance of contracts or obligations by any person or corporation, to secure or undertake in any way the repayment of moneys lent or advanced to or the liabilities incurred by any person or corporation, and otherwise to assist any person or corporation. This sub-Rule shall be subject to sub-Rule 12(iii)(c).
 - (4) To borrow or raise or secure the payment of money and to secure the same or the repayment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Union in any way, and to purchase, redeem or pay off any such securities.
 - (5) To lease, licence, hire or otherwise give and acquire rights to use or occupy property of the Union and for the purposes of the Union and to carry on any business of the Union.
- (f) For the purpose of exercising a power listed above the Trustees shall have all such powers ancillary or incidental to or conducive to the exercise of that power as they would have if they were exercising the listed power by employment of funds or in relation to property beneficially owned by them and were acting in a personal as against a fiduciary capacity. The powers conferred by this sub-Rule shall be in addition to such powers as are conferred upon Trustees by any law for the time being in force in Australia or any of its States or Territories (every one of which statutory powers the Trustees shall be deemed to have notwithstanding that the power is exercised outside Australia or the State or Territory under the law of which same is conferred) and shall not be constructed to be limited or restricted to or by the statutory powers or so as to impose upon the Trustees any duties imposed by law upon Trustees exercising the statutory powers.
- (g) The Trustees shall be fully and effectually indemnified out of the funds of the Union in respect of any personal liability incurred in a proper exercise of the powers given by this Rule or by law and shall not be liable to the Union or any of its members for any loss incurred in a proper exercise of such powers.

(x) Auditor and Audited Accounts

- (a) An auditor appointed by the Central Council shall audit the accounts in the months prior to the Annual Central Council meeting each year and see that the same are correctly kept in accordance with these Rules and the requirements of the law. The auditor shall have power at any time to call for all books, records, papers, vouchers and documents belonging to the National Office Fund or any delegate, officer or committee thereof, so far as is necessary to the task of carrying out the audit. The auditor shall make an annual report of the audit to the Central Council and shall sign the necessary papers certifying to the audit and to the financial position of the National Office Fund.
- (b) The selection of an auditor, the presentation of the accounts and certificates by the auditor and all other matters to do with the audit, the keeping and presentation of accounts, to Central Council and to the membership, shall be according to the requirements forms and procedures of the law affecting the accounting auditing practices of organisations registered under the provisions of the RO Act.
- (c) For the purpose of presenting financial reports, a general meeting of members can include a series of meetings at different locations and may be conducted by any method by which the members can communicate each with each other, including but not limited to some or all members participating in the meeting by telephone, computer and/or audio-visual conferencing.
- (d) On receipt of a petition signed by not less than five percent (5%) of the members of the Union the General Secretary shall convene a general meeting of members to present the auditor's report, the general purpose financial report and the operating report.
- (e) The petition shall have set out the member's full name, address, signature and the date the said petition was signed by the member. In determining the five percent (5%) requirement of members for a general meeting to be held, the petition shall be presented to the General Secretary within thirty (30) days of the first member signing the aforementioned petition. Members who signed the petition in excess of the thirty (30) days required by this sub-Rule shall not be included in determining the calculation of five percent (5%) of the members.

(xi) Seal

- (a) The Seal of the Union shall be oval in shape and the name of the Union inscribed on the outer edge.
- (b) The seal of the Union shall be held by the General Secretary and shall be used for all purposes of the Union for which it may be required. The affixture of the seal to any instrument shall be attested under the name of the General Secretary and such other members of the Central Executive as the Central Executive may decide.

(xii) Registered Office

The registered office of the Union shall be 215-217 Clarence Street, Sydney or such other place as may be decided upon by the Central Council from time to time.

13 – DISTRICT BRANCHES

(i) District Branches

There shall be District Branches of the Union established in accordance with the Rules of the Union. Such District Branches shall be established on a basis of geography, industry and/or occupation and may be formed from time to time as the Central Council may decide.

Provided that upon the registration of the Union, there shall be the following District Branches:

- (a) Northern Mining and NSW Energy District Branch.
- (b) South Western District Branch.
- (c) Queensland District Branch.
- (d) Tasmanian District Branch.
- (e) Western Australian District Branch.
- (f) Victorian District Branch.

(ii) District Branch Autonomy

- (a) Each District Branch shall have autonomy in matters affecting members of the District Branch only and matters concerning the participation of the District Branch in industrial conciliation and arbitration conducted under the law of a State of the Commonwealth.
- (b) District Branches shall make Rules for their internal administration not inconsistent with these Rules. Nothing in these Rules shall prevent any District Branch from acquiring or owning any property without recourse to the Central Council and the Central Council shall have no right to direct or determine any matter in connection with such property.

(iii) General Rules for District Branches

Each District Branch shall have complete control of its own affairs subject to the general Rules and the following conditions:

- (a) Each District Branch shall be governed by a Committee of Management consisting of the officers and such number of other members as the District Branch may decide. Full time officers and members of the Committee of Management shall be elected each four (4) years. The election for such positions shall be held each four (4) years according to the Rule 17. The National Returning Officer appointed in accordance with Rule 17(i) and shall conduct District Branch elections according to the Rule 17.
- (b) Each District Branch shall carry out and shall assist the Central Executive to implement the decisions of Central Council.
- (c) All District Branches shall collect all Union monies in the manner specified in these Rules unless otherwise specifically agreed between Central Council and the District Branch.

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- (d) All District Branches shall make Rules for the establishment and government of Lodges of members of the Union including provision for the election of Lodge Officers and representatives and provision for the keeping of Lodge records.
 - (e) Subject to the right of appeal to Central Council, any District Branch failing to pay its subscriptions to the National Office within four (4) weeks after the collection of such monies may not be entitled to any benefits of the Union until such subscriptions and fines are fully paid up, including the right to vote at meetings of the Central Council, National Convention and Central Executive, but does not affect the right to attend such meetings.
 - (f) Each District Branch with members in the Coal or Shale industries may work out, in respect of those members a clear scheme of Lodge seniority at applicable work sites and shall endeavour to ensure that a uniform scheme is applied throughout all Lodges in the District Branch where seniority is in place.
 - (g) District Branches Rules shall provide that members of the Union may not take other employment whilst on long service leave.
 - (h) Provision may be made in District Branch Rules for the payment of strike pay at a rate to be determined from time to time by Central Council.
 - (i) If more than one third (1/3) of the membership of any District Branch is on strike (that being legally protected industrial action) and the strike has been endorsed by a majority vote of the District Branch Committee of Management and by a majority vote of Central Council, then the financing of the strike shall be taken over by National Office.
 - (j) Any District Branch violating any of the Rules of the Union or neglecting to act on the instructions of the Central Council may be suspended from all the benefits of the Union by the Central Executive. An explanation of any such decision by the Central Executive shall be sent by the General Secretary in writing to the Secretary of the District Branch concerned. The District Branch Executive shall have power to appeal against suspension to the next following meeting of the Central Council and to address Central Council verbally and/or in writing in support of the appeal. Central Council's decision then shall be final.
 - (k) The Rules of the District Branches shall provide that the Central Executive or the District Branch Committee of Management may and, upon requisition from Lodges whose combined financial membership is not less than twenty per cent (20%) of the membership of the District Branch, shall, call special meetings of the District Branch membership. The business to be done at such meetings shall be limited to that stated in the decision or requisition covering the meeting.
 - (l) The Committee of Management of a District Branch may penalise or dismiss a member or officer in accordance with Rule 22.
 - (m) The Rules of the District Branch shall provide for a District Branch Fund which shall consist of:
 - (1) any real or personal property of which the District Branch by the Rules or by any established practice not inconsistent with the Rules, has, or in the absence of any limited term lease, bailment or arrangement, would have, the right of custody, control or management.

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- (2) the amounts of entrance fees, subscriptions, fines, fees or levies received by a District Branch, less so much of those amounts as is payable by the District Branch to the National Office.
 - (3) any interest, rents or dividend derived from the investment of the Fund.
 - (4) any superannuation or long service leave fund operated or controlled by the District Branch for the benefit of its officers or employees.
 - (5) any sick pay fund, accident pay fund, funeral fund, benefit fund or like fund operated or controlled by the District Branch for the benefit of its members.
 - (6) any other funds received by the District Branch.
 - (7) any property acquired wholly or mainly by expenditure of the moneys of the Fund or derived from other assets of the Fund.
 - (8) the proceeds of any disposal of parts of the Fund.
- (n) Rules relating to a District Branch Fund shall not be altered except with the consent of the District Branch concerned.
 - (o) Any Executive Officer of the District Branch shall be entitled to attend and participate at any meeting of members of the District Branch convened or constituted pursuant to the Rules of the District Branch. An Executive Officer of the District Branch shall not be entitled to vote at such meeting unless entitled to vote otherwise than pursuant to this Rule.
- (iv) Amalgamation of District Branches
- (a) Central Council may approve the amalgamation of two (2) or more existing District Branches (referred to in this Rule as “constituent District Branches”) to form one (1) amalgamated District Branch.
 - (b) The amalgamation of the constituent District Branches shall be subject to a scheme of amalgamation that shall be presented to Central Council for approval.
 - (c) The scheme of amalgamation shall contain:
 - (i) (A) if one (1) of the constituent District Branches is to be the proposed amalgamated District Branch - that fact and any change in the name of the District Branch; and
 - (B) if a new District Branch is to be formed as the proposed amalgamated District Branch - that fact and the name of the proposed amalgamated District Branch; and
 - (C) the constituent District Branches proposed to be abolished; and
 - (ii) the proposed Rules of the amalgamated District Branch; and
 - (iii) any consequential Rule changes to the Union Rules required to give effect to the proposed amalgamation; and

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- (iv) a deed of agreement entered into and approved by the Committees of Management of the constituent District Branches dealing with matters relevant to the proposed amalgamation.
 - (d) The scheme of amalgamation of the amalgamated District Branch shall be approved by the Committees of Management of the constituent District Branches (and where the Rules of the District Branch so require, endorsement by the membership) prior to being submitted to Central Council for approval.
 - (e) The deed of agreement entered into by the constituent District Branches must deal with the following matters:
 - (1) the continuity, voting rights and privileges of members of the constituent District Branches in the amalgamated District Branch.
 - (2) arrangements for the representation of former members of the constituent District Branches on the supreme governing body of the amalgamated District Branch.
 - (3) the treatment of existing office holders of the constituent District Branches in the amalgamated District Branch.
 - (i4) the disposition of all funds, property, assets and liabilities of the constituent District Branches in the amalgamated District Branch.

Notwithstanding Rule 16, following approval of the proposed scheme of amalgamation by Central Council, the General Secretary shall be authorised to submit the proposed Rules of the amalgamated District Branch (and any consequential alterations to the Union Rules) to the Fair Work Commission for approval.

14 – AMALGAMATION

- (a) The Central Council may, on behalf of the Union, enter into an agreement, between the Union and any other Trade Union or organisation of employees for the purpose of providing for the merger or amalgamation of the parties thereto. Any such agreement shall be in conformity with the amalgamation provisions of the RO Act.
- (b) Upon amalgamation with any Trade Union or organisation of employees the Union shall accept responsibility for and become the administrator of any relief, eye or funeral fund of that Trade Union or organisation of employees and a member of any such funds entitled to contribute to or participate in the benefits of the Fund at the date of the amalgamation shall continue to be entitled to contribute to and benefit from the Fund, provided that where Central Council determines that adequate and reasonable provision has been made for members so entitled, Central Council may terminate such fund.

15 – VALIDATION OF ACTS

The proceedings of and acts done by any officer or by the Central Council or the Central Executive or any District Branch Committee of Management or any other body of the Union shall be valid notwithstanding any defect subsequently discovered in the method of election or appointment of such officer or such a member or members of any such body.

16 – NEW RULES AND ALTERATION OF RULES

- (i) New Rules may be made and any of the Rules of the Union may be altered, amended, added to or rescinded by Central Council.
- (ii) Proposed new Rules shall be examined and reported on by a Rules committee of Central Councillors appointed from time to time by Central Council.
- (iii) Subject to sub-Rule 8(vii), the report of the Rules committee shall be discussed by the Central Council and the proposed Rules changes submitted for approval by a majority of members present and voting at that meeting of Central Council and then submitted for the approval of the membership in the same manner as other Central Council resolutions.
- (iv) Notwithstanding any other Rule, or sub-Rule, proposed changes to the Rules of the Union that have been approved by a majority of members of Central Council do not have to be submitted for the approval or endorsement of the membership as described in sub-Rule 15(iii) in circumstances where either:
 - (a) all members of Central Council who voted on the resolution to approve the Rule change voted in favour of the Rule change; or
 - (b) the Rule change is required to be made by legislation governing the operations of the Union.

17 – BALLOT

- (i) The Central Council shall appoint a National Returning Officer to conduct elections for office within the Union and within each District Branch (called in this Rule the National Returning Officer).
 - (a) The Central Council shall only appoint a National Returning Officer if satisfied that the person has had sufficient training and/or experience to understand his or her duties and obligations under this Rule.
 - (b) The National Returning Officer shall for the purpose of each election appoint Local Returning Officers who may be nominated by a Lodge or District Branch. The Local Returning Officer shall be responsible for the conduct of elections at each Lodge or locality in such a way as to ensure, as far as practicable that no irregularities can occur in relation to an election. Where it may assist in the conduct of an election, the National Returning Officer may also appoint one (1) or more Assistant Local Returning Officers for the conduct of elections at each Lodge or locality. The duties of an Assistant Local Returning Officer shall be to assist the Local Returning Officer and act at all times at the directions of the Local Returning Officer and/or National Returning Officer. The National Returning Officer shall only appoint a Local Returning Officer, or an Assistant Local Returning Officer, if satisfied that the person has had sufficient training and/or experience to understand his or her duties and obligations under this Rule.
 - (c) The National Returning Officer, Local Returning Officer and, if any, an Assistant Local Returning Officer shall not be the holder of any office in or be an employee of the Union, or a District Branch or Lodge. However, the Local Returning Officer, and any Assistant Local Returning Officer, are required to be a Financial member(s) of the Union.

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- (1) Subject to the requirement that there must be no employment relationship between the Union and a Local Returning Officer or Assistant Local Returning Officer, a District or Lodge may compensate a Local Returning Officer or Assistant Local Returning Officer for costs incurred by them in performing their role. Any such compensation will be entirely at the discretion of the District or Lodge and may only be made if the Local Returning Officer or Assistant Local Returning Officer makes a written request which itemises, and is supported with evidence, for the claimed compensation. The National Returning Officer will be advised of any compensation made and the reasons for such compensation.
- (d) The National Returning Officer shall conduct elections in accordance with this Rule and shall carry out those duties free from the direction or influence of any officer or employee of the Union. The National Returning Officer may obtain independent, expert advice as to his or her duties and obligations under these Rules and the RO Act. Any legal advice provided to the Returning Officer related to the conduct of an election under this Rule shall be paid for by the Union, but the client-lawyer relationship shall subsist between the National Returning Officer and the lawyer.
- (e) The National Returning Officer may, if he or she considers it beneficial, issue an instruction manual for the use of Local Returning Officers and/or any Assistant Local Returning Officers concerning the conduct of elections under this Rule. The National Returning Officer may utilise external legal advice in the preparation of the instruction manual, but the cost of the production and distribution of the manual shall be borne by the Union.
- (f) The National Returning Officer shall be provided with all necessary administrative support by the Union so as to efficiently acquit his or her duties under this Rule.
- (g) In respect of any matters pertaining to the conduct of the elections, and in spite of anything else contained in these Rules, the National Returning Officer shall take such action and give such directions as the National Returning Officer considers necessary to ensure the secrecy of the ballot and to prevent or remedy an irregularity.
- (h) If a National Returning Officer resigns after the commencement of the ballot process, but before the declaration of the ballot, or otherwise is unable to conclude the ballot and issue a declaration, the Central Council shall appoint a new National Returning Officer to carry out the duties still required to conclude the ballot. The appointment of a new National Returning Officer shall not affect the validity of any step already taken by the previous National Returning Officer.
- (i) If a Local Returning Officer or an Assistant Local Returning Officer resigns after the commencement of the ballot process, but before the declaration of the ballot, or otherwise is unable to conclude the ballot and issue a declaration, the National Returning Officer may appoint a new Local Returning Officer or an Assistant Local Returning Officer to carry out the duties still required to conclude the ballot. The appointment of a new Local Returning Officer or an Assistant Local Returning Officer shall not affect the validity of any step already taken by the previous Local Returning Officer.

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- (ii) The National Returning Officer shall determine the times and dates of the commencement and close of the period for lodging nominations of candidates for election to an office having regard to:
- (a) the date of the expiration of the term of office of the holder of the office;
 - (b) the time required to lodge the nominations;
 - (c) the time required to complete the election.
- (iii) (a) The National Returning Officer shall, within the period of twenty-one (21) days before the date of the commencement of the period for lodging nominations of candidates for an election for an office within the Union or a District Branch, cause to be published by the Union in a newspaper or such other publications (including electronic media) as the National Returning Officer considers appropriate a notice setting out:-
- (1) the title of the office;
 - (2) if a District Branch office, the name of the District Branch;
 - (3) the form in which nominations are to be made;
 - (4) the place and/or in the manner prescribed for lodging nominations;
 - (5) the times and dates of the commencement and close of the period for lodging nominations;
 - (6) that for up to seven (7) days after the close of nominations, candidates are entitled to lodge a Candidate's Statement in accordance with Rule 17(xv);
 - (7) the times and dates of the commencement and close of the period of the ballot and inviting nominations of persons, eligible for election for the office under these Rules to stand as candidates for election to the office;
 - (8) provided that, the minimum period during which nominations shall open and close and the ballot shall open and close, shall in both cases, be twenty-one (21) days.
- (b) The National Returning Officer shall forward a notice containing the information referred to in Rule 17(iii)(a) to each Lodge and District involved in the election and the notice should be displayed at each Lodge and locality.
- (iv) (a) A person is not eligible for election for an office unless the nomination is in writing and is signed by the person and two (2) other Financial members.
- (b) Where the National Returning Officer finds that a document lodged at the place and/or in the manner prescribed and within the period determined by the National Returning Officer under Rule 17(ii) and purporting to be the nomination of a person as a candidate for an election to an office is not a nomination in accordance with the provisions of this sub-Rule the National Returning Officer shall, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, give the person the opportunity of remedying the defect within not less than seven (7) days after the National Returning Officer being so notified.

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- (c) A person is not eligible for election unless the nomination of the person as a candidate for election is lodged at the place and/or in the manner determined by the National Returning Officer under Rule 17(iii)(a)(4) and within the period for lodging nominations under Rule 17(ii)(b), or under Rule 17(iv)(b).
 - (d) A candidate nominating for any office may withdraw the nomination by notice in writing to the National Returning Officer up to, but not later than twenty-four (24) hours after the close of nominations.
 - (v) Where on the expiry of the period for lodging the nomination the number of valid nominations received for an office does not exceed the number of positions to be filled, the National Returning Officer shall declare elected the candidate or candidates nominated.
 - (vi)
 - (a) The National Returning Officer shall prepare a roll of voters who are entitled to vote in the election.
 - (b) The names of members of the Union or the District Branch who are entitled under the Rules to vote in an election shall form the roll of voters for the election. The roll of voters shall be closed on the date which is seven (7) days before the day on which nominations for the election open.
 - (c) The National Returning Officer shall, at the place where the National Returning Officer carries out the functions as National Returning Officer, make the roll of voters in an election for an office available for inspection by members or by any person authorised by the National Returning Officer, during the ordinary hours of business in the period that commences fourteen (14) days before the date of commencement of the issuing of ballot papers and ends on the day on which the result of the election is declared.
 - (vii)
 - (a) Subject to Rule 17(xiii), where more than one (1) candidate is nominated for election for an office the National Returning Officer shall determine the time and date of the open and close of the ballot having regard to:
 - (1) the date of expiration of the term of office of the holder of the office;
 - (2) the time required for the National Returning Officer to send the Local Returning Officers return ballot papers by post;
 - (3) the time required for postal ballots to be sent to members and returned to the Returning Officer; and
 - (4) the time required to complete the election.
 - (b) The names of candidates for election for an office shall appear on the ballot paper for that election in the order determined as a result of a draw conducted by the National Returning Officer. Each candidate may either attend the draw in person or nominate a person to attend on the candidate's behalf.
 - (c) The National Returning Officer shall arrange for the printing of ballot papers, the National Returning Officer shall send by registered post to each Local Returning Officer appointed under Rule 17(i), sufficient ballot papers for each person whose name appears on the roll of voters for the relevant Lodge or locality.

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- (viii) (a) Where, on application before the time of the close of the ballot in an election, the National Returning Officer or a Local Returning Officer is satisfied that a ballot paper issued to a person whose name is on the roll of voters, has not been received or has been lost, destroyed or spoiled, the Returning Officer shall issue to that person, a duplicate ballot paper.
- (b) A member who will be absent from the Lodge or locality during a ballot, may apply to the National Returning Officer, for a ballot paper. Any such absentee ballot paper shall be sent to an address nominated by National Returning Officer and shall be subject to the requirements of Rule 17(xiii).
- (ix) (a) The Local Returning Officer shall as soon as practicable after the receipt of the ballot papers from the National Returning Officer as provided for in sub-Rule 17(vii)(c), but in any event before the close of ballot as determined by the National Returning Officer pursuant to sub-Rule 17(vii)(a):
- (1) provide to each member whose name appears on the roll of voters in the Lodge or locality, a ballot paper either by attending the mine or work site at the beginning of each shift or such other means as may be required;
 - (2) initial each ballot paper so provided;
 - (3) ensure that each ballot paper so provided contains written instructions to the voter as to the proper method of completion of the ballot paper in order to record a formal vote;
 - (4) provide a sealed container into which each member voting shall place the completed ballot paper;
 - (5) at the close of the ballot, open the sealed container and send the contents thereof in sealed envelopes by registered post to the National Returning Officer.
- (b) For the avoidance of doubt, the Local Returning Officer may direct the Assistant Local Returning Officer to perform functions described in sub-Rule 17(ix)(a), except Rule 17(ix)(a)(5).
- (x) (a) The National Returning Officer shall open the sealed envelopes in which the ballot papers have been placed, withdraw each ballot paper and after rejecting informal ballot papers:
- (1) count the number of votes to ascertain which candidate is successful in the election to the relevant office;
 - (2) place into a container or containers the ballot papers admitted as formal, seal each of the containers and endorse on each of the containers:
 - (i) if relevant, the name of the District Branch and the title of the office;
 - (ii) the words "Ballot Papers admitted as formal";
 - (iii) the Returning Officer's signature; and
 - (iv) the date of signing.

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- (3) place into a container or containers the ballot papers rejected as informal, seal each of the containers and endorse on each of the containers:
- (i) if relevant the name of the District Branch and the title of the office;
 - (ii) the words "Ballot Papers rejected as informal";
 - (iii) the Returning Officer's signature; and
 - (iv) the date of signing; and
- (4) subject to the requirements of the RO Act , keep each of the containers in safe custody.
- (b) The National Returning Officer shall reject as informal a ballot paper that:-
- (1) does not bear the initials of the Local Returning Officer or the Assistant Local Returning Officer;
 - (2) has upon it a mark or writing by which the voter can be identified.
- (c) Where, during the scrutiny, the National Returning Officer is informed by a scrutineer appointed under Rule 17(xi) that the scrutineer objects to a ballot paper being admitted as formal, or rejected as informal, as the case may be, the National Returning Officer shall decide the matter and endorse the decision on the ballot paper.
- (d) The voting method to be used in elections conducted under this Rule is first past the post where the candidate(s) with the highest number of votes shall be elected.
- (e) In the event of a tie, the National Returning Officer shall determine the result by declaring a candidate(s) who currently holds the office being contested being elected, and should no candidate(s) currently hold the office the National Returning Officer shall declare the result by casting lots.
- (xi) (a) Each Lodge or locality shall in respect of each election appoint a scrutineer. Each candidate may appoint a scrutineer in respect of each election for which the candidate has nominated. Any appointment of a scrutineer by a candidate shall be made by notice in writing addressed to the National Returning Officer or the Local Returning Officer. Not more than one (1) scrutineer shall be allowed to each candidate in an election at each Lodge or locality.
- (b) Subject to Rule 17(xi)(c), a scrutineer appointed under this sub-Rule may:-
- (1) be present while the National Returning Officer carries out the functions under Rule 17(x) or while a Local Returning Officer carries out the functions under Rule 17(ix)(a); and
 - (2) direct the attention of the National Returning Officer or a Local Returning Officer to any irregularity concerning the issue of ballot papers, the admission of any envelope to scrutiny, the admission of a ballot paper as formal, the rejection of a ballot paper as informal or the counting of the votes.
- (c) Where a scrutineer appointed under this sub-Rule:
- (1) interrupts the scrutiny otherwise than in accordance with Rule 17(b)(2); or

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- (2) fails to carry out a lawful request by the Returning Officer;

the Returning Officer may direct the scrutineer to leave the place where the scrutiny is being conducted.

- (d) A scrutineer appointed under this sub-Rule shall comply with a direction by the Returning Officer under sub-Rule 17(xi)(c).
- (e) Notwithstanding anything else contained in this Rule, the National Returning Officer shall have the power to extend the period during which ballots may be cast (including postal ballots) at either Lodge, District Branch or National Office level, if the National Returning Officer believes such a step is necessary to avoid the improper disenfranchisement of eligible voters, or to remedy an irregularity.
- (xii) (a) As soon as is practicable the National Returning Officer shall declare the result of an election by giving notice in writing to the Union at its registered office (and to any District Branch in relation to which such election applies) of the result.
- (b) When declaring the result in respect of the election the National Returning Officer shall also declare in respect of the election:
- (1) the number of ballot papers issued (other than duplicate ballot papers);
 - (2) the number of duplicate ballot papers issued;
 - (3) the number of ballot papers admitted as formal;
 - (4) the number of ballot papers rejected as informal.
- (c) As soon as practicable after the declaration of the results of an election, the National Returning Officer shall prepare a report for the General Secretary summarising the results of each election conducted. In preparing this report, the National Returning Officer may also make recommendations for the consideration of Central Council as to how to improve the participation of members in the election process and other relevant matters. The General Secretary shall, within twenty-one (21) days of receiving the report of the National Returning Officer, file a copy of the report with the government body or agency to whom the report would be sent if the Australian Electoral Commission was conducting the election.
- (xiii) Notwithstanding anything else contained in this Rule, the Returning Officer shall have the discretion to issue postal ballots as an alternative to an attendance ballot where it appears to the National Returning Officer that an attendance ballot is not practical and that the issuing of a postal ballot will facilitate the participation of members in an election conducted under this Rule. In conducting a postal ballot under this Rule, the National Returning Officer shall ensure that there is compliance with any legislation applicable to postal ballots for registered organisations, including the requirements of section 188 of the Ro Act and Regulations 5 and 6 of the RO Regulations relating to the use of envelopes in conjunction with ballot papers.
- (xiv) Notwithstanding anything else contained in the Rules of the Union, or the Rules of a District Branch, a person elected to office under this Rule shall assume office:
- (a) In the case of a general election – on 1 July in the year in which the general election is held;

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- (b) In the case of a casual vacancy – on the first (1st) day of the month following the declaration of his or her election to office.
- (xv) Candidates Statements for Elections Conducted Pursuant to this Rule
- (a) Up to seven (7) days after the close of nominations, a candidate may submit to the National Returning Officer a biography and/or a statement (“a Candidate’s Statement”) in support of their candidature only for distribution by the National Returning Officer. The Candidate’s Statement shall not exceed one (1) A4 single sided page. The Candidate’s Statement may include one (1) photo of the candidate.
- (b) A candidate can only submit one (1) Candidate’s Statement regardless of the number of offices that they are contesting, should the candidate be otherwise allowed by the Rules of the District Branch or Union to contest more than one (1) office.
- (c) The National Returning Officer shall reject any Candidate’s Statement:
- (1) which in the opinion of the National Returning Officer:
- (A) uses offensive language;
- (B) is defamatory;
- (C) is false or misleading; or
- (D) may lead to an irregularity; or
- (2) which does not comply with this Rule.
- (d) A candidate whose Candidate’s Statement is rejected shall be notified and shall be given not more than two (2) working days from being notified to supply a replacement Candidate’s Statement that complies with this Rule.
- (e) The National Returning Officer shall as soon as practicable forward all relevant Candidate’s Statements to each Lodge or locality involved in the election in which the candidate has nominated for an office and the Statements shall be displayed at each Lodge on the Union notice board or other prominent place.
- (f) In addition to forwarding the relevant Candidate’s Statements in accordance with sub-Rule 17(xv)(e), the National Returning Officer shall, at no cost to the candidate, supply each member who is subject to a postal ballot with all relevant Candidate’s Statements at a time no later than when the member receives a ballot paper.

(xvi) Elections unable to be held:

Without affecting the obligation of the Union and its members and officers to hold elections in accordance with the Rules of the Union and the RO Act, where an election has been unable to be held in accordance with the Rules of the Union so as to enable a successor to take up office following the expiry of a term of office (for example because the Australian Electoral Commission has postponed the election because of the COVID-19 pandemic), the person holding the office may continue to exercise the powers of the office until an election can be held in accordance with the Rules of the Union.

(xvii) General Elections

The first general election of the Union will be conducted in 2024 and every four (4) years thereafter.

18 – MINIMUM REQUIREMENT FOR ELIGIBILITY FOR OFFICE

Subject to any additional or minimum requirements contained elsewhere in the Rules of the Union, no member shall be eligible for any office unless the member has been a financial member continuously for at least twelve (12) months prior to the closing date of nominations.

19 – RETIRED MEMBERS

- (i) The Union supports the formation of an Association of retired members of the Union in each District Branch. In those District Branches, where an Association of retired members is formed and whose constitution is approved by Central Council, a payment may be made by the Union to the Association according to the number of financial members of the Association on a per capita or such other basis as may be determined from time to time by Central Council.
- (ii) The objects of each such Association shall include:
 - (a) to promote goodwill and friendship amongst its members;
 - (b) to assist the Union and the District Branch wherever possible;
 - (c) to co-operate with the Union and the District Branch in their activities and to encourage members of the Association to actively campaign for the achievement of the objects and the policies of the Union and the District Branch;
 - (d) to co-operate in achieving the objects of the Union and the District Branch and in particular the achievement of improved living, social, environmental and economic standards.
- (iii) The Rules of each Association shall provide for:
 - (a) eligibility for membership of the Association to be restricted to persons who are former members of the Union and who have permanently retired from the mining & energy industries because of age, injury or ill-health;
 - (b) the Association to be governed by an elected executive consisting of such number of members as the Association may decide from time to time;
 - (c) members of the executive to be elected each two (2) years by secret ballot at the annual general meeting of the Association;
 - (d) such membership fees or contributions as may be determined from time to time by the executive payable to the Association;
 - (e) the establishment of an Association fund which shall consist of:
 - (1) all real or personal property under the custody, control or management of the Association;
 - (2) the amounts of any entrance fees, subscriptions or levies received by the Association;
 - (3) any funds of whatever nature derived by the Association, or controlled by it for the benefit of its members;

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- (4) the proceeds of any disposal of parts of the fund.
 - (f) the establishment of Branches of the Association based on regions as determined from time to time by Central Council.
 - (iv) The principal officer of each such Association shall have the right to attend meetings of the Central Council as an observer but shall not be entitled to vote.

20 – KEEPING OF MINUTE BOOKS IN THE UNION

- (i) The proceedings and resolutions of each Committee of Management within the Union shall be kept in a minute book or books.
- (ii) Where no person is made responsible under the Union or District Branch Rules for the taking and keeping of minutes of a particular Committee of Management, that Committee of Management must ensure that a person is assigned to be responsible to record proceedings and resolutions of the Committee of Management.
- (iii) For the purpose of compliance with this Rule, a “book” or “books” may include a register, document or any other record of information.

21 – AGREEMENTS WITH STATE UNIONS

- (i) The Union, or any District Branch thereof may make agreements under s.151 of the RO Act with any State Union to the effect that members of the State Union shall be eligible for membership of this Union.
- (ii) The Union, or any District Branch thereof, may take all and any step which, as a matter of practice or law, may overcome the separation of State Unions from any section of this Union with the same or substantially the same members and may take all or any step, including amalgamation to effect one Union in the industry or industries covered by this Union.

22 – OFFENCES AND PENALTIES

- (i) Any financial member of the Union may charge another member, or a person elected as an officer of the Union with:
 - (a) Failing to observe the Rules of the Union or a District Branch;
 - (b) Knowingly failing to comply with any resolution of Central Council, Central Executive, a Board of Management or a District Executive;
 - (c) Committing any fraudulent act or unlawful act in relation to the funds or property of the Union, or in relation to any election held under its Rules;
 - (d) Wrongfully holding themselves out as occupying any office or position in the Union or any District Branch thereof, or as being entitled to represent the Union or a District Branch in any capacity; or

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- (e) Laying a charge or charges under this Rule which is or are frivolous, vexatious or without reasonable cause.
 - (ii) Without limiting the generality of sub-Rule (a) of this Rule, any financial member of the Union may charge any person elected as an officer of the Union with:
 - (a) Misappropriation of the funds of the Union;
 - (b) A substantial breach of the Rules of the Union;
 - (c) Gross misbehaviour; or
 - (d) Gross neglect of duty.
 - (iii) Any charge laid pursuant to sub-Rules (i) and (ii) shall be made in writing and shall be made to the General Secretary in the case of the National Officers and the Affirmative Action Councillor or shall be made to the relevant District Branch Secretary in any other case. The General Secretary or the District Branch Secretary shall give notice of the charge to the Central Council or the Board of Management as the case may be. Such Officer may, if they think fit, and shall, if directed by Central Council or, in the case of the District Branch Secretary, by the Board of Management, appoint a Committee of up to three (3) independent persons to investigate and report on the charge to the relevant body. The person charged shall have full freedom to make a verbal and/or written response to the charge, and bring material or witnesses as may be relevant to the charge, to the investigating Committee.
 - (iv) Where, after receiving the report of the investigating Committee, the imposition of a penalty is contemplated by the Central Council or by the Board of Management, the General Secretary or the relevant District Branch Secretary shall summon the member charged before the appropriate body.
 - (v) A summons shall be in writing and shall state the time and place of the hearing, the name of the person laying the charge, the substance of the charge and the report of the Committee. The person charged shall be given not less than one (1) months' notice of the hearing and their fares to and from the place of hearing shall be paid. The person charged may waive all or part of the minimum one (1) months' period of notice. They shall, on written request, be supplied with such further particulars as may be necessary to indicate the precise matters with which they are charged.
 - (vi) The Central Council and a Board of Management of the District Branches shall have the power to hear and determine charges laid against a member.
 - (vii) At the appointed time and place, the charge may be heard, and the hearing may proceed in the absence of the member charged, unless a satisfactory explanation of their absence is received. The member charged will be given a reasonable opportunity to defend themselves, call any witnesses in support of the defence and to tender written submissions.
 - (viii) If the Central Council or a Board of Management finds a member guilty of a charge laid pursuant to sub-Rule (i) of this Rule, it may:
 - (a) Fine the member a sum not exceeding five-hundred dollars (\$500.00);
 - (b) Expel the member from membership of the Union except in the case of a person elected as an officer of the Union;

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- (c) Suspend the member from membership, except in the case of a person elected as an officer of the Union, for a specified period or until the happening of a specified event or until the performance by them of a specified act. Suspension from membership shall deprive the member from the rights and benefits of membership, but shall not relieve them of the obligations of membership and shall not exceed six (6) months for any offence; or
 - (d) Impose no penalty.
- (ix) Notwithstanding anything else contained in this Rule, the Central Council or a Board of Management shall not dismiss or suspend from office, or expel or suspend from membership of the Union any person elected to office within the Union unless such person has been found guilty of a charge laid pursuant to sub-Rule (ii) of this Rule, in which event the Central Council or a Board of Management (as the case may be) may take in respect of such person any of the actions specified in sub-Rule (viii) of this Rule, or may dismiss such person from office or may suspend them from office for such period as it thinks fit or until the happening of a specified act provided that such suspension from office shall not exceed six (6) months for any offence.
 - (x) Any decision of the Central Council to find a person elected as an officer of the Union, guilty of a charge and/or to impose a penalty shall not take effect until endorsed by an aggregate national majority of members attending and voting at Lodge meetings at which the business of that Central Council meeting is considered.
 - (xi) Any decision of a Board of Management to find a person elected as an officer of the Union, guilty of a charge and/or to impose a penalty shall not take effect until endorsed by an aggregate District majority of members attending and voting at Lodge meetings at which the business of that Board of Management meeting is considered.
 - (xii) Any decision of the Central Council to find a member guilty of a charge and/or to impose a penalty shall be final.
 - (xiii) Any decision of a Board of Management to find any member guilty of a charge and/or to impose a penalty may be subject of an appeal to the Central Council by the member. Such appeal shall be made with twenty-one (21) days of the date of the decision being made known to the member. Any decision of a Board of Management shall not take effect until such time as the Central Council has determined the appeal.
 - (xiv) For the purposes of this Rule, a reference to a District Branch Secretary in the context of the Tasmanian District Branch shall be a reference to the Honorary District President of the Tasmanian District Branch.

23 – NOTIFICATION OF INDUSTRIAL DISPUTES

Unless otherwise dealt with in these Rules, including in the District Branch Rules, the Union may notify the Fair Work Commission of an industrial dispute in the following manner:

- (i) For industrial disputes involving members in more than one (1) District Branch by the General President, General Secretary, or any other person delegated to do so by the Central Council or Central Executive.
- (ii) For industrial disputes involving members in only one (1) District Branch by the District Branch President, District Branch Secretary or another other person delegated to do so by the District Branch Board of Management or District Executive.

24 – TRANSITIONAL RULES

- (i) The provisions of this Rule shall apply notwithstanding anything elsewhere contained in the Rules of the Union.
- (ii) This Rule is intended to give effect to the withdrawal of the Mining and Energy Division from the Construction, Forestry, Maritime, Mining and Energy Union (“amalgamated organisation”).
- (iii) This Rule shall take effect on the withdrawal day.
- (iv) Definitions

For the purposes of this Rule

- (a) “amalgamated organisation” shall mean the Construction, Forestry, Maritime, Mining and Energy Union;
 - (b) “equivalent office” shall mean an office in the Union that corresponds to a Mining and Energy Division Office;
 - (c) “Mining and Energy Division Office” shall mean an office in the Mining and Energy Division of the amalgamated organisation
 - (d) “office” includes all elected offices and positions whether or not the office or position would be defined as an “office” for the purpose of the RO Act;
 - (e) “withdrawal day” shall mean the date fixed in accordance with *section 109(1)(a) of the RO Act* as the day on which the withdrawal of the Union from the amalgamated organisation takes effect;
- (v) Transition of Elected Offices and Positions
- (a) On the withdrawal day, a person who:
 - (1) was elected to a Mining and Energy Division Office; and
 - (2) held that office immediately before withdrawal day;holds the equivalent office in the Union as if he or she were elected in accordance with the Rules of the Union.
 - (b) The first term of office for each equivalent office (regardless of whether or not it was filled on the withdrawal day) will end on the day that the Mining and Energy Division Office would have ended if the withdrawal had not occurred. Nothing in this transitional Rule permits a person to hold office after the day that would have been the person’s last day of term in the Mining and Energy Division Office if the withdrawal had not occurred.
 - (c) Without limiting the operation of this Rule, the following table sets out a list of equivalent offices and positions in the Mining and Energy Division of the amalgamated organisation and the Union.

MINING AND ENERGY DIVISION OFFICE / POSITION	MINING AND ENERGY UNION OFFICE / POSITION
Divisional Offices	National Offices
General President	General President
General Secretary	General Secretary
Affirmative Action Councillor	Affirmative Action Councillor
Northern Mining and NSW Energy District Branch	Northern Mining and NSW Energy District Branch
District President	District President
District Secretary	District Secretary
District Vice President (A)	District Vice President (A)
District Vice President (B)	District Vice President (B)
District Vice President (C)	District Vice President (C)
District Vice President (D)	District Vice President (D)
District Vice President (E)	District Vice President (E)
District Check Inspector (A)	District Check Inspector (A)
District Check Inspector (B)	District Check Inspector (B)
District Central Councillor – Open Cut	District Central Councillor – Open Cut
District Central Councillor – Underground	District Central Councillor – Underground
District Central Councillor – Energy	District Central Councillor – Energy
District Central Councillor – Open Cut 2	District Central Councillor – Open Cut 2
Board of Management Representative – Open Cut (1)	Board of Management Representative – Open Cut (1)
Board of Management Representative – Open Cut (2)	Board of Management Representative – Open Cut (2)
Board of Management Representative – Open Cut (3)	Board of Management Representative – Open Cut (3)
Board of Management Representative – Underground (1)	Board of Management Representative – Underground (1)
Board of Management Representative – Underground (2)	Board of Management Representative – Underground (2)
Board of Management Representative – Underground (3)	Board of Management Representative – Underground (3)
Board of Management Representative – Energy (1)	Board of Management Representative – Energy (1)
Board of Management Representative – Energy (2)	Board of Management Representative – Energy (2)
Board of Management Representative – Energy (3)	Board of Management Representative – Energy (3)
Board of Management Representative – Gunnedah Coalfields	Board of Management Representative – Gunnedah Coalfields
Board of Management Representative – Female Affirmative Action	Board of Management Representative – Female Affirmative Action
<i>Lodge Positions in the District Branch</i>	<i>Lodge Positions in the District Branch</i>
Lodge President	Lodge President
Lodge Vice President	Lodge Vice President

Lodge Secretary	Lodge Secretary
Lodge Assistant Secretary	Lodge Assistant Secretary
Lodge Committee Member	Lodge Committee Member
South Western District Branch	South Western District Branch
District President	District President
District Secretary	District Secretary
District Vice President Western	District Vice President Western
District Vice President Southern	District Vice President Southern
District Vice President Metalliferous	District Vice President Metalliferous
District Check Inspector - Southern	District Check Inspector - Southern
District Relief Check Inspector - Southern	District Relief Check Inspector - Southern
District Check Inspector - Western	District Check Inspector - Western
District Relief Check Inspector - Western	District Relief Check Inspector - Western
District Central Councillor	District Central Councillor
Board of Management Representative – Southern Region – Area 1	Board of Management Representative – Southern Region – Area 1
Board of Management Representative – Southern Region – Area 1	Board of Management Representative – Southern Region – Area 1
Board of Management Representative – Southern Region – Area 2	Board of Management Representative – Southern Region – Area 2
Board of Management Representative – Southern Region – Area 3	Board of Management Representative – Southern Region – Area 3
Board of Management Representative – Western Region – Area 1	Board of Management Representative – Western Region – Area 1
Board of Management Representative – Western Region – Area 2	Board of Management Representative – Western Region – Area 2
Board of Management Representative – Western Region – Area 3	Board of Management Representative – Western Region – Area 3
Board of Management Representative – Western Region – Area 4	Board of Management Representative – Western Region – Area 4
<i>Lodge Positions in the District Branch</i>	<i>Lodge Positions in the District Branch</i>
Lodge President	Lodge President
Lodge Secretary	Lodge Secretary
Lodge Treasurer	Lodge Treasurer
Elected Member of Lodge Committee	Elected Member of Lodge Committee
Queensland District Branch	Queensland District Branch
District President	District President
District Secretary	District Secretary
District Senior Vice President	District Senior Vice President
District Vice President - Rockhampton	District Vice President - Rockhampton
District Vice President - Emerald	District Vice President - Emerald
District Vice President - Mackay	District Vice President - Mackay
District Central Councillor (1)	District Central Councillor (1)
District Central Councillor (2)	District Central Councillor (2)
District Central Councillor (3)	District Central Councillor (3)

Lodge Representative – Division One	Lodge Representative – Division One
Lodge Representative – Division Two	Lodge Representative – Division Two
Lodge Representative – Division Three	Lodge Representative – Division Three
Lodge Representative – Division Four	Lodge Representative – Division Four
Lodge Representative – Division Five	Lodge Representative – Division Five
Lodge Representative – Division Six	Lodge Representative – Division Six
Lodge Representative – Division Seven	Lodge Representative – Division Seven
District Union Inspector – Mackay	District Union Inspector – Mackay
District Union Inspector – Rockhampton	District Union Inspector – Rockhampton
District Union Inspector – Rockhampton	District Union Inspector – Rockhampton
<i>Lodge Positions in the District Branch</i>	<i>Lodge Positions in the District Branch</i>
Lodge President	Lodge President
Lodge Secretary	Lodge Secretary
Elected Lodge Committee Member	Elected Lodge Committee Member
Tasmanian District Branch	Tasmanian District Branch
District Honorary President	District Honorary President
Board of Management Representative – Cornwall Coal	Board of Management Representative – Cornwall Coal
Board of Management Representative – Temco	Board of Management Representative – Temco
Board of Management Representative – Cement Australia	Board of Management Representative – Cement Australia
<i>Lodge Positions in the District Branch</i>	<i>Lodge Positions in the District Branch</i>
Lodge President	Lodge President
Lodge Secretary	Lodge Secretary
Elected Lodge Committee Member	Elected Lodge Committee Member
Western Australia District Branch	Western Australia District Branch
District President	District President
District Secretary	District Secretary
District Vice President – Northern Region	District Vice President – Northern Region
District Vice President – Southern Region	District Vice President – Southern Region
Board of Management Representative – Northern Region (1)	Board of Management Representative – Northern Region (1)
Board of Management Representative – Northern Region (2)	Board of Management Representative – Northern Region (2)
Board of Management Representative – Southern Region (1)	Board of Management Representative – Southern Region (1)
Board of Management Representative – Southern Region (2)	Board of Management Representative – Southern Region (2)
<i>Lodge Positions in the District Branch</i>	<i>Lodge Positions in the District Branch</i>
Lodge President	Lodge President
Lodge Secretary	Lodge Secretary

Elected Lodge Committee Member	Elected Lodge Committee Member
Victorian District Branch	Victorian District Branch
District President	District President
District Vice President	District Vice President
District Secretary	District Secretary
Loy Yang Mine Lodge President	Loy Yang Mine Lodge President
Loy Yang 'A' Power Station Lodge President	Loy Yang 'A' Power Station Lodge President
Loy Yang 'B' Power Station Lodge President	Loy Yang 'B' Power Station Lodge President
Yallourn Mine Lodge President	Yallourn Mine Lodge President
Yallourn Power Station Lodge President	Yallourn Power Station Lodge President
Emergency Services Lodge President	Emergency Services Lodge President
<i>Lodge Positions in the District Branch</i>	<i>Lodge Positions in the District Branch</i>
Lodge President (Mining)	Lodge President (Mining)
Lodge President (Energy)	Lodge President (Energy)
Lodge President	Lodge President
Lodge Vice President	Lodge Vice President
Lodge Secretary	Lodge Secretary
Lodge Assistant Secretary	Lodge Assistant Secretary
Elected Lodge Committee Member	Elected Lodge Committee Member

(d) Casual Vacancy / Insufficient Nominations Vacancy During Transition Period

- (1) Any casual vacancy arising in any office referred to above shall be filled in accordance with the Rules of the Union.
- (2) Any office referred to above that is vacant on the withdrawal day because insufficient nominations were received when an election was held for the corresponding office in the amalgamated organisation shall be filled in accordance with the Rules of the Union. For the avoidance of doubt, the term of that office will expire on 30 June 2024.

- (e) The first general election of offices in the Union (for the avoidance of doubt, a general election includes National and District Branch offices and/or positions but does not include Lodge positions) shall be held in the first half 2024 in order to allow successful candidates to commence office on 1 July 2024.

(vi) National Returning Officer

On the withdrawal day, the National Returning Officer shall be the National Returning Officer of the Mining and Energy Division of the amalgamated organisation on the date preceding the withdrawal day, as if they were appointed under the Rules of the Union.

(vii) Transition of Membership and Status

On the withdrawal day, any period of membership and/or financial membership in the amalgamated organisation in accordance with the amalgamated organisation's Rules prior to the withdrawal day, shall be deemed to be for all purposes a period of membership and/or financial membership of the Union. Any period of unfinancial membership in the amalgamated organisation in accordance with the amalgamated organisation's Rules prior to the withdrawal day shall be deemed to be for all purposes a period of unfinancial membership of the Union.

(viii) Transition of District Branches

(a) The District Branches of the Union as at the withdrawal day correspond with the District Branches of the Mining and Energy Division in the amalgamated organisation in accordance with the table below:

<i>District Branches of Mining and Energy Division of the Amalgamated Organisation</i>	<i>District Branches of the Mining and Energy Union</i>
Northern Mining and NSW Energy District Branch	Northern Mining and NSW Energy District Branch
South Western District Branch	South Western District Branch
Queensland District Branch	Queensland District Branch
Tasmanian District Branch	Tasmanian District Branch
Western Australian District Branch	Western Australian District Branch
Victorian District Branch	Victorian District Branch

(b) On the withdrawal day, to the extent allowable by law and without limiting sub-Rule (a), all of the following of the District Branches of the Mining and Energy Division of the amalgamated organisations shall be under the control and/or be the responsibility of the corresponding District Branch of the Union identified in the table in sub-Rule (a) above:

- (A) land or any interest in land;
- (B) charges;
- (C) shares; and
- (D) all other assets and liabilities.

(c) On the withdrawal day, a member of the Union who was a member of a District Branch of the Mining and Energy Division of the amalgamated organisation immediately before the withdrawal day becomes a member of the corresponding District Branch of the Union identified in the table in sub-Rule (a).

(ix) Transition of Lodges

Subject to the other Rules of the Union, on and after the withdrawal day, the Lodges of the Union will be made up of the Lodges of the Mining and Energy Division of the amalgamated organisation immediately before withdrawal day. A member of a Lodge in a District Branch of the Mining and Energy Division of the amalgamated organisation immediately before withdrawal day shall be a member of the corresponding Lodge in the District Branch of the Union.

(x) Transitional Continuity of Resolutions, Policies Etc

To the extent allowable by law, and without limiting the powers provided under the Rules of the Union, a resolution or other decision (however described), policy, procedure, instruction (however described) or agreement made by the Mining and Energy Division of the amalgamated organisation, including governing bodies and Lodge Committees within the Division and which had application immediately before the withdrawal day continue to apply as though they had been made by the corresponding body with relevant authority under the Rules of the Union.

NORTHERN MINING AND NSW ENERGY DISTRICT BRANCH

1 – NAME

- (i) The name of the District Branch shall be the Mining and Energy Union, Northern Mining and NSW Energy District Branch, (hereinafter referred to as "the District Branch").
- (ii) A reference to “the Union” shall be a reference to the Mining and Energy Union.
- (iii) A reference to the “Open Cut Section” shall be a reference to those members of the District Branch employed or engaged in or about open cut mines in or in connection with the industries in Rule 2(A).
- (iv) A reference to the “Underground Section” shall be a reference to those members of the District Branch employed or engaged in or about underground mines in or in connection with the industries in Rule 2(A).
- (v) A reference to “Mining” in respect to the membership shall be a reference to those members of the District Branch in the Open Cut and Underground Sections.
- (vi) A reference to “Energy” in respect to the membership shall be a reference to those members of the District Branch employed or engaged in or in connection with the industries in Rule 2(C).

2 – MEMBERSHIP OF THE DISTRICT BRANCH

The District Branch shall be composed of an unlimited number of persons otherwise eligible for membership of the Union who work in the Northern Mining and NSW Energy District and:

- (A) Are engaged in or in connection with the Coal and Shale Industries in the Northern and Gunnedah Coalfield Districts of New South Wales and any person who is a duly registered sick and unemployed member or a retired member.
- (B) Are engaged in or in connection with the Mining or Exploration Industries.
- (C) Are engaged as employees or as employees of contractors, in or in connection with the following industries:
 - (a) power generation, co-generation, transmission and distribution;
 - (b) oil;
 - (c) gas;
 - (d) nuclear; and
 - (e) chemical production.
- (D) Have been elected or appointed as paid officers of the District Branch or Union or whilst financial members of the District Branch or Union are elected as representatives of any working class organisation to which the District Branch or Union is affiliated, or as a working class member of Parliament and shall for the purposes of membership shall continue to be designated to their previous membership category.

3 – OBJECTS

The Objects of the District Branch, in association with the Objects of the Union shall be to endeavour by all lawful means as follows:

- (a) To improve the conditions and protect the interests of the members by increasing the proportionate share of the value created by the workers which is paid back to them as wages and endeavouring to educate and organise for the complete abolition of the present wage system and the substitution therefore of the common ownership of the means of production, distribution and exchange.
- (b) To discuss, consider, and put into force when approved, any scheme for the guidance and advancement of industrial unionism in the industries of Australia.
- (c) To prevent, if possible, by conference or otherwise, any threatened cessation of work, and to endeavour by conciliatory measure to uphold the Rules of the District Branch, failing which, to provide ways and means for the support of members involved.
- (d) To provide for more efficient inspection of the coal and shale mines in the State of NSW and in other workplaces where workers eligible to be members may work and to take any legal steps which the District Branch may consider necessary to ensure the maximum safety and health for its members.
- (e) From time to time raise funds for the purpose of applying and/or investing the same in any manner authorised by the Rules of the District Branch.
- (f) To obtain legislative enactments whereby the lives and health of workers may be preserved and, if necessary, to take steps to obtain compensation for accidents where the employer is liable.
- (g) To obtain legislative enactments for the more efficient management and inspection of Mines.
- (h) To secure the prices and/or wages for which members may at all times contract and to prevent illegal and improper stoppages of wages.
- (i) To provide an allowance for the support of members who may be deemed unjustly dealt with and to provide benefits for dependents of members who die from any cause.
- (j) To carry on or participate directly or indirectly and alone or with others in the carrying on of, any mining or prospecting operation and related activities thereto.
- (k) To take, subscribe for or otherwise acquire and hold any interest or shares, debentures, stock or other security of any company or trust or acquire any interest in any company or trust, to achieve the furtherance of any of the Objects of the District Branch.
- (l) To raise funds, whether by loan or otherwise, for all or any of the Objects of the District Branch and to invest such funds in such manner as the District Branch shall see fit.
- (m) To purchase, take on lease or in exchange, hire and otherwise acquire and sell any real and personal property and any rights or privileges which may be necessary or convenient for the furtherance of any of the Objects of the District Branch.
- (n) To secure the return of working class representatives in Parliament, to promote such legislative enactments as will ensure industrial justice to Australian workers.

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- (o) To support the formation of associations of retired members and to otherwise assist and promote the welfare of retired members.
 - (p) To watch over, improve, foster and protect the industrial and social interests of the membership.
 - (q) To provide for the health and safety of the membership.
 - (r) To support bona fide charitable and other worthy causes consistent with the interests of members of the Union. Such support may include, but is not limited to, donations to community groups, relief funds, individual and other humanitarian, environmental, social or similar causes.
 - (s) Generally to do all acts, matters and things that may appear to be in the best interests of members.
 - (t) To do any other act or thing to achieve or further the Objects of the District Branch and/or the Union.

4 – MEANS

For the purpose of carrying out all or any of the Objects of the District Branch and the Union and subject to any specific Rules relating to the raising of funds, financial decisions or governance more generally:

- (i) funds may be raised by entrance fees, subscriptions, donations, levies, contributions, dues and loans; and
- (ii) any other financial decisions may be taken as are necessary and/or desirable, including but not limited to with respect to acquiring and disposing of property and other investments.

5 – MEMBERSHIP

- (i) Applications
 - (a) All persons working in any capacity or doing any work falling within the scope of Rule 2 shall be eligible for membership of the District Branch.
 - (b) A candidate for membership of the District Branch shall apply for membership to the District Secretary, in writing on the form prescribed and supplied by the District Branch for that purpose.
 - (c) The District Secretary shall sign and date membership application forms on the day the application is received. Subject to Rule 5(i)(d), a candidate for membership shall be deemed to be a member of the District Branch from the date of the day of receipt of the membership application form by the District Secretary or the date of effect of the member's first fee payment to the District Branch, whichever is the later, or as determined by the District Executive.
 - (d) Notwithstanding anything hereinbefore contained, the District Secretary may refer any membership application to the Board of Management. In such a case a candidate shall

not become a member until the Board of Management has approved the application and the District Secretary has notified the candidate to that effect in writing. The candidate in such a case shall be a member of the District Branch from the date of the day of the District Secretary's letter of notification to the candidate. Where the District Executive, the Board of Management or the District Secretary decides against the admission to membership of a candidate, the candidate shall have a right of appeal to Central Council. Where the Central Council decides to admit the candidate to membership, the candidate shall be a member of the District Branch from the date of the day of the Central Council's decision.

- (e) When a candidate is admitted to membership of the District Branch, the new member will, where applicable, be allocated to the appropriate Lodge. As appropriate the new member's name, address and date of admission shall be entered in:
 - (1) The Lodge Register of Members, which shall be kept by the Lodge Secretary or by the District Secretary on the Lodge's behalf;
 - (2) The District Register of Members, which shall be kept by the District Secretary in which the Lodge is situated; and
 - (3) The Register of Members, which shall be kept by the District Branch for the Union.
- (f) Membership of the District Branch shall be subject to compliance with Sub-Rules 5(ii), 5(iii) and 5(iv).
- (g) The District Secretary shall inform each candidate for membership, in writing, of:
 - (1) The financial obligations arising from membership; and
 - (2) The circumstances and the manner in which a member may resign from the District Branch.
- (h) Membership of the District Branch means membership of the Union.
- (ii) Subscriptions and Fees
 - (a) Every member shall pay such fines, fees, levies and subscriptions as may be prescribed or imposed from time to time according to the Rules.
 - (b) There may be an entrance fee payable by a candidate for membership of the District Branch on the members' admission to membership. Any entrance fee shall be determined by the Board of Management. Entrance fees shall be retained by the District Branch.
 - (c) Subscriptions, fines, fees and levies owing by a member of the District Branch shall be paid to the District Secretary, or to a person authorised by the District Secretary, but to no other person or member. It is the responsibility of each member, and no other person, to ensure that they remain financial in accordance with the Rules.

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- (d) Payment of subscriptions, fines, levies, fees and dues can be made by the member authorising one (1) of the following methods:
- (i) payroll deduction scheme; or
 - (ii) electronic funds transfer; or
 - (iii) other direct payment by the member.

A member who elects to pay subscriptions, fines, levies, fees and dues in accordance with this Sub-Rule shall be deemed financial from the date of authorising such deduction provided the member owed no arrears in subscriptions, fines, levies, fees and dues prior to authorising the deduction.

- (e) Subject to Sub-Rule 5(iv) any member owing subscriptions, fines, fees or levies or any of them for more than fourteen (14) days from when they became due shall be deemed unfinancial and shall not be entitled to any of the privileges of membership, including the right to vote on any matter, and seniority rights, and shall be liable to be sued for the recovery of amounts owed to the District Branch.
- (f) No member who has left the industry without paying all fines, fees, levies and subscriptions due by them shall become a financial member again until their case has been considered by the Board of Management and permission has been given by the Board of Management for the member to regain financial status.
- (g) Any member deemed unfinancial under Sub-Rule 5(ii)(e) shall be deemed to have become a financial member of the District Branch again from the date of the completion of payment by the member of all amounts owing to the District Branch. Continuity of membership and Lodge seniority may be restored by a decision of the Board of Management from the date of completion of payment of all sums owing to the District Branch. However, if a member has become unfinancial as a result of extenuating circumstances outside of the member's control, they may deem the member to be entitled to the privileges of membership, other than the right to vote on any matter, if the District Executive approves a repayment plan for all subscriptions, fines, fees and levies owed. If such a plan is approved, then the member shall be deemed financial from the date of such approval.
- (h) A member's payment becomes due in relation to Sub-Rule 5(ii)(d) on the following basis:
- (i) for the ongoing payroll deduction scheme where the members employer transfers payment of subscriptions, fines, levies, fees and dues from the members wages, and with such transfer being paid preferably monthly, but no greater than three (3) monthly.
 - (ii) for the ongoing electronic funds transfer on a monthly basis or as otherwise set by the District Branch.
 - (iii) for other direct payments by the member on a monthly basis or as otherwise set by the District Branch.

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- (i) Subject to Sub-Rule 5(ii)(g), the District Branch Secretary shall notify the member in writing of the failure to remain financial, and unless the member pays all outstanding subscriptions, fines, levies, fees and dues within twenty-eight (28) days of the date of the notice, the member shall continue to remain unfinancial until all subscriptions, fines, levies, fees and dues due in accordance with this Sub-Rule have been paid. Sub-Rule 5(ii)(e) shall apply to the member for the period that the member remains unfinancial.
 - (j) Union membership subscriptions shall be set by the Annual General Meeting of Central Council and shall be payable for fifty-two (52) weeks per year.
 - (k) Employees otherwise eligible to join the District Branch and not in receipt of adult wages shall pay subscriptions, fees and levies as determined by the Board of Management from time to time.
 - (l) Any member being sick or out of employment in any pay period and not in receipt for that pay period of award wages or other award payments equivalent to or greater than, eighty dollars (\$80.00) per fortnight (where the member is paid fortnightly) or forty dollars (\$40.00) per week (where the member is paid weekly), or other amounts which may be determined from time to time by the Annual General Meeting of the Board of Management, shall be exempt from the payment of subscriptions, fees or levies for the pay period, but shall be liable to pay Funeral Fund subscriptions for that period.
 - (m) Members on compensation shall pay subscriptions as if at work, however, members receiving statutory workers compensation for permanent and total incapacity shall be exempt from paying subscriptions, fees and levies, but shall be liable to pay Funeral Fund subscription for that period.
 - (n) District Branch subscriptions shall be at a rate determined by the Board of Management.
- (iii) Funeral Fund
- (a) There shall be a Funeral Fund which shall be sustained by weekly subscription, and a Funeral Fund joining fee, to be made by each member, the amount of which shall be determined from time to time by the Board of Management.
 - (b) Provided the deceased member has complied with the Rules of the District Branch and the District Executive are satisfied with the bona fides of the claim, a disbursement may be made in respect of a claim for a benefit on a scale to be determined from time to time by the Board of Management. The District Executive shall have the power to withhold the whole or part payment of any claim, but in such case the claimant shall have a right of appeal to the Board of Management.
- (iv) Sick and Unemployed Members
- (a) Any member registered in accordance with this Rule as an unemployed member and/or member on sick leave of absence, shall be entitled to the privileges of membership and shall be entitled to vote on all matters affecting the District Branch, excepting upon any matter upon which any decision might be made which would or might involve the District Branch in the declaration of a strike or in a stoppage of work, or in the making of a levy or levies upon the members of the District Branch. An unemployed and/or sick member includes members who are absent from work because they are:
 - (1) Unemployed;

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- (2) Personally sick or caring for a family member who is sick;
 - (3) On parental leave, including maternity leave; or
 - (4) On unpaid leave of absence, for such reason as may be approved by the Board of Management, from time to time, and subsequently confirmed with inclusion in the District Quarterly Register of Sick and Unemployed Members.
- (b) Any member by reason of the member being unemployed and/or on sick leave of absence and wishing to retain the rights and privileges conferred on the member by the Rules, shall be registered at least once in every quarter in the District Quarterly Register of Unemployed and Sick Members.
 - (c) An unemployed or sick member may apply, in writing or other approved means, to the Lodge Secretary of which the member is a Lodge member or the District Secretary for registration in the District Quarterly Register of Unemployed and Sick Members. A member of a District Branch who is not also a member of a Lodge may apply for registration, in writing, to the District Secretary. The unemployed or sick member must continue to pay Funeral Fund fees. The Lodge Secretary or District Secretary shall sign and date the applications as they are received. Lodge Secretaries shall send all such applications to the District Secretary immediately.
 - (d) The District Secretary shall submit all applications to the Board of Management to be considered and approved or not approved. Where an application is approved the District Secretary shall enter the applicant's name and address and the date of approval of the application by the Board of Management in the District Quarterly Register of Unemployed and Sick Members. The applicant shall then be duly registered for a period of three (3) months from the approval of the members' application. The Board of Management shall have the power to remove the name of any member from the Register for any reason it thinks fit, or may at the same time, or at any other time, prescribe a period for which the member shall be ineligible for registration in the register.
 - (e) The District Secretary shall submit a list of the names of members registered as unemployed or sick to the Board of Management for consideration. Continuation of the registration of a member as an unemployed or sick member shall be at the discretion of the Board of Management.
- (v) Associate Membership
 - (a) A person who is employed by, or provides services to the District Branch, or is employed by the Union, or who is otherwise associated with the District Branch, may apply to the Board of Management for the provision of benefits by the District Branch as determined from time to time by the Board of Management. Upon approval of such application the person shall be known as an Associate Member.
 - (b) A person approved as an Associate Member shall pay such subscriptions and fees as are from time to time determined by the Board of Management.
 - (c) Associate Members shall not be entitled to vote in any election or ballot conducted within the District Branch or to nominate any persons to hold office within the District Branch or to hold any elected office within the District Branch.

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- (d) No person can become or remain an Associate Member if they commence employment, or intend to commence employment, with any employer or within any industry which would otherwise render them eligible to become a member under the eligibility Rules.
 - (e) Associate Members shall be entitled to receive Official Organ of the District Branch and services as determined by the Board of Management from time to time.
 - (f) All applications for Associate Membership are subject to the approval of the Board of Management.
 - (g) Associate members shall have no other rights unless specifically covered by this Rule. For the avoidance of doubt, Associate Members shall not be entitled to the benefits of Industrial representation or advocacy in pursuance of the Objects of the District Branch under Rule 3 or in respect of their own conditions of employment.
- (vi) Resignations
- (a) A member may resign from membership of the Union by written notice addressed and delivered to the Lodge Secretary or District Secretary:
 - (b) A notice of resignation from membership takes effect:
 - (1) Where the member ceases to be eligible to become a member of the Union;
 - (A) On the day on which the notice is received by the District Branch; or
 - (B) On the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;Whichever is the later; or
 - (2) in any other case:
 - (A) At the end of two (2) weeks after the notice is received by the District Branch; or
 - (B) On the day specified in the notice; or
 - (C) In the case of a member who pays by weekly instalment, on the last day of effect of the member's last fee payment to the District Branch;Whichever is the later.
 - (c) Any dues payable but not paid by a former member in relation to a period before the member's resignation took effect, may be sued for and recovered in the name of the District Branch, in a Court of competent jurisdiction as a debt due to the District Branch.
 - (d) A notice delivered to the Lodge Secretary shall be taken to have been received by the District Branch when it was delivered.
 - (e) A notice of resignation that has been received by the District Branch is not invalid because it was not addressed and delivered in accordance with Sub-Rule 5(vi)(a).

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- (f) A resignation from membership is valid even if it is not effected in accordance with this Rule if the member is informed in writing by or on behalf of the District Branch that the resignation has been accepted.

(vii) Copy of Rules

All new members shall be made aware of the existence of this Union. If a request in writing is made to the District Secretary, that member shall be informed how to access an electronic copy of the Rules or be provided with a hard copy if requested, subject to any fees which may be prescribed by the regulations. No fee shall apply unless that member has already been provided with a free copy of the same Rules within the previous three (3) years.

6 – REGISTERED OFFICE

The place of meeting and the registered office of the District Branch shall be 67A Aberdare Road, Cessnock, NSW 2325 or such place as may from time to time be determined by the Board of Management.

7 – ENTITLED TO VOTE

Subject to Rule 5, the members entitled to vote on any matter shall be, all financial members working in the industry, all financial members unemployed or on sick leave of absence and registered according to Rule 5(iv) in the District Quarterly Register of Unemployed and Sick Members.

8 – BOARD OF MANAGEMENT

(i) Elections

- (a) The Committee of Management of the District Branch shall be the Board of Management.
- (b) The Board of Management shall be composed of the District Executive Officers, the District Central Councillors, such number of Mining Lodge representatives and Energy member representatives as shall be determined from time to time by the Board of Management, and one (1) female affirmative action representative.
- (c) (1) The District Central Councillors shall be elected every four (4) years.
- (2) In accordance with the Union Rules, the first Central Councillor elected shall be the District President; and
- (3) Where the Rules of the Union require more than one (1) Councillor on the Central Council from the District Branch the Board of Management shall determine from which of the membership (Open Cut Section, Underground Section and Energy) of the District Branch the respective Councillor or Councillors shall be nominated from prior to each election.
- (4) The District Central Councillors elected shall take office in accordance with the Union Rules.

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- (d) The Mining Lodge representatives shall be elected in equal numbers from the Open Cut and Underground Sections of Mining outside of the Gunnedah Coalfields and one (1) shall be elected as a Mining Lodge representative who is a member at a Lodge in the Gunnedah Coalfields. The representatives shall be elected every four (4) years and shall take office in accordance with the Union Rules.
 - (e) The Energy member representatives shall be elected in numbers equal to the representatives for each of the Open Cut and Underground Sections of Mining, from Energy. The representatives shall be elected every four (4) years and shall take office in accordance with the Union Rules.
 - (f) Where a position is required by the Rules to be elected from Mining or Energy, the persons nominating a candidate for election must also come from same membership category, but the position is to be elected by the whole of the membership of the District Branch.
 - (g) Nominations for the female affirmative action representative will be called from female members only, although this does not preclude female members from holding any other Board of Management, District Executive or Central Councillor Positions. Any member can nominate a candidate for the female affirmative action representative position and the election will be of the whole of the membership of the District Branch. The female affirmative action representative shall be elected every four (4) years and shall take office in accordance with the Union Rules.
 - (h) A member eligible for election may only nominate for one (1) elected position at any time.
 - (i) Where the Board of Management determines to fill any extraordinary vacancy which occurs in an elected position within the District Branch it shall be filled by the holding of an election in accordance with the Ballot Rules of the Union and the member so elected shall hold office for the remainder of the term for which the previous holder of the office was elected, provided that where the remainder of the term does not exceed:
 - (1) Twelve (12) months; or
 - (2) Three-quarters of the office;Whichever is the greater;

The Board of Management may appoint by resolution any eligible member of the District Branch to act in that office for the remainder of the term.
 - (j) The failure to fill the designated female affirmative action position shall not prevent the Board of Management from carrying out or conducting the business of a District Branch.
- (ii) Meetings
- (a) The Board of Management shall meet at least three (3) times a year. One (1) meeting shall be the Annual General Meeting and will be held between March and May each year and two (2) more spread evenly throughout each year. The Board of Management shall meet at such other times as the District Executive may deem necessary. The location of meetings will be the Registered Office of the District Branch, unless otherwise determined by the Board of Management.

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- (b) More than half of the members of the Board of Management shall form a quorum, with a majority of those present being made up from Mining Lodge representatives, Energy member representatives, the female affirmative action representative and the Central Councillors (excluding the District President).
- (c) The District President, District Vice-President (A), District Vice-President (B), District Vice-President (C), District Vice-President (D), District Vice President (E), District Secretary, District Central Councillors, District Check Inspector (A), District Check Inspector (B), each of the Mining Lodge representatives, each of the Energy member representatives and the female affirmative action representative shall have a deliberative vote at any meeting of the Board of Management. The District President shall, in the event of the Board of Management being equally divided on any question, be entitled to a casting vote. Every member of the Board of Management shall vote either for or against any proposition put to the meeting.
- (d) A special meeting of the Board of Management may be convened by a majority of the District Executive, or upon written request to the District Secretary or District President to call such special meeting signed by at least one (1) representative from a majority of Lodges. Upon receipt of such a request the District Secretary or the District President shall convene a meeting of the Board of Management.
- (e) The District Secretary shall issue or cause to be issued to the Board of Management members a notice of the date of the Board of Management meeting and an agenda paper at least fourteen (14) days prior to the date of the meeting, but no failure to notify will of itself vitiate a meeting.
- (f) Voting otherwise than at meetings assembled
- (1) If the District President or District Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration or rescission of a Rule subject to a Rules Committee report being provided, to a vote of the Board of Management at any time when it is inconvenient to call the Board of Management together, the District Secretary may submit a resolution dealing with the matter to the members, by letter, facsimile, telegram, telephone, email, in writing, by computer link and/or by any other means of communication.
- (2) The votes on such resolution shall be returnable to the District Secretary at such time as the District Secretary shall fix and shall be subject to the quorum requirements set out in Sub-Rule 8(ii)(b). The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meetings assembled.
- (3) The matter shall be recorded in the minutes on the next Board of Management Meeting held following the vote.
- (g) Despite any other Rule of the District Branch a Board of Management meeting may be conducted by any method by which the members of the Board of Management, can communicate each with each other, including but not limited to some or all members of the Board of Management participating in the meeting by telephone, computer and/or audio-visual conferencing.

(iii) Lodge Business

- (a) Any Lodge having business for the consideration of the District Branch, after having dealt with same locally, shall forward it to the District Secretary to be submitted to the next following meeting of the District Executive or of the Board of Management.
- (b) Each Lodge Secretary shall forward to the District Secretary within twenty-eight (28) days, or such other period as may be determined by the Board of Management, from receiving same, the decision of the Lodge on any business that may be sent to it for its consideration by the District Executive or the Board of Management. The decision of any Lodge failing to comply with the Rule shall be null and void, unless an extension is granted by the District Secretary.

(iv) Endorsement of Decisions

- (a) The minutes of the Board of Management, along with any matters that the Board of Management specifically requires to be considered (hereafter referred to as “Board Resolutions”) for endorsement or as required by the Union Rules shall be sent to the Lodges of the District Branch following a meeting of the Board of Management.
- (b) The Lodge Executive or Lodge Committee members shall table the minutes of the Board of Management and shall submit those Board Resolutions to be specifically considered for endorsement to meetings of the Lodge membership for voting. The Lodge Secretary shall record the number of votes for and against each Board Resolution so submitted.
- (c) The Lodge Secretary shall provide a return of the votes, to the District Secretary within twenty-eight (28) days, or such other period as may be determined by the Board of Management, of the date on which the District Secretary sent the Board of Management minutes to the Lodge.
- (d) A Board Resolution that has been submitted to the Lodges for voting shall become the binding policy of the District Branch if an aggregate majority of the members of the District Branch attending and voting at Lodge meetings which consider the Board Resolutions, vote in favour of the resolution.

(v) Powers and Duties of the Board of Management

The powers and duties of the Board of Management shall extend to any action taken that is consistent with the Objects of the District Branch and Union, and shall include the following:

- (a) Subject to Union Rule 22, to hear any appeal from any Lodge or members.
- (b) To consider the financial position of the District Branch and transact any business that may be placed before them by the District Executive.
- (c) To make, impose, order and enforce any levies, fines, fees or subscriptions on all members of the District Branch not in conflict with the Rules of this District Branch or the Rules of the Union, for any one or more of the Objects set out in Rule 3.
- (d) To determine any matter or report referred to it by the District Executive, or by any Lodge or to settle any disputes internally and between Lodges. Reasonable notice of the time and place of the meeting shall be given to all parties involved, who shall be given an opportunity of being heard.

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- (e) From time to time to alter, amend, rescind or make Standing Orders for the regulation of the conduct of the business and proceedings of this District Branch and of the Lodges of the District Branch.
 - (f) To fix, reduce, increase or alter the salaries and allowances of the Officers and employees of the District Branch.
 - (g) To receive and adopt or otherwise deal with the Annual Report of the District Branch.
 - (h) Subject to Union Rule 22, to inflict any fine on any Lodge or member, such fine not to exceed one thousand dollars (\$1,000) on any Lodge, or five hundred dollars (\$500) on any member, or to suspend or expel any Lodge or member.
 - (i) To have control of the management and publication of the Official Organ of the District Branch.
 - (j) To make changes to the Rules of the District Branch in accordance with Rule 14.
 - (k) If any Lodge Officer or member fails to comply with the Rules the Lodge Officer or member may be expelled by the Board of Management in accordance with Union Rule 22.
 - (l) And generally to do all acts, matters and things that may appear to be in the best interests of the District Branch.

9 – ATTENDANCE AT MEMBERSHIP MEETINGS

- (i) A District Executive Officer shall be entitled to attend and participate at any meeting of members of the District convened or constituted pursuant to the Rules of the District Branch or the Union.
- (ii) A District Executive Officer shall not be entitled to vote at such meeting unless entitled to vote otherwise than pursuant to this Rule.

10 – DISTRICT EXECUTIVE

- (i) District Executive Officers
 - (a) The District Executive shall consist of the District President, District Vice-President (A), District Vice-President (B), District Vice-President (C), District Vice-President (D), District Vice President (E), District Secretary, District Check Inspector (A) and District Check Inspector (B), who shall be full-time Officers attached to the District Branch.
 - (b) The District Executive Officers shall be elected by the membership of the District Branch each four (4) years according to the Ballot Rules of the Union. The Officers shall take office for a term of four years (4) in accordance with the Union Rules.
 - (c) Each Officer shall remain in office unless the Officer resigns their position by writing delivered at least one (1) month in advance of the intended date of resignation, or unless removed from office.

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- (d) A person elected to office in the District Branch shall not be dismissed from office other than in accordance with Union Rule 22.
 - (e) The District Executive Officers and other full time Officers shall remain financial members of the District Branch and shall retain full membership rights of the Lodges of which they were members at the time of their election to District Branch Office. In the event of an Officer's Lodge closing the Officer shall become a financial member of another Lodge as directed by the Board of Management.
 - (f) No member shall be eligible for any District Branch Office unless the member has been a member continuously for at least twelve (12) months prior to the closing date of nominations.
 - (g) No member may contest for more than one (1) District Branch Office in the same election. If a member is nominated for more than one (1) position, the member must indicate to the Returning Officer which position they wish to contest prior to the closing of nominations.
 - (h) Any member of the District Branch shall be eligible for the office of District Check Inspector (A) or District Check Inspector (B) provided the member has fulfilled the requirements of the specific and relevant NSW Black Coal Mining Industry Safety legislation, as determined from time to time by the Board of Management, have appropriate qualifications in mine rescue or indicate a preparedness to obtain such qualifications and has other appropriate qualifications as determined by the Board of Management.
- (ii) Duties of District Executive Officers
- (a) The District President
 - (1) The District President shall preside at all meetings of the Board of Management or meetings called by the District Branch. In the case of equal voting at a Board of Management meeting the District President shall have the casting vote.
 - (2) The District President shall co-operate with the other District Executive Officers in carrying out the Objects of the District Branch and, if necessary, in the absence of the District Secretary, act in the District Secretary's stead.
 - (3) The District President shall as far as possible, observe that the Rules are carried out by the District Branch Lodges.
 - (4) The District President shall receive such remuneration as shall be agreed upon from time to time between the District President and the Board of Management.
 - (b) The District Vice-Presidents
 - (1) Each of District Vice-President (A), District Vice-President (B), District Vice-President (C) District Vice-President (D) and District Vice President (E) shall co-operate with the other District Executive Officers in carrying out the Objects of the District Branch; and
 - (2) In the absence of the District President the Board of Management shall designate one (1) of the District Vice Presidents who shall exercise all functions of the District President's position; and

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- (3) In the absence of the District Secretary the Board of Management may designate one (1) of the District Executive Officers as a trustee who shall exercise all functions of the Trustee position.
 - (4) Each District Vice-President shall, as far as possible, observe that the Rules are carried out by the District Branch Lodges.
 - (5) Each District Vice-President shall receive such remuneration as shall be agreed upon from time to time between the District Vice President and the Board of Management.
- (c) The District Secretary
- (1) The District Secretary shall co-operate with the other District Executive Officers in carrying out the Objects of the District Branch.
 - (2) The District Secretary's duties shall be to keep a correct account of all monies received and expended, prepare a yearly Balance Sheet of same, copies of which shall be submitted to the members of the District Branch through the Annual General Meeting of the Board of Management and to Lodge members through the Lodge Secretaries. The District Secretary shall prepare budgets for the ensuing year for presentation at the Annual General Meeting in conjunction with the annual accounts.
 - (3) The District Secretary shall also cause to be kept a register of members of the District Branch under the headings of the respective Lodges to which members belong. The District Secretary shall attend all Board of Management meetings and take minutes of same. The District Secretary shall zealously attend to all correspondence, watch the interests of the members and do all in the District Secretary's power to advance the members' position generally. The District Secretary shall strictly observe the Rules of the District Branch.
 - (4) The District Secretary shall be empowered with the concurrence of the other District Executive Officers to call special meetings of the Board of Management in cases of emergency and shall vote at all meetings of the Board of Management.
 - (5) The District Secretary shall receive such remuneration as shall be agreed upon from time to time between the District Secretary and the Board of Management.
 - (6) As far as possible the District Secretary shall observe that the Rules are carried out by the District Branch Lodges and from time to time examine the books and accounts of the District Branch and generally keep acquainted with the financial transactions of the District Branch.
 - (7) The District Secretary shall prepare and forward to the Registrar all returns which may be required by law. The District Secretary shall, in receiving and expending all monies, comply with the requirements of relevant taxation legislation and shall ensure that all Lodges comply with such requirements.
 - (8) The District Secretary shall represent the District Branch in all matters relating to mineworkers' superannuation and report to each Board of Management meeting on matters of significance arising in this regard.

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- (9) The District Secretary shall arrange for the instigation of legal action on behalf of any member who has a legitimate workers' compensation claim and shall refer to the Board of Management for consideration of any other litigation involving the District Branch.
- (d) District Check Inspectors
- (1) Each of District Check Inspector (A) and District Check Inspector (B) shall cooperate with the other District Executive Officers in carrying out the Objects of the District Branch and in the absence of the District Secretary the Board of Management may designate one (1) of the District Executive Officers as a Trustee who shall exercise all functions of the Trustee position.
- (2) Each District Check Inspector shall as far as possible, observe that the Rules are carried out by the District Branch Lodges.
- (3) Each District Check Inspector shall receive such remuneration as shall be agreed upon from time to time between the District Check Inspectors and the Board of Management.
- (4) The making of inspections of every colliery in the District Branch as often as practicable and to keep a record of all such inspections.
- (5) To comply with the general Rules of the relevant safety legislation applicable to NSW Coal Mines and any Rule amending same.
- (6) When requested to do so by the District Executive, to attend all inquests and inquiries held in connection with the death of any member and to maintain in the District Branch Office all reports of such inquest and inquiry.
- (7) To durably record at the District Branch Office all such reports on matter connected with the role of District Check Inspector and in accordance with District Policies.
- (iii) Meetings of the District Executive
- (a) The District President or District Secretary or a majority of the District Executive may convene a meeting of the District Executive at any time by oral or written communication to the other members of the District Executive.
- (b) A quorum of any meeting of the District Executive shall be five (5).
- (c) The Chair of any meeting of the District Executive shall have a deliberative, but not a casting vote.
- (d) Voting otherwise than at meetings assembled.
- (1) If the District President or District Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration or rescission of a Rule subject to a Rules Committee report being provided, to a vote of the District Executive at any time when it is inconvenient to call the District Executive together, the District Secretary may submit a resolution dealing with the matter to the members, by letter, facsimile, telegram, telephone, email, in writing, by computer link and/or by any other means of communication.

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- (2) The votes on such resolution shall be returnable to the District Secretary at such time as the District Secretary shall fix and shall be subject to the quorum requirements set out in Sub-Rule 10(iii)(b). The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meetings assembled.
 - (3) The matter shall be recorded in the minutes on the next District Executive Meeting held following the vote.
 - (e) Despite any other Rule of the District Branch a Board of Management meeting may be conducted by any method by which the members of the Board of Management, can communicate each with each other, including but not limited to some or all members of the Board of Management participating in the meeting by telephone, computer and/or audio-visual conferencing.
- (iv) Powers of the District Executive

The District Executive shall, subject to the review of their actions by the next ensuing meeting of the Board of Management, have the care, control, custody and superintendence, management and administration in all respects of the District Branch. The powers of the District Executive shall include the following:

- (a) To consider and decide upon any application for membership referred to it by the District Secretary or by any Lodge of the District Branch.
- (b) To initiate, manage and control all actions, proceedings, industrial disputes and other matters and to appoint agents, solicitors or counsel to appear for and represent the District Branch or any of its members in any Court or proceedings, legal or otherwise.
- (c) To demand and collect, or cause to be collected, all levies, subscriptions, fines, fees and dues payable by all members.
- (d) To demand, receive and keep possession of all books and accounts of the District Branch.
- (e) To demand, or cause to be made, an audit of the books and accounts of the District Branch.
- (f) To engage any persons, agents or other assistance that, in its opinion, is necessary for the proper carrying on of the District Branch business and to pay such wages, salaries and allowances as it shall deem proper.
- (g) To enter into and make any industrial agreements on behalf of the District Branch and its members, subject to the instruction of the Board of Management and members in accordance with the Rules.
- (h) To call the Board of Management together at any time necessary and to call aggregate meetings of the members of the District Branch when necessary.
- (i) To have the powers of the Board of Management as set down in the Rules.
- (j) To submit such matters, as may appear to it to be of sufficient importance, to the Board of Management for decision, or directly to the members of the District Branch for decision by Ballot.

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- (k) All acts of the District Executive done in pursuance of the powers granted it by the Rules shall have full force and effect and be of full validity, notwithstanding anything in the Rules, until such acts shall be reversed or altered, or otherwise dealt with by the next ensuing meeting of the Board of Management.

11 – ADDITIONAL OFFICERS

- (a) There shall be such numbers of District Occupational Health and Safety Officers as may be determined from time to time by the Board of Management and such number of District Central Councillors as is required by the Rules of the Union.
- (b) The District Occupational Health and Safety Officers shall be elected every four (4) years according to the Ballot Rules of the Union and shall take office in accordance with the Union Rules.
- (c) The District Occupational Health and Safety Officers shall be full or part-time Officers attached to the District Branch Office and shall receive for their services such remuneration as shall be decided upon from time to time by the Board of Management.
- (d) The District Occupational Health and Safety Officers shall be under the control of the Board of Management and the District Executive.
- (e) The District Central Councillors shall be elected every four (4) years according to the Ballot Rules of the Union and shall take office in accordance with the Union Rules. In accordance with Sub Rule 8(i)(c) the District Central Councillors shall be elected from each of the designated sections of the membership as determined by the Board of Management from time to time.
- (f) The duties of the District Central Councillors shall be to attend meetings of the Central Council of the Union as the representative of the District Branch, to attend and address Lodges and other meetings of members at the direction of the Board of Management and to attend meetings of the Board of Management. District Central Councillors shall be responsible to the Board of Management and the District Executive.
- (g) The District Occupational Health and Safety Officers and the District Central Councillors elected under the Rules shall be subject to Rules 10(i)(d) and 10(i)(e).
- (h) The District Occupational Health and Safety Officer must as a minimum be a holder of a current Occupational First Aid Certificate and/or other qualifications as determined by the Board of Management.

12 – FINANCE AND PROPERTY

- (i) The District Branch Fund shall consist of:
- (a) Any real or personal property of which the District Branch, by the Rules or by any established practice not inconsistent with the Rules, has, or in the absence of any limited term lease, bailment or arrangement, would have, the right of custody, control or management;

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- (b) The amounts of entrance fees, subscriptions, fines, fees or levies received by the District Branch, less so much of those amounts as is payable by the District Branch to the National Office;
 - (c) Any interest, rents or dividend derived from the investment of the Fund;
 - (d) Any superannuation or long service leave fund operated or controlled by the District Branch for the benefit of its Officers or employees;
 - (e) Any sick pay fund, accident pay fund, funeral fund, benefit fund or like fund operated or controlled by the District Branch for the benefit of its members;
 - (f) Any property acquired wholly or mainly by expenditure of the monies of the Fund or derived from other assets of the Fund;
 - (g) The proceeds of any disposal of parts of the Fund;
 - (h) Any other funds received by the District Branch;
 - (i) All Lodge property and funds.

(ii) District Executive Control

Subject to the control of the Board of Management, the property and funds of the District Branch shall be under the control of the District Executive.

(iii) Use of Funds

- (a) The funds of the District Branch shall be applied and/or invested as follows: in such lawful manner as the Board of Management may decide including, without limiting the generality of this Sub-Rule, deposit on current account or fixed deposit with any bank carrying on business in the Commonwealth of Australia, the mortgage of real or personal estate situated in the Commonwealth, the subscription for or purchase of shares in any company registered and carrying on business in any State of the Commonwealth. Funds so applied shall only be realised on the authority of the District Executive or on the authority of the Board of Management.
- (b) All monies shall be banked in the names of two (2) Trustees to the credit of the District Branch, or in the name of the District Branch.
- (c) Monies shall be drawn from the funds of the District Branch by cheques signed by, or by electronic funds transfer authorised by, both the District President and the District Secretary, or either of these Officers with such other officers or senior members of staff as may be designated from time to time by the Board of Management.
- (d) All fees, fines, contributions, levies and dues received by the District Secretary shall pass through the District Branch Office and all monies so received from the above sources shall be immediately recorded in the books and banked to the credit of the District Branch by the District Secretary without deduction.
- (e) All monies withdrawn from the funds shall be applied only to carrying out the Objects mentioned in Rule 3 of the Rules and to payments to the Union.

(f) When levies are ordered to be collected in accordance with the Rules, such levies shall be collected from members as ordered by the District Executive or by the Board of Management.

(g) Loans, grants and donations of any amount exceeding one thousand dollars (\$1,000) shall not be made by the District Branch unless the Board of Management has satisfied itself that the making of the loan, grant or donation is in accordance with the Rules of the District Branch and that, in relation to a loan, that in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory. Loans, grants and donations of an amount exceeding one thousand dollars (\$1,000) shall not be made unless approved by the Board of Management, or between meetings of the Board of Management, the District Executive.

(iv) Books and Records

The District Secretary shall keep, or cause to be kept, all books, records and papers which may be required by law, necessary to the preparation of any return or statement required by law, necessary for the information of the auditor or which may otherwise be required by the Rules or by the Board of Management.

(v) Financial Year

The financial year for the accounting purposes of the District Branch shall end at 31 December in each year.

(vi) Trustees

(a) There shall be Trustees of the District Branch Fund.

(b) The Trustees shall be the District President and District Secretary, other than when the District President assumes the duties of District Secretary pursuant to Rule 10(ii)(a)(2), in which case the Board of Management shall appoint a District Executive Officer to act as a Trustee.

(c) The Trustees shall, under the direction of the Board of Management, prosecute, or, if more convenient, direct any Officer to prosecute any member or other person suspected by them of any offence, legally punishable with reference to the affairs of the District Branch and they may themselves institute, or if more convenient, may direct any Officer or Officers to institute civil proceedings against any member or other person refusing to give up possession of any of the Union's or District Branch's property; or doing or neglecting to do any act so as to render themselves liable to proceedings in reference to the Union's affairs, or the affairs of the District Branch.

(d) Such funds, investments and other property of the District Branch which are vested in the Trustees as joint tenants to be held by them in trust for the members of the District Branch.

(e) The Trustees and/or the Board of Management shall, without prejudice to any further power and duties conferred by the Rules and by statute, be vested with all and every power and duty with which Trustees may lawfully be vested. The Board of Management shall have all necessary powers with regard to the bringing or defending of any action, suit, prosecution or complaint in the name of the District Branch or authorise the Trustees to institute such proceedings.

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- (f) The Trustees shall have power:
- (1) To receive money or other property paid, delivered or conveyed to them as Trustees of the District Branch and to expend monies without distinction between capital and income.
 - (2) To invest, sell, exchange or otherwise dispose of investments or other property of the District Branch and to deal with the funds of the District Branch, including purchase or otherwise acquiring of property out of the funds of the District Branch.
 - (3) To lend and advance money or give credit to any person or corporation; to guarantee and give guarantees or indemnities for the payment of money or the performance of contracts or obligations by any person or corporation; to secure or undertake in any way the repayment of monies lent or advanced to or the liabilities incurred by any person or corporation; and otherwise to assist any person or corporation. This Sub-Rule shall be subject to Sub-Rule 12(iii)(g).
 - (4) To borrow or raise or secure the payment of money and to secure the same or the repayment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the District Branch in any way, and to purchase, redeem or pay off any such securities.
 - (5) To lease, licence, hire or otherwise give and acquire rights to use or occupy property of the District Branch and for the purposes of the District Branch and to carry on any business of the District Branch.
- (g) For the purposes of exercising a power listed above, the Trustees shall have all such powers ancillary or incidental to or conducive to the exercise of that power as they would have if they were exercising the listed power by employment of funds, or in relation to property beneficially owned by them and were acting in a personal capacity as against a fiduciary capacity.
- (h) The powers conferred by this Sub-Rule shall be in addition to such powers as are conferred upon Trustees by any law for the time being in force in Australia or any of its States or Territories (every one of which statutory powers the Trustees shall be deemed to have notwithstanding that the power is exercised outside Australia or the State or Territory under the law of which same is conferred) and shall not be construed to be limited or restricted to or by the statutory powers or so as to impose upon the Trustees any duties imposed by law upon Trustees exercising the statutory powers.
- (i) The Trustees shall be fully and effectually indemnified out of the funds of the District Branch in respect of any personal liability incurred in a proper exercise of the powers given by this Rule or by the law and shall not be liable to the District Branch or any of its members for loss incurred in a proper exercise of such powers.
- (vii) Auditor
- (a) There shall be one (1) Auditor who shall be a duly qualified Chartered Accountant.
 - (b) The Auditor shall be appointed annually by the Board of Management and shall be eligible for re-appointment.
 - (c) The Auditor's duties shall be to audit the accounts at the end of the financial year or when required by the Board of Management.

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- (d) On all occasion, the Auditor shall furnish a report as to the state of the books and such report will be submitted to the members together with the Balance Sheet.
 - (e) Should at any time the position of Auditor become vacant, it shall be filled in accordance with the provisions contained within the Rules.
 - (f) The selection of an Auditor, the presentation of the accounts and certificates by the Auditor and all other matters to do with the audit, the keeping of and presentation of accounts to the Board of Management and to the membership, shall be according to the requirements, forms and procedures of the law affecting the accounting and auditing practices of organisations registered under the provisions of the relevant industrial legislation.
 - (g) The position of the District Branch Auditor shall become vacant:
 - (1) At the expiry of twelve (12) months from the date of appointment; or
 - (2) At any time the person appointed ceases to be an approved auditor or the firm appointed ceases to have any member that is an approved auditor; or
 - (3) If the Auditor is removed in accordance with the provisions of the relevant laws; or
 - (4) If, in the opinion of the Board of Management, the work of the Auditor falls below an acceptable professional standard or, in the opinion of the Board of Management, the fees charged by the Auditor are excessive.

(viii) Seal

The Seal of the District Branch shall be held by the District Secretary and shall be used by the District Secretary for all purposes of the District Branch for which it may be required. The affixture of the seal to any instrument shall be attested under the name of the District Secretary and such other members of District Executive as the District Executive may decide.

(ix) Access to Books

Each member of the District Branch shall have access at all reasonable times, to the books of the District Branch on applying to the District Secretary.

(x) Person to Sue

The District Secretary shall be the person to sue or be sued for and on behalf of the District Branch.

(xi) Political Funds

- (a) The Board of Management shall be empowered to recommend to the members of the District Branch a voluntary payment per annum for a political fund. Monies derived from this source shall be paid into the District Branch Office by each Lodge and such monies so received shall be paid into a fund which shall be used only for political purposes.

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- (b) Contributions to the Political Fund shall not be a condition of admission to or membership of the District Branch. A member who does not contribute to this fund shall not be excluded from the benefits of the District Branch by reason of their failure to so contribute to the Political Fund.
 - (c) Only those members who contribute to the Political Fund shall be allowed to enjoy the privileges for which the fund is created.
- (xii) Payment of Officers and Delegates

All Officers and Delegates when performing work for the District Branch shall be paid out of the funds of the District Branch such remuneration as may be determined from time to time by the Board of Management.

- (xiii) Fines

All fines for violation of the District Branch Rules shall be paid into the General Fund unless otherwise provided for.

13 – LODGES

- (i) Formation of Lodges

- (a) The District Executive shall take whatever steps are necessary to establish viable Lodges of the District Branch.
- (b) A Lodge is a local grouping of members, established to enable members to participate more effectively in the affairs of the District Branch and to give collective expression to the interests, concerns and views of the members who work in the Lodge.
- (c) Where there is no Lodge at a particular colliery, site, organisation, or in a particular region, as designated by the Board of Management from time to time and the District Executive is of the opinion that a Lodge should be formed, the District Executive shall announce, in whatever way is best suited to the circumstances of the colliery, site, organisation, or region, that a meeting will be held of the eligible members for the purpose of forming a Lodge of the District Branch. The announcement shall state that officers of the Lodge will be elected at the foundation meeting.
- (d) The foundation meeting shall be chaired by a member of the District Executive.
- (e) The foundation meeting shall be conducted according to the Standing Orders for the District Branch Lodge meetings.
- (f) The foundation meeting shall elect a committee, officers and representatives as required by the Rules.

- (ii) Management of Lodges

- (a) Each Lodge shall be managed by a Lodge Committee of Delegates consisting of the Lodge Executive who shall be the Lodge President, Lodge Vice President(s), as determined by the Lodge, Lodge Secretary, Lodge Assistant Secretary, where determined by the Lodge and such number of Lodge Committee members as determined in accordance with this Sub-Rule.

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- (1) The number of Lodge Committee members shall be determined from time to time by a meeting of the Lodge, which is held prior to the calling of nominations of the Lodge Committee and/or Lodge Executive elections. Such determination shall endeavour to provide each distinct work group within the Lodge with proportionate representation on the Lodge Committee and shall not become policy until submitted to and approved by the Board of Management.
 - (b) The Lodge Committee shall be elected by the Lodge, in accordance with District Policy, but shall not exceed four (4) year terms.
 - (c) Half the members of the Lodge Committee shall form a quorum.
 - (d) All Lodge meetings shall be conducted according to the Standing Orders of the District Branch.
 - (e) All members of the Lodge shall have equal voting power on all questions put to a meeting of the Lodge, except that in the event of equal voting on any question the Lodge President shall have a casting vote.
 - (f) Lodges shall meet as appropriate to conduct business, and at least three (3) times per year.
 - (g) All meetings of Lodges shall be convened by Notice posted on the Lodge Notice Board or by such other means as may be convenient.
 - (h) Any member of a Lodge failing to attend a meeting of the Lodge without reasonable cause may be fined ten (\$10) dollars for each offence, but a member shall have the right to make an appeal for the remission of the member's fine at the next meeting of the Lodge.
 - (i) Any fine imposed on members for non-attendance at a meeting shall be paid before any appeal is entertained by the Lodge.
 - (j) Fines for non-attendance shall be paid into the management accounts of the Lodge held by the District Branch.
 - (k) Lodges shall be empowered to exempt any member from attendance at a Lodge meeting owing to infirmity or other reasonable cause.
 - (l) Each Lodge shall have power to make By-laws for its own guidance and control of its members. Such By-laws shall not be in contravention of the Rules of the Union or the District Branch and shall not become operative until submitted to and approved by the Board of Management.
- (iii) Powers and Duties of Lodge President
- (a) The Lodge President shall preside at all meetings and, in conjunction with the Lodge Secretary, ensure that the Rules of the Union, the District Branch and the Lodge are carried out. The Lodge President shall act as advocate and spokesman for the Lodge and generally act in the interests of the membership.
 - (b) In the event of a tied vote at any meeting the Lodge President shall have a casting vote.

(iv) Powers and Duties of Lodge Vice President

- (a) The Lodge Vice President shall work with other members of the Lodge Committee to ensure that the Rules of the Union, the District Branch and the Lodge are carried out. The Lodge Vice President shall act as advocate for the Lodge and generally act in the interests of the membership.
- (b) To preside at meetings in the event that the Lodge President is unable.

(v) Powers and Duties of Lodge Secretary

- (a) The Lodge Secretary shall, in conjunction with the Lodge President, ensure that the Rules of the Union, the District Branch and Lodge are carried out.
- (b) The Lodge Secretary shall be responsible for keeping the books and records of the Lodge, including a minute book, for recording resolutions of Lodge meetings.

The District Branch shall provide each Lodge Secretary with the necessary assistance to maintain a roll of the names of all members of the Lodge and with an account of all monies received and expended.

- (c) Each Lodge Secretary shall produce the Lodge Books to the District Executive Officers and Board of Management when called upon to do so.
- (d) All books, tickets and documents held by any Lodge Officers or members relating to the District Branch shall be the property of the District Branch and shall be surrendered to the District Executive upon demand. Where a Lodge has closed the Lodge Secretary of such Lodge shall forward to the District Secretary all District Branch and Lodge Books in the Lodge Secretary's possession.
- (e) The Lodge Secretary shall also produce the Lodge Books for inspection when called upon by the majority of members of the Lodge.
- (f) The Lodge Secretary shall keep the Lodge Books in accordance with the system approved by the Board of Management.

(vi) Powers and Duties of Lodge Assistant Secretary

- (a) The Lodge Assistant Secretary, where appointed by the Lodge, shall work with other members of the Lodge Committee to ensure the Rules of the Union, the District Branch and the Lodge are carried out.
- (b) The Lodge Assistant Secretary shall assist the Lodge Secretary in the fulfilment of their duties and generally act in the interests of the membership.

(vii) Duties of Lodge Committee

- (a) The Committee of each Lodge shall seek to ensure that the health and lives of their fellow workers are protected to the utmost and shall deal with all matters as affecting the interest of the Lodge.
- (b) The members of the Lodge Committee shall work with other members of the Lodge Committee to ensure that the Rules of the Union, the District Branch and the Lodge are carried out and to generally act in the interests of the membership.

(c) Each member of the Lodge Committee shall, amongst his or her duties with respect to the Lodge, be a Delegate for members of the Lodge.

(viii) Financial

(a) The District Branch shall hold and administer money on behalf of each Lodge in management accounts.

(ix) Private Agreements

No member of any Lodge in the District Branch shall be permitted to enter into any private agreement with the member's employer without the sanction of the Lodge they are a member of, and the Lodge shall not be permitted to enter into any agreement with the employer without the sanction of the District Executive and/or Board of Management.

(x) Members not to Work when Workplace is Idle

When a workplace is idle members of this District Branch shall not enter the workplace to work unless with the permission of the District Executive.

(xi) Expulsion or Suspension of Lodges

This Rule is to be applied using the principles outline in Union Rule 22:

(a) Any Lodge of the District Branch refusing to comply with the decision of the District Branch shall be suspended for a period of time or expelled from the District Branch and shall not be entitled to any benefits or privileges of the District Branch.

(b) In cases of suspension or expulsion the Lodge, any outstanding payments to the District Branch shall be paid before the Lodge is re-admitted to the District Branch.

(c) Any Lodge expelled or suspended under this Rule shall have the right to appeal against the decision to the Central Council of the Union.

(xii) Demand by Lodges for Dismissal of Officer

Subject to Union Rule 22, no Lodge shall send to the Board of Management a notice of motion asking for the resignation of a District Officer unless some specific charge is laid against such District Officer in writing and the District Officer has been given the opportunity to attend the Lodge to vindicate themselves and no such motion shall be allowable unless at least fifty (50%) per cent of the Lodge are present or a ballot of the whole of the members of the Lodge has been taken. The cost of such a ballot shall be defrayed by the Lodge.

14 – ALTERATION OF RULES

(a) New District Branch Rules may be made and any of the Rules of the District Branch may be altered, amended added to or rescinded by the Board of Management.

(b) Proposed new Rules shall be examined and reported on by the Rules Committee of members of the Board of Management appointed from time to time by the Board of Management.

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- (c) The report of the Rules Committee shall be discussed by or reported to the Board of Management and the proposed Rules changes submitted for approval by a majority of the members voting at that meeting of the Board of Management, or provided, if voting is conducted at otherwise than at a meeting assembled, that at least a quorum of the Board of Management returns their vote.
 - (d) The provisions of Rule 8(iv) and Rule 10(iv) shall not apply in the application of this Rule.

SOUTH WESTERN DISTRICT BRANCH

1 – NAME

The name of the District Branch shall be the South Western District Branch of the Mining and Energy Union (hereinafter referred to as the “District Branch”).

A reference to the "Union" shall be a reference to the Mining and Energy Union.

2 – MEMBERSHIP OF THE DISTRICT BRANCH

The District Branch shall consist of an unlimited number of employees, otherwise eligible for membership of the Union, who work in the South Western District of New South Wales and:

- (A) are engaged in or in connection with the Coal and Shale industry;
- (B) are engaged in or in connection with the Mining or Exploration industries;
- (C) are engaged as employees or as employees of contractors, in or in connection with the following industries;
 - (a) power generation, co-generation, transmission and distribution, not otherwise covered by the Northern Mining and NSW Energy District;
 - (b) oil;
 - (c) gas;
 - (d) nuclear; and
 - (e) chemical production
- (D) are engaged as employees or as employees of contractors in the county of Yancowinna;
- (E) have been elected as paid officers of the District Branch or whilst financial members of the District Branch are elected as representatives of any working class organisation to which the Union is affiliated or as a working class Member of Parliament.

3 – OBJECTS

The Objects of the District Branch, in association with the Objects of the Union shall be to endeavour by all lawful means:

- (a) To improve the conditions and to protect the interest of the members of the District Branch by increasing the proportionate share of the wealth to the workers and endeavouring to educate for the complete abolition of the present wage system and the substitution of the common ownership of the means of production, distribution and exchange.
- (b) To discuss, consider and put into force when approved, any scheme for the better guidance and extension of Australian industrial organisation.

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- (c) To prevent, if possible, by conference or otherwise any threatened cessation of work and to endeavour by conciliatory measures to uphold the Rules of the District Branch, failing which to provide ways and means of the support of members.
 - (d) To secure the return of working class representatives in Parliament, to promote such legislative enactments as will ensure industrial justice to Australian workers.
 - (e) In order to further or ensure the better advocacy of Labour or for any other purpose which the Board of Management may deem proper, to support, own in whole or part and/or subsidise any newspaper or any other publication advocating the cause of Labour.
 - (f) To do any other act provided for in the Rules of the South Western District Branch of the Mining and Energy Union.
 - (g) To raise funds for all or any of the Objects of the District Branch and the Union.
 - (h) From time to time to raise funds for the purpose of applying and/or investing the same in any manner authorised by the Rules.
 - (i) To obtain legislative enactments whereby the lives and health of the members may be preserved and if necessary, to take steps to obtain compensation for accidents where the employer is liable.
 - (j) To obtain legislative enactments for the more efficient management and inspection of mines or worksites.
 - (k) To secure the prices and/or wages for which members may at all times contract and to prevent illegal stoppages of wages at pay offices.
 - (l) To provide an allowance for the support of members who may be deemed unjustly dealt with and to provide benefits for dependents of members who died from any cause.
 - (m) To carry on or participate directly or indirectly and alone or with others in the carrying on of any mining or prospecting operation and related activities thereto.
 - (n) To take, subscribe for or otherwise acquire and hold any interest or shares, debentures, stock or other security of any company or trust or acquire any interest in any company or trust to achieve the furtherance of any of the Objects of the District Branch.
 - (o) To raise funds whether by loan or otherwise for all or any of the Objects of the Union and to invest such funds in such manner as the District Branch shall see fit.
 - (p) To purchase, take on lease or in exchange, hire and otherwise acquire and sell any real and personal property and any rights or privileges which may be necessary or convenient for the furtherance of any of the Objects of the District Branch and the Union.
 - (q) To support bona fide charitable and other worthy causes consistent with the interests of members of the Union. Such support may include, but is not limited to, donations to community groups, relief funds, individual and other humanitarian, environmental, social or similar causes.
 - (r) Generally to do all acts, matters and things that may appear to be in the best interests of members.
 - (s) To do any other act or thing to achieve or further the Objects of the District Branch and the Union.

4 – MEANS

For the purpose of carrying out all or any of the Objects of the District Branch and the Union and subject to any specific Rules relating to the raising of funds, financial decisions or governance more generally:

- (i) funds may be raised by entrance fees, subscriptions, donations, levies, contributions, dues and loans; and
- (ii) any other financial decisions may be taken as are necessary and/or desirable, including but not limited to with respect to acquiring and disposing of property and other investments.

5 – MEMBERSHIP

- (i) Applications
 - (a) All persons working in any capacity or doing any work connected with the industries referred to in Rule 2, shall be eligible for membership of the District Branch.
 - (b) A candidate for membership shall apply to the Secretary of an established Lodge that covers his or her employment in writing on the form prescribed and supplied by the District Branch for that purpose. Whilst ever employed in a calling or form of employment covered by an established Lodge, a member of the District Branch shall remain a financial member of the Lodge. However, where there is no Lodge established covering the employment of a candidate for membership, the candidate shall apply for membership directly to the District Branch Secretary in writing on the form prescribed for that purpose. For the avoidance of doubt, a member of the District Branch who subsequent to joining the District Branch becomes eligible to be a member of a Lodge, shall be required to join that Lodge.
 - (c) Secretaries shall sign and date membership application forms on the day they receive them. Subject to Rule 5(i)(d), a candidate for membership shall be deemed to be a member of the District Branch from the date of the day of receipt of the membership application form by the District Branch Secretary, or authorised delegate as the case may be.
 - (d) Notwithstanding anything hereinbefore contained, the Secretary of a Lodge or authorised delegate may refer any membership application to the Secretary of the District Branch. The District Secretary may refer any such application to be considered and approved or not approved by the Board of Management. In such a case, a candidate shall not become a member of the District Branch until the Board of Management or District Branch Executive has approved the application and the District Secretary has notified the candidate to that effect in writing. The candidate in such a case shall be a member of the District Branch from the date of the day of the District Secretary's letter of notification to the candidate. Where the District Branch Executive, the Board of Management or the District Secretary decides against the admission to membership of a candidate, the candidate shall have a right of appeal to Central Council. Where the Central Council decides to admit the candidate to membership, the candidate shall be a member of the District Branch from the date of the day of the Central Council's decision.
 - (e) When a candidate is admitted to membership of the District Branch, the new member's name, address and date of admission shall be:

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- (1) entered in a book to be called the Lodge Register of Members, which shall be kept by the Lodge Secretary or by the District Secretary on the Lodge's behalf;
 - (2) entered in a book to be called the District Register of Members, which shall be kept by the Secretary of the District Branch in which the Lodge is situated; and
 - (3) entered in the Register of Members, which shall be kept by the District Branch for the Union.
- (f) Membership of the Union shall be subject to compliance with sub-Rules 5(ii) and 5(iii).
- (ii) Subscriptions and Fees
- (a) Every member shall pay such fines, fees, levies and subscriptions as may be prescribed or imposed from time to time according to the Rules.
 - (b) There may be an entrance fee payable by a candidate for membership of the District Branch on his/her admission to membership. The entrance fee shall be determined by the Board of Management. Entrance fees shall be retained by the District Branch.
 - (c) Subscriptions, fines, fees and levies owing by a member of the District Branch shall be paid to the District Secretary, or a person authorised by the District Secretary. It is the responsibility of each member, and no other person, to ensure that they remain financial in accordance with the Rules.
 - (d) Payment of subscriptions, fines, levies, fees and dues can be made by the member authorising one (1) of the following methods:
 - (i) payroll deduction scheme; or
 - (ii) electronic funds transfer; or
 - (iii) other direct payment by the member.
- A member who elects to pay subscriptions, fines, levies, fees and dues in accordance with this Sub-Rule shall be deemed financial from the date of authorising such deduction provided the member owed no arrears in subscriptions, fines, levies, fees and dues prior to authorising the deduction.
- (e) Subject to sub-Rule 5(iii), any member owing subscriptions, fines, fees or levies or any of them for more than fourteen days from when they become due shall be deemed unfinancial and shall not be entitled to any of the privileges of membership, including the right to vote on any matter, and shall be liable to be sued for the recovery of amounts owed.
 - (f) No member who has left the industry without paying all fines, fees, levies and subscriptions due by him/her shall become a financial member again until his/her case has been considered by the District Branch Board of Management and permission has been given by the District Board for the member to regain financial status.

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- (g) Any member deemed unfinancial under sub-Rule 5(ii)(e) shall be deemed to have become a financial member of the Union again from the date of the completion of payment by him/her of all amounts owing to the District Branch. Continuity of membership and lodge seniority may be restored by a decision of the District Branch Board of Management from the date of completion of payment of all sums owing to the District Branch. However, if a member has become unfinancial as a result of extenuating circumstances outside of the member's control, they may deem the member to be entitled to the privileges of membership, other than the right to vote on any matter, if the District Executive approves a repayment plan for all subscriptions, fines, fees and levies owed. If such a plan is approved, then the member shall be deemed financial from the date of such approval.
- (h) A member's payment becomes due in relation to Sub-Rule 5(ii)(d) on the following basis:
- (i) for the ongoing payroll deduction scheme where the members employer transfers payment of subscriptions, fines, levies, fees and dues from the members wages, and with such transfer being paid preferably monthly, but no greater than three (3) monthly.
 - (ii) for the ongoing electronic funds transfer on a monthly basis or as otherwise set by the District Branch.
 - (iii) for other direct payments by the member on a monthly basis or as otherwise set by the District Branch.
- (i) The District Branch Secretary shall notify the member in writing of the failure to remain financial, and unless the member pays all outstanding subscriptions, fines, levies, fees and dues within twenty-eight (28) days of the date of the notice, the member shall continue to remain unfinancial until all subscriptions, fines, levies, fees and dues due in accordance with this Sub-Rule have been paid. Sub-Rule 5(ii)(e) shall apply to the member for the period that the member remains unfinancial.
- (j) Union membership subscriptions shall be set by the Annual Central Council meeting of the Union and shall be payable for fifty-two weeks per year.
- (k) Employees otherwise eligible to join the District Branch and under eighteen years of age and not in receipt of adult wages shall pay half subscriptions, fees and levies.
- (l) Any member being sick or out of employment in any pay period and not in receipt for that pay of award wages or other award payments equivalent to eighty dollars per fortnight (where the member is paid fortnightly) or forty dollars per week (where the member is paid weekly), or other amounts which may be determined from time to time by Board of Management, shall be exempt from the payment of subscriptions, fees or levies for that pay period.
- (m) Members on compensation shall pay subscriptions as if at work, however, members receiving compensation for permanent and total incapacity shall be exempt from paying subscriptions, fees and levies.
- (n) District Branch subscriptions shall be at a rate to be determined by the Board of Management.

(iii) Sick and Unemployed Members

- (a) Any member registered in accordance with this Rule as an unemployed member and/or member on sick leave of absence, shall be entitled to the privileges of membership and shall be entitled to vote on all matters affecting the District Branch excepting upon any matter upon which any decision might be made which would or might involve the District Branch in the declaration of a strike or in a stoppage of work or in the making of a levy or levies upon the members of the Union or the District Branch.
- (b) Any member unable to pay subscriptions, fines, fees or levies by reason of his/her being unemployed and/or on sick leave of absence and wishing to retain the rights and privileges conferred on him/her by these Rules, shall be registered at least once in every quarter in the District Quarterly Register of Unemployed and Sick Members.
- (c) An unemployed or sick member may apply, in writing, to the Secretary of the Lodge of which he/she is a member for registration in the District Quarterly Register of Unemployed and Sick Members. A member of a District Branch who is not also a member of a Lodge may apply for registration, in writing, to the Secretary of the District Branch. The application to the Lodge Secretary or District Secretary shall be signed by the member and his/her signature witnessed by a member of the District Branch. The application shall also, if the applicant is a member of a Lodge, include the name of the Lodge of which the applicant is a member.

The Lodge Secretary or District Secretary shall sign and date the applications as they are received. Lodge Secretaries shall send all such applications to the District Secretary immediately.

The District Secretary shall submit all applications to the Board of Management to be considered and approved or not approved. Where an application is approved the District Secretary shall enter the applicant's name and address and the date of approval of the application by the Board of Management in a book to be called the District Quarterly Register of Unemployed and Sick Members. The applicant shall then be duly registered for a period of three months from the approval of his/her application. The Board of Management shall have the power to remove the name of any member from the Register for any reason it thinks fit or may at the same time or at any other time prescribe a period for which the member shall be ineligible for registration in the register.

- (d) The District Secretary shall once in each quarter submit a list of the names and addresses of members registered as unemployed or sick to the Board of Management for consideration. Continuation of the registration of a member as an unemployed or sick member shall be at the discretion of the Board of Management.

(iv) Resignations

- (a) A member may resign from membership of the Union by written notice addressed and delivered to the District Secretary or Lodge Secretary or authorised delegate;
- (b) A notice of resignation from membership takes effect;
 - (i) Where the member ceases to be eligible to become a member of the District Branch;
 - (A) on the day on which the notice is received by the District Branch; or

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- (B) on the day specified in the notice which is a day not earlier than the day when the member ceases to be eligible to become a member;
 - whichever is the later or
 - (ii) in any other case:
 - (A) at the end of two weeks after the notice is received by the District Branch; or
 - (B) on the day specified in the notice whichever is the later.
 - (c) Any dues payable but not paid by a former member in relation to a period before the member's resignation takes effect, may be sued for and recovered in the name of the District Branch in a court of competent jurisdiction as a debt due to the District Branch.
 - (d) A notice delivered to the District Secretary or Lodge Secretary shall be taken to have been received by the District Branch when it was delivered.
 - (e) A notice of resignation that has been received by the District Branch is not invalid because it was not addressed and delivered in accordance with sub-Rule (a) above.
 - (f) A resignation from membership is valid even if it is not effected in accordance with this Rule if the member is informed in writing by or on behalf of the District Branch that the resignation has been accepted.
- (v) Copy of Rules
- Every Lodge Secretary shall inform all newcomers of the existence of this Union and if requested supply each such member with a copy of these Rules within one month after he/she commences work or as otherwise required by the *Fair Work (Registered Organisations) Act 2009*.

6 – ENTITLED TO VOTE

Subject to Rule 5, the members entitled to vote on any matter shall be, all financial members working in the industry, all financial members unemployed or on sick leave of absence, members registered according to Rule 5(iii) in the District Quarterly Register of Unemployed and Sick Members.

7 – BOARD OF MANAGEMENT

- (i) Elections
 - (a) The Committee of Management of the South Western District Branch shall be the South Western District Branch Board of Management (referred to in these Rules as the “Board of Management” or “Board”).
 - (b) The Board of Management shall be composed of the District President, District Vice-President Western, District Vice-President Southern, District Vice-President Metalliferous, District Secretary, District Councillors and representatives of Lodges elected on a regional basis.

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- (c) The geographical Lodge areas within each of the regions referred to in within this sub-Rule and the number of representatives from each such Lodge area shall be determined prior to each election by the Board of Management. Lodge representatives shall be nominated and elected by and from such Lodge areas. For the purpose of determining Lodge representation the District Branch shall be divided into the following Regions:

Southern Region - all areas south of Sydney

Western Region - Blue Mountains, Lithgow and Mudgee

Far Western Region - Far Western New South Wales

The District Secretary shall advise the National Returning Officer appointed for the purpose of the conduct of such election pursuant to the Ballot Rules of the Union, of the determination of the Board of Management.

- (d) Board of Management representatives shall be elected every four years according to the Ballot Rules of the Union. Board of Management representatives shall take office as and from the first day of the month following the declaration of their election, or in accordance with the Ballot Rules of the Union.
- (e) Any extraordinary vacancy which occurs in an elected position within the District Branch shall be filled by the holding of an election in accordance with the Ballot Rule of the Union, and the Member so elected shall hold office for the remainder of the term for which the previous holder of the office was elected provided that where the remainder of the term does not exceed:
- (A) Twelve (12) months; or
- (B) Three quarters of the office whichever is greater.

The Board of Management may appoint by resolution any eligible member of the District Branch to act in that office for the remainder of the term.

- (f) Notwithstanding paragraph 7(i)(e) above, where an office of Lodge representative referred to in Rule 7(i)(c) is vacant because no nomination was received by the returning officer in the conduct of an election for that office, the Board of Management may abolish the office and create a new office of Lodge representative in lieu of the abolished office. The new office shall:
- (A) be filled by the holding of an election in accordance with the Ballot Rule of the Union;
- (B) be elected by and from an electorate determined by the Board of Management, at the time the new office is created, within the same Region as the abolished office; and
- (C) have a term of office that expires at the time that the abolished office would have otherwise expired. For the avoidance of doubt, that term of office cannot be for longer than 4 years.

(ii) Meetings

- (a) The Board of Management shall meet at least three times a year. One meeting shall be held in March, and two more spread evenly throughout each year. The March meeting

shall be the Annual General Meeting. The Board of Management shall meet at such other times as the District Branch Executive may deem necessary.

- (b) At least one representative from each of the Lodge areas in addition to at least two District Branch Executive Officers must be present at each meeting of the Board and shall be the quorum.
 - (c) The District President, District Vice-President Western, District Vice President Metalliferous, District Vice-President Southern, District Secretary, District Councillors and each of the Lodge representatives shall have a deliberative vote at any meeting of the Board. The District President shall, in the event of the Board being equally divided on any question, be entitled to a casting vote. Every member of the Board of Management shall vote either for or against any proposition put to the meeting or be fined the sum of ten dollars.
 - (d) Any officer or representative absenting himself/herself from any meeting of which he/she has been duly notified, by the District Secretary, in writing, at least seven days before the date of the meeting, without giving an explanation which is accepted by the majority of the members attending and voting at the next subsequent meeting of the Board, may be fined a sum not exceeding two hundred dollars as the Chair may direct.
 - (e) A special meeting of the Board of Management may be convened by a majority of the District Branch Executive, or upon written request to the District Secretary or District President to call such special meeting signed by at least one representative from each of at least three Lodge areas. Upon receipt of such a request, the District Secretary or the District President shall convene a meeting of the Board.
 - (f) The District Secretary shall issue or cause to be issued to Board members, a notice of the date of the Board of Management meeting at least fourteen days prior to the date of the meeting. He/she shall issue or cause to be issued an agenda paper to members of the Board at least fourteen days prior to the meeting of the Board of Management.
 - (g) Despite any other Rule of the District Branch a Board of Management meeting may be conducted by any method by which the members of the Board of Management, can communicate each with each other, including but not limited to some or all members of the Board of Management participating in the meeting by telephone, computer and/or audio-visual conferencing.
- (iii) Lodge Business
- (a) Any Lodge having business for the consideration of the District Branch, after having dealt with same locally, shall forward it to the District Secretary to be submitted to the next following meeting of the District Branch Executive or of the Board of Management.
 - (b) Each Lodge Secretary shall forward to the District Branch Secretary within twenty-eight days from receiving same, the decision of his/her Lodge on any business that may be sent to it for its consideration by the District Branch Executive or Board of Management. The decision of any Lodge failing to comply with this Rule shall be null and void.

(iv) Endorsement of Decisions

- (a) The minutes of the Board of Management, along with any matters that the Board of Management specifically requires to be considered (hereafter referred to as “Board Resolutions”) for endorsement or as required by the Rules shall be sent to the Lodges of the District Branch following a meeting of the Board of Management.
- (b) The executive committee of each Lodge shall submit the Board Resolutions to meetings of the Lodge membership. The Secretary of each Lodge shall record the number of votes for and against each Board Resolution. The Lodge Secretary shall send a return of the votes, signed and dated by him/her on which the District Secretary sent the Board minutes to the Lodges.
- (c) A Board Resolution shall become the binding policy of the District Branch if an aggregate majority of the members of the District Branch attending and voting at Lodge meetings which consider the Board of Management resolutions, vote in favour of the Board Resolution.

(v) Powers and Duties of the Board of Management

The powers and duties of the Board of Management shall be as follows:

- (a) Subject to Union Rule 22, to hear any appeal from any Lodge or members thereof.
- (b) To consider the financial position of the District Branch and transact any business that may be placed before them by the District Branch Executive Officers.
- (c) To make, impose, order and enforce and levies, fines, fees or subscriptions on all members of the District Branch not in conflict with the Rules of the District Branch or the Rules of the Union for any one or more of the Objects set out in Rule 3.
- (d) To determine any matter or report referred to it by the District Branch Executive or by any Lodge or to settle any disputes internally and between Lodges. Reasonable notice of the time and place of the meeting shall be given to all parties involved, who shall be given an opportunity of being heard.
- (e) From time to time to alter, amend, rescind or make standing orders for the regulation of the conduct of the business and proceedings of this District Branch and of the Lodges of the District Branch.
- (f) To fix, reduce, increase or alter the salaries and allowances of the officers and employees of the District Branch.
- (g) To receive and adopt or otherwise deal with the Annual Report of the District Branch.
- (h) Subject to Union Rule 22, to inflict any fine on any Lodge or member, such fine not to exceed one thousand dollars (\$1,000.00) on any Lodge or one hundred (\$100.00) on any member.
- (i) To have control of the management and publication of the Official Organ of the District Branch.
- (j) And generally to do all acts, matters and things that may appear to be in the best interests of the District Branch.

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- (vi) Voting other than at Meetings Assembled
- (a) If the District President or District Secretary consider it advisable to submit any matter to a vote of the Board of Management at any time when it is inconvenient to call the Board of Management together, the District Secretary may submit a resolution dealing with the matter to the members of the Board of Management, by letter, facsimile, telegram, telephone, email, in writing, by computer link and/or by any other means of communication.
 - (b) The votes on such resolution shall be returnable to the District Secretary at such time as the District Secretary shall fix and shall be subject to the quorum requirement set out in sub-Rule 7(ii)(b). The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meetings assembled.
 - (c) The matter shall be recorded in the minutes on the next Board of Management meeting held following the vote.

8 – DISTRICT BRANCH EXECUTIVE

- (i) Executive Officers
- (a) The District Branch Executive shall consist of the District President, District Vice-President Western, District Vice-President Southern, District Vice-President - Metalliferous and District Secretary.
 - (b) The Executive Officers shall be nominated as follows:

District President - from the Western Region only
District Secretary - from the Southern Region only
District Vice-President Western - from the Western Region only
District Vice-President Southern - from the Southern Region only
District Vice-President Metalliferous - from the Far Western Region only

The Executive Officers shall be elected by the whole membership of the District Branch each four years according to the Ballot Rules of the Union. The Officers shall take office as and from the first day of the month following the declaration of their election, or in accordance with the Ballot Rules of the Union.
 - (c) Each Executive Officer shall remain in office unless he/she resigns his/her position by writing delivered at least one month in advance of the intended date of resignation, or unless removed from office.
 - (d) A person elected to office in the District Branch shall not be dismissed from office other than in accordance with Union Rule 22.
 - (e) The Executive Officers shall remain financial members of the District Branch and shall retain full membership rights of the Lodges of which they were members at the time of their election to District Branch Office. In the event of an officer's Lodge closing the officer shall become a financial member of another Lodge as directed by the Board of Management.
 - (f) The office of District Vice-President Metalliferous may be full-time or part-time. The office will be full-time unless:

(A) before the calling of nominations for an election for the office, the Board of Management determines that the office will be part-time;

or

(B) the holder of the office of the District Vice-President Metalliferous requests, in writing, that the office be made part-time and that request is agreed to by a resolution of the Board of Management.

(ii) Duties of Executive Officers

(a) The District President

The District President shall preside at all meetings of the Board of Management or meetings called by the District Branch. He/she shall cooperate with the other District Branch Officers in carrying out the Objects of the District Branch. He/she shall as far as possible, observe that the Rules are carried out by the District Branch Lodges. In the case of equal voting at Board of Management meetings the District President shall have the casting vote. The District President shall receive such remuneration as shall be agreed upon from time to time with the Board of Management, such remuneration to be based on District average earnings.

(b) The District Vice-President Western

The District Vice-President Western shall co-operate with the other District Branch Officers in carrying out the Objects of the District Branch and in the absence of the District President he/she shall exercise all functions of the District President's position and shall be paid such remuneration as shall be agreed upon from time to time with the Board of Management, such remuneration to be based on District average earnings.

(c) The District Vice-President Southern

The District Vice-President Southern shall co-operate with the other District Branch Officers in carrying out the Objects of the District Branch and in the absence of the District President and District Vice-President Western shall exercise all functions of the District President's position and if necessary, in the absence of the District Secretary, act in his/her stead. The District Vice-President Southern shall be paid such remuneration as shall be agreed upon from time to time with the Board of Management, such remuneration to be based on District average earnings.

(d) The District Vice-President Metalliferous

The District Vice-President Metalliferous shall co-operate with the other Branch Officers in carrying out the Objects of the District Branch and in particular shall be responsible for the servicing and representing of the membership in the Far Western region. The District Vice-President Metalliferous shall receive such remuneration as shall be agreed from time to time with the Board of Management, such remuneration to be based on District average earnings.

(e) The District Secretary

The District Secretary's duties shall be to keep a correct account of all monies received and expended, prepare a yearly Balance Sheet of same, copies of which shall be submitted to the members of the District Branch through the Annual General Meeting of the Board of Management and to Lodge members through the Lodge Secretaries.

He/she shall also cause to be kept a register of members of the District Branch under the headings of the respective Lodges to which members belong. The District Secretary shall attend all Board of Management meetings and take minutes of same. The District Secretary shall zealously attend to all correspondence, watch the interests of the members and do all in his/her power to advance the members' position generally. He/she shall strictly observe the Rules of the South Western District Branch. He/she shall be empowered with the concurrence of the other District Executive Officers to call special meetings of the Board of Management in cases of emergency and shall vote at all Board meetings. He/she shall be under the control of the Board of Management and receive for his/her salary such remuneration as shall be agreed from time to time with the Board of Management, such remuneration to be based on District average earnings.

He/she shall, as far as possible observe that the Rules are carried out by the District Lodges and from time to time examine the books and accounts of the District Branch and generally keep himself/herself acquainted with the financial transactions of the District Branch. He/she shall prepare and forward to the Registrar all returns which may be required by law.

(iii) Meetings of the District Branch Executive

- (a) The District President or District Secretary may convene a meeting of the District Branch Executive at any time by oral or written communication to the other members of the District Branch Executive.
- (b) A quorum of any meeting of the District Branch Executive shall be three.
- (c) The chair of any meeting of the District Branch Executive shall have a deliberative but not a casting vote.
- (d) Where matters are due to be decided by the District Branch Executive and an Executive officer cannot be present, he/she may, if he/she wishes record a vote by letter, facsimile, telegram, telephone, email, in writing, by computer link and/or by any other means of communication. In such an event the decision of the majority shall be valid as had they assembled.
- (e) Despite any other Rule of the District Branch a District Executive meeting may be conducted by any method by which the members of the District Executive can communicate each with each other, including but not limited to some or all members of the Board of Management participating in the meeting by telephone, computer and/or audio-visual conferencing.

(iv) Powers of the District Branch Executive

The District Branch Executive shall, subject to the review of their actions by the next ensuing meeting of the Board of Management have the care, control, custody and superintendence, management and administration in all respects of the District Branch. The powers of the District Branch Executive shall include the following:

- (a) To consider and decide upon any application for membership referred to it by the District Secretary or by any Lodge of the District Branch.
- (b) To initiate, manage and control all actions, proceedings, industrial disputes and other matters and to appoint agents, solicitors or counsel to appear for and represent the District Branch or any of its members in any Court or proceedings, legal or otherwise.

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- (c) To demand and collect or cause to be collected all levies, subscriptions, fines, fees and dues payable by all members.
 - (d) To demand, receive and keep possession of all books and accounts of the District Branch.
 - (e) To demand, or cause to be made, an audit of the books and accounts of the District Branch.
 - (f) To engage any servants or other assistance that in its opinion are necessary for the proper carrying on of the District Branch business and to pay such wages, salaries and allowances as it shall seem proper.
 - (g) To enter into and make any industrial agreements on behalf of the District Branch and its members subject to the instruction of the Board of Management and members in accordance with these Rules.
 - (h) To establish regional offices of the District Branch where necessary to properly service the membership.
 - (i) To call the Board of Management together at any time necessary and to call aggregate meetings of the members of the Branch when necessary.
 - (j) To have the powers of the Board of Management as set down in these Rules.
- (vii) Attendance at Membership Meetings
- (i) A District Executive Officer shall be entitled to attend and participate at any meeting of members of the District convened or constituted pursuant to the Rules of the District Branch or the Union.
 - (ii) A District Executive Officer shall not be entitled to vote at such meeting unless entitled to vote otherwise than pursuant to this Rule.

9 – ADDITIONAL OFFICERS

- (a) There shall be two District Branch Check Inspectors one of whom shall be nominated from the membership of the Southern Region and the other from the membership of the Western Region. The Southern Region District Branch Check Inspector shall be a full-time officer. The Western Region District Branch Check Inspector shall be a full-time or part-time officer as determined by the Board of Management.
- (b) The District Branch Check Inspectors shall be elected by the whole membership every four years according to the Ballot Rules of the Union and shall take office as and from the first day of the month following the declaration of their election, or in accordance with the Ballot Rules of the Union.
- (c) The District Branch Check Inspectors shall be full time officers as determined by the Board of Management prior to each election.
- (d) District Branch Check Inspectors shall receive for their services such remuneration as shall be decided upon from time to time with the Board of Management, such remuneration to be based on District average earnings.

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- (e) There may be such number of Relief Check Inspectors as are determined by the Board of Management prior to each election. The Relief Check Inspectors shall be elected by the whole membership every four years according to the Ballot Rules of the Union and shall take office as and from the first day of the month following the declaration of their election, or in accordance with the Ballot Rules of the Union. The Relief Check Inspectors shall perform the duties of a District Branch Check Inspector in the absence of such additional officer or as required by the Board of Management. Relief Check Inspectors shall be responsible to the District Branch Executive and shall be paid such remuneration as determined from time to time by the Board of Management.
- (f) Any member of the District Branch shall be eligible for the office of District Branch Check Inspector provided he/she has been a member of the District Branch for six months and fills the requirements of the applicable statutory provisions governing mine safety and operation.
- (g) A District Branch Check Inspector shall, in company with the local Lodge Check Inspector, make inspections of every mine or worksite in the District Branch as often as practicable and shall keep a record of all such inspections.
- (h) A District Branch Check Inspector shall comply with the General Rules of the applicable statutory provisions governing safety and operation.
- (i) A person elected to office as the District Branch Check Inspector shall be under the control of the Board of Management and the District Branch Executive and shall not be dismissed from office other than in accordance with Union Rule 22, and the District Branch Check Inspector will be regarded as an officer of the Union.
- (j) A District Branch Check Inspector shall, when directed to do so by the District Branch Executive, attend all inquests and inquiries held in connection with the deaths of members, and shall enter in a book to be kept in the District Branch Office all reports of such inquests or inquiries.
- (k) A District Branch Check Inspector shall keep records in the District Branch Office all reports on matters connected with his/her office.
- (l) The District Branch Check Inspectors shall attend any meeting of the Board of Management or Executive and shall be entitled to participate in any such meeting when called upon to do so by the Board or District Executive.
- (m) The District Branch Central Councillor shall be the South Western District President ex officio, where the Rules of the Union require only one representative of the South Western District on the Central Council.
- (n) Where the Rules of the Union require more than one representative on the Central Council from the South Western District Branch, the additional Central Councillor or Councillors shall be part time officers elected every four years according to the Ballot Rules of the Union, or in accordance with the Ballot Rules of the Union. The elected Central Councillor or Councillors shall take office as and from the first day of the month following the declaration of their election.

Provided further, that where the Rules of the Union require more than one Central Councillor from the South Western District Branch, the Board of Management shall determine from which of the Southern, Western or Far Western Region of the District Branch the respective Councillor or Councillors shall be nominated from prior to each election. In exercising this function, the Board of Management shall, to the extent practical, ensure balanced representation between the

Southern, Western and Far Western Regions in respect of the office of Central Councillor. Although nominations for office may be restricted to the respective Regions as determined by the Board of Management, Central Councillors shall be elected by the whole membership of the District Branch according to the Ballot Rules of the Union and shall take office as and from the first day of the month following the declaration of the election, or in accordance with the Ballot Rules of the Union.

- (o) The duties of a Central Councillor shall be to attend meetings of the Central Council as the representative of the South Western District Branch, to attend and address Lodges and other meetings of members at the direction of the Board of Management and to attend meetings of the Board of Management. District Councillors shall be responsible to the Board of Management and the District Branch Executive.
- (p) The District Branch Check Inspectors and District Branch Central Councillors elected under these Rules shall be subject to Rule 7(i)(e) and Rule 8(i)(e).

10 – FINANCE AND PROPERTY

- (i) The District Branch Fund shall consist of:
 - (a) any real or personal property of which the District Branch by these Rules or by any established practice not inconsistent with these Rules, has, or in the absence of any limited term lease, bailment or arrangement, would have, the right of custody, control or management;
 - (b) the amounts of entrance fees, subscriptions, fines, fees or levies received by the District Branch, less so much of those amounts as is payable by the District Branch to the National Office of the Union;
 - (c) any interest, rents or dividend derived from the investment of the Fund;
 - (d) any superannuation or long service leave fund operated or controlled by the District Branch for the benefit of its officers or employees;
 - (e) any sick pay fund, accident pay fund, funeral fund, benefit fund or like fund operated or controlled by the District Branch for the benefit of its members;
 - (f) any property acquired wholly or mainly by expenditure of the money of the Fund or derived from other assets of the Fund;
 - (g) the proceeds of any disposal of parts of the Fund;
 - (h) Any other funds received by the District Branch; and
 - (i) All Lodge property and funds.
- (ii) District Executive Control

Subject to the control of the Board of Management, the property and funds of the District Branch shall be under the control of the District Branch Executive.

(iii) Use of Funds

- (a) The funds of the District Branch shall be applied and/or invested as follows: in such lawful manner as the Board of Management may decide, including, without limiting the generality of this sub-clause, deposit on current account or fixed deposit with any bank carrying on business in the Commonwealth of Australia, the mortgage of real or personal estate situated in the Commonwealth, the subscription for or purchase of shares in any company registered and carrying on business in any State of the Commonwealth. Funds so applied shall only be realised on the authority of the District Executive or on the authority of the Board of Management.
- (b) All monies shall be banked in the names of two trustees to the credit of the District Branch.
- (c) Monies shall be drawn from the funds of the District Branch by cheque or by electronic funds transfer authorised and signed by two executive officers of the Branch or either of those officers with such other officers or senior members of staff as may be designated and authorised from time to time by the Board of Management.
- (d) All fees, fines, contributions, levies and dues received by the District Secretary shall pass through the Branch Office and all monies so received from the above sources shall be immediately recorded in the books and banked to the credit of the District Branch by the District Secretary without deduction.
- (e) All monies withdrawn from the funds shall be applied only to carrying out the Objects mentioned in Rule 3 of these District Branch Rules and to payments to the Union.
- (f) When levies are ordered to be collected in accordance with these Rules such levies shall be collected from members as ordered by the District Branch Executive or by the Board of Management.
- (g) Loans, grants and donations of any amount exceeding \$1,000 shall not be made by the District Branch unless the Board of Management has satisfied itself that the making of the loan, grant or donation is in accordance with the Rules of the District Branch and that, in relation to a loan, that in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory. Loans, grants and donations of an amount exceeding \$1,000 shall not be made unless approved by the Board of Management.

(iv) Books and Records

The Secretary shall keep or cause to be kept all books, records and papers which may be required by law, necessary to the preparation of any return or statement required by law, necessary for the information of the auditor or which may otherwise be required by these Rules or by the Board of Management.

(v) Financial Year

The financial year for the accounting purposes of the District Branch shall end at 31 December in each year.

(vi) Trustees

- (a) There shall be Trustees of the District Branch Fund.
- (b) The Trustees shall be the District President and District Secretary of the District Branch.
- (c) The Trustees shall, under the direction of the Board of Management, prosecute, or if, more convenient, direct any officer to prosecute any member or other person suspected by them of any offence, legally punishable with reference to the affairs of the District Branch and they may themselves institute, or if more convenient, may direct any officer or officers to institute civil proceedings against any member or other person refusing to give up possession of any of the Union's or any District Branch property: or doing or neglecting to do any act so as to render himself/herself or themselves liable to proceedings in reference to the Union's affairs, or the affairs of the District Branch.
- (d) All funds, investments and other property of the District Branch shall be vested in the Trustees as joint tenants and be held by them in trust for the members of the District Branch.
- (e) The Trustees and/or the Board of Management shall without prejudice to any further power and duties conferred by these Rules and by statute be vested with all and every of the powers and duties with which Trustees may lawfully be vested. The Board of Management shall have all necessary powers with regard to the bringing or defending of any action, suit, prosecution or complaint in the name of the District Branch or authorise the Trustees to institute such proceedings.
- (f) The Trustees shall have power:
 - (1) To receive monies or other property paid, delivered or conveyed to them as Trustees of the District Branch and to expend monies without distinction between capital and income.
 - (2) To invest, sell, exchange or otherwise dispose of investments or other property of the District Branch and to deal with the funds of the District Branch including purchase or otherwise acquiring of property out of the funds of the District Branch.
 - (3) To lend and advance money or give credit to any person or corporation; to guarantee and give guarantees or indemnities for the payment of money or the performance of contracts or obligations by any person or corporation; to secure or undertake in any way the repayment of moneys lent or advanced to or the liabilities incurred by any person or corporation; and otherwise to assist any person or corporation. This sub-Rule shall be subject to sub-Rule 10(iii)(g).
 - (4) To borrow or raise or secure the payment of money and to secure the same or the repayment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the District Branch in any way, and to purchase, redeem or pay off any such securities.
 - (5) To lease, licence, hire or otherwise give and acquire rights to use or occupy property of the District Branch and for the purposes of the District and to carry on any business of the District Branch.

For the purposes of exercising a power listed above, the Trustees shall have all such powers ancillary or incidental to or conducive to the exercise of that power as they would have if they were exercising the listed power by employment of funds or in relation to property beneficially owned by them and were acting in a personal as against a fiduciary capacity.

The powers conferred by this sub-Rule shall be in addition to such powers as are conferred upon Trustees by any law for the time being in force in Australia or any of its States or Territories (every one of which statutory powers the Trustees shall be deemed to have notwithstanding that the power is exercised outside Australia or the State or Territory under the law of which same is conferred) and shall not be construed to be limited or restricted to or by the statutory powers or so as to impose upon the Trustees any duties imposed by law upon Trustees exercising the statutory powers.

The Trustees shall be fully and effectually indemnified out of the funds of the District Branch in respect of any personal liability incurred in a proper exercise of the powers given by this Rule or by law and shall not be liable to the District Branch or any of its members for loss incurred in a proper exercise of such powers.

(vii) Auditor

- (a) There shall be one auditor who shall be appointed in accordance with the requirements of the *Fair Work (Registered Organisations) Act 2009* (or successor legislation).
- (b) The auditor shall be appointed annually by the Board of Management and shall be eligible for re-appointment.
- (c) The auditor's duties shall be to audit the accounts at the end of the financial year or when required by the Board of Management. He/she shall also audit Lodge Books when authorised to do so by the Branch Officers.
- (d) On all occasions the auditor shall furnish a report as to the state of the books and such report will be submitted to the members together with the Balance Sheet.
- (e) Should at any time the position of Auditor become vacant, it shall be filled in accordance with the provisions contained within these Rules.
- (f) The selection of an auditor, the presentation of the accounts and certificates by the auditor and all other matters to do with the audit, the keeping of and presentation of accounts to the Board of Management and to the membership, shall be according to the requirements, forms and procedures of the law affecting the accounting and auditing practices of organisations registered under the provisions of the *Fair Work (Registered Organisations) Act 2009*.

(viii) Seal

The Seal of the District Branch shall be held by the District Secretary and shall be used by him/her for all purposes of the District Branch for which it may be required. The affixture of the seal to any instrument shall be attested under the name of the District Secretary and such other members of District Branch Executive as the District Branch Executive may decide.

(ix) Registered Office

The registered office of the District Branch shall be 636 Northcliffe Drive Kembla Grange NSW 2526, or such other place in the Southern Region as may be decided upon by the District Branch Board of Management from time to time. The District Branch shall also maintain an office in the Western Region unless otherwise decided upon by the District Branch Board of Management.

(x) Access to Books

Each member of the District Branch shall have access at all reasonable times, to the books of the Branch on applying to the District Secretary.

(xi) Person to Sue

The District Secretary shall be the person to sue or be sued for and on behalf of the District Branch.

(xii) Political Funds

(a) The Board of Management shall be empowered to recommend to the members of the District Branch a voluntary payment per annum for a political fund. Monies derived from this source shall be paid into the District Branch Office and such monies so received shall be paid into a fund which shall be used only for political purposes.

(b) Contributions to the Political Fund shall not be a condition of admission to or of membership of the District Branch. A member who does not contribute to this fund shall not be excluded from the benefits of the District Branch by reason of his/her failure to so contribute to the political fund. Only those members who contribute to the political fund shall be allowed to enjoy the privileges for which the fund is created.

(xiii) Payment of Officers and Delegates

All Officers and Delegates, other than Executive Officers and full-time District Check Inspectors, when performing work for the District Branch shall be paid out of the funds of the District Branch such remuneration as may be determined from time to time by the Board of Management provided that where there has been a determination by the Central Council of the Union of the level of such remuneration, Officers and Delegates shall be paid in conformity with that determination. Travelling and other expenses shall also be allowed to representatives to the Board of Management as prescribed from time to time by the Board of Management.

(xiv) Fines

All fines for violation of the District Branch Rules shall be paid into the General Fund unless otherwise provided for.

11 – LODGES

(i) Formation of Lodges

- (a) The District Branch Executive shall take whatever steps are necessary to establish Lodges of the District Branch at all mines or worksites in the South Western District.
- (b) A Lodge is a local grouping of members, established to enable members to participate more effectively in the affairs of the District Branch and to give collective expression to the interests, concerns and views of the members who work in the Lodge.
- (c) Where there is no Lodge at a mine or where a new mine has started work and the District Executive is of the opinion that a Lodge should be formed, the District Executive shall announce, in whatever way is best suited to the circumstances of the mine, that a meeting will be held of eligible workers for the purposes of forming a Lodge of the District Branch. The announcement shall state that officers of the Lodge will be elected at the foundation meeting.
- (d) Any foundation meeting shall be chaired by a member of the District Branch Executive.
- (e) The foundation meeting shall be conducted according to the Standing Orders for District Branch Lodge meetings.
- (f) The foundation meeting shall elect a committee, officers and representatives as required by these Rules.

(ii) Where there are no Lodges

- (a) Any member of the Union starting work at a mine or other workplace in the South Western District where there is no Lodge of the District Branch shall pay to the District Secretary or authorised delegate all subscriptions, contributions, fees, dues and levies which shall be determined as payable by him/her by the District Executive.
- (b) Where less than twenty-five members work at a mine, they may form a Lodge but shall be under the direct supervision of the District Branch Executive.

(iii) Management of Lodges

- (a) Each Lodge shall be managed by a Lodge Committee consisting of a Lodge President, Lodge Secretary, Lodge Treasurer and three other members.
- (b) The Lodge Committee shall be elected by the Lodge annually. The Board of Management may make guidelines for the conduct of Lodge elections.
- (c) Three members of the Lodge Committee shall form a quorum.
- (d) All Lodge meetings shall be conducted according to the Standing Rules of the Union. Despite any other Rule of the District Branch a Lodge meeting may be conducted by any method by which the members of the Lodge Committee can communicate each with each other, including but not limited to some or all members of the Lodge Committee participating in the meeting by telephone, computer and/or audio-visual conferencing.

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- (e) All members of the Lodge shall have equal voting power on all questions put to a meeting of the Lodge except that in the event of equal voting on any question the Chair shall have a casting vote.
 - (f) Despite paragraph (f) above, members of the Lodge will not have a right to vote on the content, approval, variation, or termination of an enterprise agreement, or proposed enterprise agreement applying at their mine, or workplace, unless they are covered, or proposed to be covered, by that agreement.
 - (g) Lodges shall meet monthly or as determined by the Lodge Committee.
 - (h) All meetings of the Lodge shall be convened by Notice posted on the Lodge Notice Board or by such other means as may be convenient.
 - (i) Lodges shall be empowered to exempt any member from attendance at Lodge meetings owing to infirmity or other reasonable cause.
 - (j) Each Lodge shall have power to make by-laws for its own guidance and control of its members. Such by-laws shall not be in contravention of the Rules of the Union or the District Branch and shall not become operative until submitted to and approved by the Board of Management.

(iv) Powers and Duties of Lodge President

The Lodge President shall preside at all meetings and in conjunction with the Lodge Secretary and Lodge Treasurer ensure that the Rules of the Union, the District Branch and the Lodge are carried out. The Lodge President shall act as advocate and spokesman for the Lodge and generally act in the interests of the membership.

(v) Powers and Duties of Lodge Secretary

- (a) The Lodge Secretary shall, in conjunction with the Lodge President and Lodge Treasurer ensure that the Rules of the Union, the District Branch and the Lodge are carried out. The Lodge Secretary shall be responsible for keeping the books and records of the Lodge including a minute book for recording resolutions of Lodge meetings, a register of agreements made with the employer at the mine, and a record of the contributions, fines, fees, levies and other monies paid by members of the Lodge.
- (b) The District Branch shall provide each Lodge Secretary with the necessary books in which he/she shall enrol the names of all members of the Lodge with an account of all monies received and expended.
- (c) When entering the names of members in the Lodge register, he/she shall also enter the date and time when all new members start work.

Each Lodge Secretary shall produce his/her Lodge Books to the District Branch Executive Officers and Board of Management when called upon to do so.

- (d) All books, tickets and documents held by any Lodge Officers or members relating to the District Branch shall be the property of the District Branch and shall be surrendered to the District Branch Executive upon demand. Where a Lodge has closed, the Lodge Secretary of such Lodge shall forward to the District Secretary all Branch and Lodge Books in his/her possession.

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- (e) Subject to Union Rule 22, if any Lodge Officer or member fails to comply with these Rules, he/she may be expelled by the Board of Management.
 - (f) The Lodge Secretary shall also produce his/her books for inspection when called upon by the majority of the Lodges of which he/she is the Lodge Secretary.
 - (g) The Lodge Secretary shall keep the Lodge Books in accordance with the system approved by the Board of Management.

(vi) Powers and Duties of Lodge Treasurer

The Lodge Treasurer of each Lodge shall administer any financial matters associated with the Lodge and its members that are not otherwise administered by the District Secretary.

(vii) Duties of Lodge Committee

The Committee of each Lodge shall see that the health and lives of their fellow workers are protected to the utmost and shall deal with all matters affecting the interests of the Lodge. Each member of that Lodge Committee shall, amongst his or her other duties with respect to the Lodge, be a delegate for members of the Lodge.

(viii) Strikes

- (a) Before a stoppage of work takes place at any mine, the Committee of the Lodge shall fully investigate the cause of the dispute and endeavour to effect a settlement. Failing a settlement being obtained by the Lodge Committee, the dispute shall be immediately referred to the District Branch Executive who shall inquire into and endeavour to bring about a satisfactory settlement of the dispute.
- (b) No Lodge or members of a Lodge shall cease work without the sanction of the District Branch Executive.
- (c) Any Lodge or members of a Lodge failing to comply with these Rules shall not be financially supported by the District Branch.
- (d) The District Executive Officers shall endeavour to adjust any matters in dispute failing which they shall have the power to refer such dispute to the Board of Management.
- (e) Notwithstanding anything contained in this Rule, the Lodge or members may where danger in the mine is apprehended, cease work immediately without reference to the District Branch Executive.

(ix) Private Agreements

- (a) No Lodge shall be permitted to enter into any agreement with an employer without the sanction of the District Branch Executive and/or the Board of Management.
- (b) The fine for violation of this Rule by a Lodge shall not exceed one hundred dollars.

(x) Members not to Work When Mine is Idle

- (a) When a mine is idle, members of this District Branch shall not enter the mine unless with the permission of the District Branch Executive.

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- (b) The fine for violation of this Rule by a member shall not exceed one hundred dollars for each offence.

(xi) Expulsion or Suspension of Lodges

This Rule is to be applied using the principles outlined in Union Rule 22:

- (a) Any Lodge of the District Branch refusing to comply with the decision of the majority of the District Branch shall be suspended for a period of time or expelled from the District Branch by the Board of Management and shall not be entitled to any benefits or privileges of the District Branch.
- (b) In cases of suspension or expulsion, the Lodge shall pay all arrears before being re-admitted to the District Branch.
- (c) Any Lodge expelled or suspended under this Rule shall have the right to appeal against the decision to the Central Council of the Union.

(xii) Demand by Lodges for Dismissal of Officer

Subject to Union Rule 22, no Lodge shall send to the Board of Management a notice of motion asking for the resignation of a District Branch Officer unless some specific charge is laid against such Officer in writing and he/she has been given the opportunity to attend the Lodge to vindicate himself/herself and no such motion shall be allowable unless at least fifty per cent of the Lodge are present or a ballot of the whole of the members of the Lodge has been taken. The cost of such a ballot shall be defrayed by the Lodge.

(xiii) Notice Before Reduction and/or Alteration of Working Conditions

All Lodges shall demand fourteen days' notice before submitting to any alteration in the mode of working or to any reduction in the rates of pay.

12 – ALTERATION OF RULES

- (i) New District Branch Rules may be made and any of the Rules of the District Branch may be altered, amended, added to or rescinded by the Board of Management.
- (ii) Proposed new Rules shall be examined and reported on by a Rules committee of members of the Board of Management appointed from time to time as the occasion arises by the Board of Management.
- (iii) The report of the Rules committee shall be discussed by the Board of Management and the proposed Rules changes submitted for approval by a majority of the members present and voting at that meeting of the Board of Management and then submitted for the approval of the membership in the same manner as other Board of Management resolutions.

13 – DISSOLUTION OF THE DISTRICT BRANCH

While seven financial members remain in the District, the District Branch shall not be dissolved. Should the number of members at any time fall below seven the District Branch shall be dissolved. In the event of a dissolution, all monies, after payment of all just debts, shall be held in trust by the Central Council of the Union in a separate fund until such time as a new District Branch containing seven or more members can be formed.

QUEENSLAND DISTRICT BRANCH

1 – NAME

The name of the Queensland District Branch shall be the Mining and Energy Union Queensland District Branch (“the District Branch”).

2 – MEMBERSHIP OF THE DISTRICT BRANCH

The District Branch shall consist of an unlimited number of employees, otherwise eligible for membership of the Union who work in the Queensland District and:

- (a) Are engaged in or in connection with the Coal and Shale Industry.
- (b) Are engaged in or in connection with the Mining or Exploration Industries,
- (c) Are engaged as employees or as employees of contractors, in or in connection with the following industries:
 - (i) power generation, co-generation, transmission and distribution;
 - (ii) oil;
 - (iii) gas;
 - (iv) nuclear; and
 - (v) chemical production.
- (d) Have been elected or appointed as paid officers of the District Branch or whilst financial members of the District Branch are elected as representatives of any working class organisation to which the District Branch is affiliated, or as a working class member of Parliament.

3 – OBJECTS

The Objects of the District Branch, in association with the Objects of the Union are:

- (a) To improve the conditions and to protect the interests of the members of the District Branch by increasing the proportionate share of the wealth to the workers and endeavouring to educate and work for the complete abolition of the present wage system and the substitution of the common ownership of the means of production, distribution and exchange.
- (b) To promote the adoption of laws designed to further the rights and protections of Australian workers, including laws that promote collective bargaining and adherence to international labour standards and to ensure that the Union members enjoy “best practice” in all industrial and safety matters.
- (c) To uphold the Rules of the District Branch and to regulate the conditions under which members may be employed.
- (d) To promote cooperative workplace relations, wherever employers are prepared to reciprocate and to avoid unauthorised industrial action as far as possible.

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- (e) To provide a weekly allowance for the support of members who may be locked out, or on strike, or have been unlawfully or unfairly dismissed and to resist any unjust regulation connected with their employment.
 - (f) To promote the strongest possible safety and health laws for workers and the strict enforcement of these laws by workers' representatives and Government agencies.
 - (g) To promote the highest possible level of workers' compensation benefits and rehabilitation services for workers who have sustained a workplace injury or illness.
 - (h) To pursue the objective of a maximum six ordinary hours working day for all members of the Union.
 - (i) To pursue collective agreements with employers containing terms and conditions that benefit members and to promote and maintain a strong and relevant award system for the benefit of members.
 - (j) To work cooperatively with other Unions, or peak bodies of Unions, that have the same or similar objects as this Union.
 - (k) To encourage all persons working in or about the industries or callings covered by the Union to be members of the Union.
 - (l) To support candidates for election to Local Government and State and Commonwealth Parliament that promote economic and industrial justice for Australian workers and whose policies and values align with that of the Union.
 - (m) To promote and support the use of all forms of electronic and print media as determined by the Board of Management to communicate the principles, policies and priorities of the Union to the membership and the broader community.
 - (n) To raise funds by levies, subscriptions, contributions, donations and loans for all or any of the objects of the District Branch.
 - (o) To make such investment decisions or to apply any funds or property owned by the District Branch, or to borrow such monies that the governing bodies of the District Branch decide are necessary in furtherance of the objects of the District Branch.
 - (p) To federate or to amalgamate with any trade or industrial union or organisation, or to join or to co-operate with them in any way deemed desirable or necessary for carrying out all or any of the objects set out herein.
 - (q) To carry on or participate directly or indirectly alone or with others in the carrying on of any mining or prospecting operation and related activities thereto.
 - (r) To take, subscribe for or otherwise acquire and hold any interest in shares, debentures, stock or other security of any company or trust or acquire any interest in any company or trust to achieve the furtherance of any of the objects of the District Branch.
 - (s) To raise funds whether by loan or otherwise for all or any of the objects of the District Branch and to invest such funds in such manner as the District shall see fit.

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- (t) To purchase, take on lease or in exchange, hire and otherwise acquire and sell any real and personal property and any rights or privileges which may be necessary or convenient for the furtherance of any of the objects of the District Branch.
 - (u) To support bona fide charitable and other worthy causes consistent with the interests of members of the Union. Such support may include, but is not limited to, donations to community groups, relief funds, individual and other humanitarian, environmental, social or similar causes.
 - (v) To promote the cooperation of trade unions internationally and to support the rights of workers throughout the world to bargain collectively free from Government and employer oppression.
 - (w) To do any other act provided for in the Rules of the District Branch.
 - (x) Generally to do all acts, matters and things that are in the best interests of members.
 - (y) To do any other act or thing to achieve or further the Objects of the District Branch and the Union.

4 – MEANS

For the purposes of carrying out all or any of the Objects of the District Branch and Union, and subject to any specific Rules relating to the raising of funds, financial decisions or governance more generally:

- (i) funds may be raised by entrance fees, subscriptions, donations, levies, contributions, due and loans; and
- (ii) any other financial decisions may be taken as are necessary and/or desirable, including but not limited to with respect to acquiring and disposing of property and other investments.

5 – MEMBERSHIP

- (i) Applications
 - (a) All persons working in any capacity or doing any work falling within the scope of Rule 2, Membership of the District Branch shall be eligible for membership of the District Branch. Membership of the District Branch means membership of the Union.
 - (b) A candidate for membership of the District Branch shall apply for membership to the District Secretary or his/her designate, in writing on the form prescribed and supplied by the District Branch for that purpose.
 - (c) Upon approval of application by the District Secretary or his/her designate, a candidate for membership shall be deemed to be a member of the District Branch from the date of the day of receipt of the membership application form by the District Secretary.

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- (d) Notwithstanding anything hereinbefore contained, the District Secretary may refer any such application to be considered and approved or not approved by the Board of Management. In such a case, a candidate shall not become a member until the Board of Management has approved the application and the District Secretary has notified the candidate to that effect in writing. The candidate in such a case shall be a member of the District Branch from the date of the day of the District Secretary's letter of notification to the candidate. Where the District Board of Management or the District Secretary decides against the admission to membership of a candidate, the candidate shall have a right of appeal to Central Council. Where the Central Council decides to admit the candidate to membership, the candidate shall be a member of the District Branch from the date of the day of the Central Council's decision.
- (e) When a candidate is admitted to membership of the District Branch, the new member's name, address and date of admission shall be:
- (1) entered in a Lodge Register of Members, (when the candidate joins a Lodge);
or
 - (2) entered in a District Register of State Members, which shall be kept by the District Secretary; and
 - (3) entered in a District Register of Members, which shall be kept by the District Secretary; and
 - (4) entered in the Register of Members, which shall be kept by the District Branch for the Union.
- (f) Membership of the Union is subject to compliance with the Rules.
- (ii) Subscriptions and Fees
- (a) Every member shall pay such fines, fees, levies and subscriptions as may be prescribed or imposed from time to time according to the Rules of the District Branch.
 - (b) There may be an entrance fee payable by a candidate for membership of the District Branch on his or her admission to membership. The entrance fee shall be determined by the Board of Management. Entrance fees shall be retained by the District Branch.
 - (c) Subscriptions, fines, fees and levies owing by a member of the District Branch may be paid to the District Secretary or a person authorised by the District Secretary. It is the responsibility of each member, and no other person, to ensure that they remain financial in accordance with the Rules.
 - (d) Payment of subscriptions, fines, levies, fees and dues can be made by the member authorising one (1) of the following methods:
 - (i) payroll deduction scheme; or
 - (ii) electronic funds transfer; or
 - (iii) other direct payment by the member.

A member who elects to pay subscriptions, fines, levies, fees and dues in accordance with this Sub-Rule shall be deemed financial from the date of authorising such deduction provided the member owed no arrears in subscriptions, fines, levies, fees and dues prior to authorising the deduction.

- (e) Subject to sub-Rule 5(iii), any member owing subscriptions, fines, fees or levies or any of them for more than fourteen days from when they become due shall be deemed unfinancial and shall not be entitled to any of the privileges of membership, including the right to vote on any matter, and shall be liable to be sued for the recovery of amounts owed to the District Branch.
- (f) No member who has left the industry without paying all fines, fees, levies and subscriptions due to the District Branch shall become a financial member of the Union again until considered by the Board of Management and permission has been given by the Board of Management for the member to regain financial status.
- (g) Any member deemed unfinancial under sub-Rule 5(ii)(e) shall be deemed to have become a financial member of the District Branch again from the date of the completion of payment by him or her of all amounts owing to the District Branch. However, if a member has become unfinancial as a result of extenuating circumstances outside of the member's control, they may also be deemed financial if the District Secretary approves a repayment plan for all subscriptions, fines, fees and levies owed. If such a plan is approved, then the member shall be deemed financial from the date of such approval. Continuity of membership may be restored from the date of completion of payment of all sums owing to the District Branch.
- (h) A member's payment becomes due in relation to sub-Rule 5(ii)(d) on the following basis:
 - (i) for the ongoing payroll deduction scheme where the members employer transfers payment of subscriptions, fines, levies, fees and dues from the members wages, and with such transfer being paid preferably monthly, but no greater than three (3) monthly.
 - (ii) for the ongoing electronic funds transfer on a monthly basis or as otherwise set by the District Branch.
 - (iii) for other direct payments by the member on a monthly basis or as otherwise set by the District Branch.
- (i) Subject to sub-Rule 5(ii)(g), the District Branch Secretary shall notify the member in writing of the failure to remain financial, and unless the member pays all outstanding subscriptions, fines, levies, fees and dues within twenty-eight (28) days of the date of the notice, the member shall continue to remain unfinancial until all subscriptions, fines, levies, fees and dues due in accordance with this Sub-Rule have been paid. sub-Rule 5(ii)(e) shall apply to the member for the period that the member remains unfinancial.
- (j) Union membership subscriptions shall be set by the Annual Central Council meeting and shall be payable for fifty-two weeks per year.
- (k) Members on compensation shall pay subscriptions as if at work, however, members receiving compensation for permanent and total incapacity shall be exempt from paying subscriptions, fees and levies.

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- (l) District Branch subscriptions shall be at a rate to be determined by the Board of Management.
- (iii) Sick, Unemployed and Parental Leave Members
- (a) Any member registered in accordance with this Rule as an unemployed member and/or member on sick or parental leave of absence, shall be entitled to the privileges of membership and shall be entitled to vote on all matters affecting the District Branch excepting on any matter upon which any decision might be made which would or might involve the District Branch in the declaration of a strike or in a stoppage of work or in the making of a levy or levies upon the members of the District Branch.
- (b) Any member unable to pay subscriptions, fines, fees or levies by reason of his or her being unemployed and/or on sick or parental leave of absence and wishing to retain the rights and privileges conferred on him or her by these Rules, shall be registered at least once in every quarter in the District Quarterly Register of Sick, Unemployed and Parental Leave Members ('the Register').
- (c) An unemployed and/or sick or parental leave member may apply to the District Secretary to be placed on the Register. The applicant shall then be duly registered for a period of three months from the approval of his or her application. The Board of Management shall have the power to remove the name of any member from the Register for any reason it thinks fit. A member who is placed on the Register has an obligation to inform the District Secretary immediately upon recommencing work or obtaining employment. When a member has informed the District Secretary of such a change of circumstances he or she shall be removed from the Register.
- (iv) Resignations
- (a) A member may resign from membership of the Union by written notice delivered to the District Secretary;
- (b) A notice of resignation from membership takes effect:
- (i) Where the member ceases to be eligible to become a member of the Union;
- (1) on the day on which the notice is received by the District Branch; or
- (2) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member; or
- (3) in the case of a member who pays by weekly instalment, on the last day of effect of the member's last fee payment to the District Branch;
- whichever is the later; or
- (ii) In any other case:
- (1) at the end of 14 days after the notice is received by the District Branch; or
- (2) on the day specified in the notice;
- whichever is the later.

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- (c) Any dues payable but not paid by a former member in relation to a period before the member's resignation took effect, may be sued for and recovered in the name of the District Branch, in a Court of competent jurisdiction as a debt due to the District Branch.
 - (d) A notice delivered to the District Secretary shall be taken to have been received by the District Branch when it was delivered.
 - (e) A notice of resignation that has been received by the District Branch is not invalid because it was not addressed and delivered in accordance with sub-Rule (a) above.
 - (f) A resignation from membership is valid even if it is not effected in accordance with this Rule if the member is informed in writing by or on behalf of the District Branch that the resignation has been accepted.

6 – ENTITLED TO VOTE

Subject to Rule 5, the members entitled to vote on any matter shall be: all financial members working in the industries; all financial members unemployed or on sick or parental leave of absence; members registered according to Rule in the District Quarterly Register of Sick, Unemployed and Parental Leave Members.

7 – DISTRICT BRANCH CONVENTION

- (i) Elections
 - (a) There shall be a quadrennial meeting of representatives of the Queensland District Branch of Mining and Energy Union, called the Queensland District Branch Convention.
 - (b) The Convention shall be composed of one delegate from each Lodge in the District Branch, the District Branch Executive Officers, the District Branch Central Councillors and the members of the Board of Management.
 - (c) The District Branch Executive Officers, the District Branch Central Councillors and the members of the Board of Management shall be members of Convention ex officio.
 - (d) Lodge representatives to the Queensland District Branch Convention shall be nominated by each Lodge and shall be drawn from the members of the Lodge.
- (ii) Meetings
 - (a) District Branch Convention shall meet once in every four years and no later than six months after the Union's general election.
 - (b) All expenses of the Convention shall be met by the District Branch, excluding the expenses of the Lodge delegates.
 - (c) Standing Orders and the Code of Conduct for Convention shall be in accordance with the Standing Orders and Code of Conduct Policy of the District Branch as determined by the Board of Management.

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- (d) The Board of Management shall determine the dates on which Convention is to meet.
 - (e) Four months before Convention is to meet the District Secretary shall notify each Lodge Secretary in writing of the meeting of Convention and call for each Lodge to submit agenda items. The District Secretary shall allow at least two months for agenda items to be submitted. The District Secretary shall, one month before Convention meets, prepare an agenda and send a copy to Lodge secretaries and Lodge representatives to Convention. Convention shall have the right to accept further agenda items submitted during the course of Convention.
 - (f) The District President shall be the Chairperson of the Convention. The District Secretary shall act as Secretary to the Convention.
 - (g) Only Lodge representatives to Convention and the District Branch Executive Officers shall have a deliberative vote excepting the Chairperson who shall have a casting vote as well as a deliberative vote.
- (iii) Powers and Duties of Convention
- (a) Convention is an advisory body, and its resolutions have the status of non-binding recommendations.
 - (b) Convention has the right to consider and debate all matters of relevance to the District Branch, including policies, finances, Rules and other matters.
 - (c) All resolutions of Convention that are duly passed, shall be submitted as agenda items at the next scheduled Board of Management meeting of the District Branch after Convention is held. The Board of Management must consider the resolutions of Convention before any other substantive business is conducted. If approved by the Board of Management, the resolutions of Convention shall be put to a vote of members as per sub-Rule 8(iv).

8 – BOARD OF MANAGEMENT

- (i) Elections
- (a) The Queensland District Branch shall be controlled and directed by the Board of Management, (within the Queensland District Branch Rules generally referred to as “the Board of Management”) which is the Committee of Management of the Branch.
 - (b) The Board of Management shall be composed of the District President, District Senior Vice-President, District Secretary, District Central Councillors and representatives of Lodges and members elected on a Divisional basis. For the purposes of this Rule, members of the District Branch who are not members of a Lodge are referred to as “State Members”.
 - (c) Representation from the Lodges and State Members on the Board of Management shall be based on one representative per Division. The number of Divisions on the Board of Management shall be determined by the Board of Management at the Annual General meeting of the Board in the year preceding a General Election. There shall be no less than five Division based representatives on the Board of Management, unless the membership of the District Branch falls to below 2,000 members, in which case the Board of Management may determine to have a smaller number of Division representatives.

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- (d) The Board of Management shall allocate each Lodge and each State Member to a Division taking into account, as far as practical, the geographic location of Lodges, the industries and callings of members and the general aim of achieving an approximate parity of voting members in each Division. Nominations for a Division representative will be called from only those members allocated to that Division and the election will only be made by members allocated to that Division.
 - (e) Division representatives shall be elected every four years according to the Ballot Rules of the Union.
 - (f) Should any member of the Board of Management die or resign, or otherwise cease to be a member of the Board, the Division from which he or she was elected shall forthwith elect in her/his place another representative.

Until such an election is held the Board of Management shall have the power to appoint a member to fill the vacancy, provided however, that such representative so appointed shall hold office for the same period only as her/his predecessor could have done or until the Division shall elect another representative, and, in any event, for only so much of the unexpired part of the original period of office as does not exceed three quarters of the original period.

Any representative appointed under this sub-Rule shall have the right to nominate in the election for representatives from her/his Division next following her/his appointment as representative and to any other election of representatives.

- (g) When a new Lodge is formed the Board of Management shall allocate the Lodge to an existing Division. Provided that, in accordance with sub-Rules 8(i)(c) and (d) above, the Board may allocate the new Lodge to a different Division for the purposes of a General Election.
 - (h) A member eligible for election may only nominate for one (1) elected position at any time.
- (ii) Meetings
- (a) The Board of Management shall meet at least three times a year and in addition a meeting shall be held immediately upon the conclusion of District Convention in order to discuss and vote upon resolutions arising from the Convention. The Board of Management shall meet at such other times as the District Branch Executive may deem necessary. The Board of Management shall determine which of its meetings will be the Annual General Meeting.
 - (b) At least three Officers of the Board of Management, excluding the District Branch Executive Committee Officers and in addition at least two District Branch Executive Committee Officers must be present at each meeting of the Board to form a quorum.
 - (c) The District President, District Senior Vice-President, District Secretary, District Central Councillors and each of the Lodge representatives shall have a deliberative vote at any meeting of the Board. The District President shall in the event of the Board being equally divided on any question, be entitled to a casting vote. Every member of the Board of Management shall vote either for or against any proposition put to the meeting.

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- (d) Any officer or representative absenting himself or herself from any meeting of which s/he has been duly notified, by the District Secretary, in writing, at least seven days before the date of the meeting, without giving an explanation which is accepted by a majority of the members attending and voting at the next subsequent meeting of the Board, may be fined a sum not exceeding two hundred dollars as the Chairperson may direct.
 - (e) A special meeting of the Board of Management may be convened by a majority of the District Branch Executive, or upon written request to the District Secretary or District President to call such special meeting signed by at least one representative from each of at least three Divisions. Upon receipt of such a request, the District Secretary or the District President shall convene a meeting of the Board of Management.
 - (f) The District Secretary shall issue or cause to be issued to Board of Management members, a notice of the date of the Board of Management meeting at least fourteen days prior to the date of the meeting. S/He shall issue or cause to be issued an agenda paper to members of the Board at least fourteen days prior to the meeting of the Board of Management.
 - (g) Despite any other Rule of the District Branch a Board of Management meeting may be conducted by any method by which the members of the Board of Management, can communicate each with each other, including but not limited to some or all members of the Board of Management participating in the meeting by telephone, computer and/or audio-visual conferencing.
- (iii) Lodge Business
- (a) Any Lodge having business for the consideration of the District Branch, after having dealt with same locally, shall forward it to the District Secretary to be submitted to the next following meeting of the District Branch Executive or of the Board of Management.
 - (b) Each Lodge Secretary shall forward to the District Secretary within twenty-eight days from receiving same, or such other time as the Board may determine, the decision of her/his Lodge on any business that may be sent to it for its consideration by the District Branch Executive or Board of Management. The decision of any Lodge failing to comply with this Rules shall be null and void.
 - (c) The District Branch Executive or the Board of Management may, upon requisition from Lodges whose combined financial membership is not less than twenty per cent of the District Branch call a Board of Management meeting. The business to be done at such meetings shall be limited to that stated in the decision or requisition covering the meeting.
- (iv) Endorsement of Decisions
- (a) The minutes of the Board of Management, along with any matters that the Board of Management specifically requires to be considered (hereafter referred to as “Board Resolutions”) for endorsement or as required by the Union Rules shall be sent to the Lodges of the District Branch following a meeting of the Board of Management.

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- (b) The executive committee of each Lodge shall submit the Board Resolutions to meetings of the Lodge membership. The Lodge Secretary shall record the number of votes for and against each Board Resolutions. The Secretary shall send a return of the votes, signed and dated by her/him, to the District Secretary within the timeframe set by the District Secretary or such other time as the Board of Management shall direct.
- (c) The District Branch shall convene meetings of State Members to consider the Board of Management reports, and other Union business, along with any Board Resolutions requiring State Member consideration and endorsement. The meetings of State Members shall be chaired by an officer of the District Branch and shall be open to all State Members that are able to attend. There shall be no minimum quorum requirement in relation to a meeting of State Members and the officer shall record all votes by State Members attending, provided he or she is satisfied that the members are financial members of the District Branch. Meetings of State Members shall be conducted in accordance with the Standing Orders and Code of Conduct of the District Branch. The meetings of State Members shall be held, in various locations throughout the State of Queensland that the District President determines would best facilitate the participation of State Members. The District President shall also determine the best means of advertising the meeting of State Members.
- (d) A Board Resolution shall become the binding policy of the District Branch if an aggregate District majority of the members of the District Branch attending and voting at Lodge and State Member meetings which consider the Board Resolutions, vote in favour. For the avoidance of doubt, the failure of one or more Lodges to send to the District Secretary a return of votes within the specified time shall not invalidate the existence of an aggregate District majority achieved under this sub-Rule. That is, an aggregate majority is defined as a majority of those Lodge and State Members who voted and for whom returns were received within the specified time.
- (e) Notwithstanding the other paragraphs of this sub-Rule 8(iv) and/or for the avoidance of doubt, resolutions made by the Board of Management relating to any expenditure, donation or loan related to a specific Lodge does not have to be endorsed in accordance with this Rule where the expenditure, donation or loan was made at the request of a Lodge and utilises funds that have been otherwise allocated to that Lodge.
- (f) Notwithstanding the other paragraphs of this sub-Rule 8(iv), the presentation of the signed auditor's report, general purpose financial report and operating report of the District Branch to the Board of Management shall constitute, and be sufficient for, presentation for the purposes of section 266 of the *Fair Work (Registered Organisations) Act 2009*. Provided that if 5% of the members of the District Branch request a general meeting of the members, or a series of general meetings of the members, to consider the auditor's report, the general purpose financial report, and the operating report, such a meeting or meetings shall be called as soon as practicable following the request.
- (v) Voting other than at Meetings Assembled
- (a) If the District President or District Secretary considers it advisable to submit any matter, including the imposition of a levy or the alteration or rescission of a Rule, to a vote of the Board of Management at any time when it is not practical to call the Board of Management together, the District Secretary may submit a resolution dealing with the matter to the members of the Board of Management by any electronic means as determined by the Board of Management.

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- (b) The votes on such resolution shall be returnable to the District Secretary at such time as the District Secretary shall fix and shall be subject to the quorum requirements set out in sub-Rule 8(ii)(b). The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in a meeting of the Board of Management assembled.
 - (c) The matter shall be recorded in the minutes on the next Board of Management meeting held following the vote.

(vi) Powers and Duties of the Board of Management

The powers and duties of the Board of Management shall be as follows:

- (a) To promote the Objects of the District Branch and the Union.
- (b) To deal with any grievances arising at any of the Lodges or from members of the District Branch in relation to work, wages and conditions; to consider appeals for other Unions and transact the business of the Union.
- (c) To expend funds, acquire property, enter into loans and mortgages, make investment decisions and to generally make such financial decisions as are necessary and desirable in furtherance of the Objects of the District Branch and the Union.
- (d) To decide the industrial policies and priorities of the District Branch.
- (e) Subject to Union Rule 22, to hear any appeal from any Lodge or members thereof.
- (f) To make, impose, order and enforce any levy, fee or subscription, on all members of the District Branch.

No District Branch Funds or money are to be granted to any political organisation without first being submitted to and endorsed by the majority of members of the District Branch.

- (g) To inflict any fine on any member or Lodge.
- (h) Subject to Union Rule 22, to suspend or expel any member or Lodge of the Union, if such member or Lodge refuses to carry out the Rules of the Union or the District Branch, or to carry out any decision when instructed to do so by the Board of Management.
- (i) To receive and adopt or otherwise deal with the annual report and balance sheet of the District Branch.
- (j) To fix, reduce, increase or alter the salaries and allowances of all the officers of the District Branch.
- (k) To determine the number and location of District Vice-Presidents and to determine the number of Division representatives on the Board of Management and the apportionment of Lodges and State Members to those Divisions.
- (l) To reverse any decision of any Lodge, subject to sub-Rule 8(iv), and generally to do all acts, business or things which the Board of Management decides are proper for the achievement of the Objects established in Rule 3 of these Rules.

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- (m) To initiate any legal proceedings in any court or arbitral tribunal relating to any matter within the authority of the District Branch.
 - (n) To authorise the payment of any allowance, subsidy, grant or other sustenance to any member of the District Branch whose circumstances the Board of Management determines justify the granting of such sustenance.
 - (o) And generally to do all acts, matters and things that may appear to be in the best interests of the District Branch.

9 – DISTRICT BRANCH EXECUTIVE

(i) Executive Officers

- (a) The District Branch Executive shall consist of the District President, District Senior Vice-President, District Vice Presidents and District Secretary. The Board of Management shall determine the number and location of each District Vice-President for the purposes of the election of the District Vice-President/s taking into account the operational needs and financial position of the District Branch at the Annual General Meeting of the Board of Management in the calendar year before the General Election.
- (b) The Executive Officers shall be elected by the membership of the District Branch each four years according to the Ballot Rules of the Union. The Officers shall take office for a term of four years.
- (c) Each officer shall remain in office unless s/he resigns her/his position by writing delivered at least one month in advance of the intended date of resignation, or unless removed from office.
- (d) A person elected to office in the District Branch shall not be dismissed from office other than in accordance with Union Rule 22.
- (e) Where the Board of Management determines to fill any extraordinary vacancy which occurs in an Executive Officer position within the District Branch it shall be filled by the holding of an election in accordance with the Ballot Rules of the Division and the member so elected shall hold office for the remainder of the term for which the previous holder of the office was elected, provided that where the remainder of the term does not exceed:
 - (1) Twelve (12) months; or
 - (2) Three-quarters of the office;Whichever is the greater;

The Board of Management may appoint by resolution any eligible member of the District Branch to act in that office for the remainder of the term.
- (f) The executive officers shall remain financial members of the Mining and Energy Union and retain full membership rights of the Lodges of which they were members at the time of their election to District Branch Office.
- (g) Any member eligible for election may only nominate for one (1) elected position at any time.

(ii) Duties of Executive Officers

(a) The District President

The District President shall act in conjunction with the District Vice-Presidents and District Secretary in transacting the general business of the District Branch and, in the absence of the District Secretary, shall attend to the correspondence of the District Branch. The District President shall preside at all meetings of the Board of Management or meetings called by the District Branch, except where s/he is unavailable due to a genuine absence. The District President shall assist the District Secretary in the preparation of annual reports and accounts and arrange with the District Secretary for the attendance of either at important meetings of the Lodges. The District President shall act as advocate for the District Branch and ensure that the Rules are carried out in the Lodges. The District President shall receive for her/his services such remuneration as shall be agreed upon from time to time between her/himself and the Board of Management.

(b) The District Senior Vice-President

The District Senior Vice-President shall act in conjunction with the District President and District Secretary in transacting the general business of the District Branch. The District Senior Vice-President shall, in the absence of the District President, perform the duties of the District President, and on instruction of the District President, deputise for the District President. S/he shall receive for her/his services such remuneration as shall be agreed upon from time to time between s/he and the Board of Management.

(c) The District Vice-Presidents

The District Vice-Presidents shall act in conjunction with the District President, District Senior Vice-President and District Secretary in transacting the general business of the District Branch. The District Vice-Presidents shall, in the absence of the District President, and District Senior Vice-President perform the duties of the District President, and on instruction of the District President, deputise for the District President. They shall receive for their services such remuneration as shall be agreed upon from time to time between themselves and the Board of Management.

(d) The District Secretary

The District Secretary's duties shall be to keep separate accounts of all monies received or paid on account of every particular fund and to keep separate accounts of the expenses of management and of all contributions on account thereof; and with the assistance of the District President and District Senior Vice-President, prepare such financial statements and reports as may be required and submit them to the first Board of Management meeting after the end of the financial year. The District Secretary shall subsequently provide signed copies of such statements and reports and a signed copy of the auditor's report to members of the District Branch.

The District Secretary shall attend and shall be responsible for the recording and keeping of minutes of all Board of Management meetings except where the District Secretary is unavailable due to a genuine absence.

The District Secretary shall, with the District President and District Senior Vice-President, attend to all correspondence, watch the interests of the District Branch and do all in the District Secretary's power to advance the members' interests generally.

The District Secretary shall arrange with the District President for attendance of either at important meetings of the various Lodges, and also be empowered with the concurrence of the District President to call special Board of Management Meetings in all cases of emergency. The District Secretary shall be responsible to the Board of Management and shall receive such remuneration as shall be agreed upon from time to time between her/himself and the Board of Management.

(iii) Meetings of the District Branch Executive

- (a) The District President or District Secretary may convene a meeting of the District Branch Executive at any time by oral or written communication to the other members of the Executive.
- (b) A quorum of any meeting of the District Branch Executive shall be three.
- (c) The chairperson of any meeting of the District Branch Executive shall have a deliberative but not a casting vote.
- (d) Where matters are due to be decided by the District Branch Executive and an officer cannot be present, s/he may, if s/he wishes, record a vote by any electronic means as determined by the District Branch Executive. In such an event the decision of the majority shall be valid as had they assembled.
- (e) Despite any other Rule of the District Branch a District Executive meeting may be conducted by any method by which the members of the District Executive can communicate each with each other, including but not limited to some or all members of the Board of Management participating in the meeting by telephone, computer and/or audio-visual conferencing.

(iv) Powers of the District Branch Executive

The District Branch Executive shall, subject to the review of its actions by the next ensuing meeting of the Board of Management have the care, control, custody and superintendence, management and administration in all respects of the affairs, funds and property of the District. The powers of the District Branch Executive shall include the following:

- (a) To initiate, manage and control all actions, proceedings, industrial disputes and other matters and to appoint agents, solicitors or counsel to appear for any representation of the District Branch or any of its members in any Court or proceedings, legal or otherwise.
- (b) To engage such administrative and professional staff or other assistance that in its opinion are necessary for the proper carrying out of the business of the District Branch and to pay such wages, salaries and allowances, as it shall deem proper.
- (c) To exercise such other powers as may be conferred upon them by the Board of Management or by any Rule of the Union or of the District Branch.
- (d) To appoint Committees or Sub-Committees amongst the members of the District Branch for specific purposes of inquiry and report in respect of any matter that may involve the interests of the District Branch or any member thereof.
- (e) To submit such matters as may appear to it to be of sufficient importance to the Board of Management for decision.

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- (f) Industrial agreements may be made, entered into and executed and may from time to time be altered, varied, modified or cancelled by or on behalf of the District Branch by the District Branch Executive. Any industrial agreement made, entered into or executed, shall be signed by the District President, District Vice-President or District Secretary. All other documents shall be executed on behalf of the District Branch by the District Secretary, District President or District Vice-President.
 - (g) All acts of the District Branch Executive done in pursuance of the powers granted it by these Rules shall have full force and effect and be of full validity, notwithstanding anything in these Rules, unless such acts shall be reversed or altered or otherwise dealt with by the next ensuing meeting of the Board of Management.
 - (h) The District Branch Executive shall, prior to the sitting of any meeting of the Board of Management, prepare an agenda paper. The paper shall set out in such form as the District Branch Executive may decide the matters to be brought before the Board of Management for consideration, and a copy of such shall be sent to all members of the Board of Management seven days before the meeting.

(v) District Branch Administration Committee

There shall be a District Branch Administration Committee comprising the District President, District Senior Vice-President and District Secretary.

(vi) Powers of the District Branch Administration Committee

The District Branch Administration Committee shall, subject to the review of its decisions by the District Branch Executive and the next ensuing meeting of the Board of Management, have the following specific powers and responsibilities:

- (a) To demand and collect or cause to be collected all levies, subscriptions, fines, fees and dues payable by the members;
- (b) To demand, or cause to be made an audit of the accounts and records of the District Branch;
- (c) To incur all necessary accounts and expenditure for the proper upkeep of the District Branch and to pay all sums so incurred;
- (d) To demand, receive and keep possession of all accounts and records of the District Branch;
- (e) To incur all necessary accounts and expenditure for the proper upkeep of the District Branch and to pay all sums so incurred;
- (f) To exercise such other powers as may be conferred upon them by the Board of Management or by any Rule of the Union or of the District Branch;
- (g) To submit such matters as may appear to it to be of sufficient importance to the Board of Management for decision;
- (h) All acts of the District Branch Administration Committee done in pursuance of the powers granted it by these Rules shall have full force and effect and be of full validity, notwithstanding anything in these Rules, unless such acts shall be reversed or altered or otherwise dealt with by the next ensuing meeting of the Board of Management.

10 – ADDITIONAL OFFICERS

- (a) There shall be up to four District Union Inspectors and such number of District Branch Central Councillors as may be determined from time to time by Central Council in accordance with the Rules of the Union.
- (b) The District Union Inspectors shall be elected every four years by the members of the District Branch according to the Ballot Rules of the Union. The District Branch Central Councillors shall be elected every four years by the members of the District Branch according to the Ballot Rules of the Union. They shall hold office for a period of four years.
- (c) Subject to sub-Rule 10(a), the Board of Management shall determine the number and location of the District Union Inspectors for the purposes of the election of the District Union Inspectors taking into account the operational needs and financial position of the District Branch at the Annual General Meeting of the Board of Management in the calendar year before the General Election. The Board of Management shall determine whether the offices are full time or relief.
- (d) The District Union Inspectors shall be responsible to the District Branch Executive.
- (e) A relief District Union Inspector will only take up his or her statutory duties upon a decision of the Board of Management, or the District Branch Executive.
- (f) Each District Union Inspector shall be paid such remuneration as the Board of Management may determine from time to time.
- (g) The District Union Inspectors elected in accordance with these Rules shall, in conjunction with the local site safety and health representative elected by the employees working at the coal mine to be inspected, inspect the whole of the coal mines in Queensland and shall record the results of each inspection in a report maintained at the District Branch office. The District Union Inspectors shall provide general advice and guidance to members of the District Branch on matters relating to occupational health and safety.
- (h) The District Branch Central Councillors shall be part time officers of the District Branch whose duties shall be to attend meetings of the Central Council as elected representatives of the Queensland District Branch, to attend and address Lodges and other meetings of members at the direction of the Board of Management and to attend meetings of the Board of Management. The District Branch Councillors shall be responsible to the District Branch Executive and Board of Management.
- (i) The District Branch Central Councillors and District Union Inspectors elected in accordance with these Rules shall be subject to Rule 9(i)(d), (e) and (f) herein and the District Union Inspectors will be regarded as an officer.
- (j) A member eligible for election may only nominate for one (1) elected position at any time.

11 – FINANCE AND PROPERTY

- (i) The District Branch Assets shall consist of:
 - (a) Any real or personal property of which the District Branch by the Rules or by any established practice not inconsistent with the Rules, has, or in the absence of any limited term, lease, bailment or arrangement, would have, the right of custody, control or management.
 - (b) Any entrance fees, subscriptions, fines, fees, or levies received by the District Branch, less so much of these amounts as is payable by the District Branch to the National Office.
 - (c) Any interest, rents, dividends or other income derived from the investment of the funds of the District Branch.
 - (d) Any sick pay fund, accident pay fund, funeral fund, benefit fund, mortuary benefit fund, legal and assistance fund, or like fund operated or controlled by the District Branch for the benefit of its members;
 - (e) Any other asset purchased or acquired by the District Branch and any income derived from such asset.
 - (f) Any proceeds of any disposal of parts of the above.
 - (g) Any other funds received by the District Branch.
 - (h) All Lodge property and funds, as detailed by these District Branch Rules.

- (ii) District Executive Control

Subject to the control of the Board of Management the property and funds of the District Branch shall be under the control of the District Branch Administration Committee.

- (iii) Use of Funds

- (a) The funds of the District Branch shall be applied and/or invested as follows: in such lawful manner as the Board of Management may decide, including, without limiting the generality of this sub-clause, deposit on current account or fixed deposit with any Bank or Financial Institution carrying on business within or outside the Commonwealth of Australia, the mortgage of real or personal estate whether situated within or outside the Commonwealth, the subscription for or purchase of shares in any Company registered and carrying on business in any State of the Commonwealth or elsewhere. Funds so applied shall only be realised on the authority of the District Branch Administration Committee or on the authority of the Board of Management.
- (b) Monies shall be drawn from the funds of the District Branch by cheque signed by, or by electronic means authorised by, either two of the three District Branch Administration Committee officers, or by one of the three District Branch Administration Committee Officers and a member of the District Office staff authorised by the Board of Management.

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- (c) Loans, grants and donations of any amount exceeding \$1,000 shall not be made by the District Branch unless the Board of Management has satisfied itself that the making of the loan, grant or donation is in accordance with the Rules of the District Branch and that, in relation to a loan, that in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory. Loans, grants and donations of an amount exceeding \$1,000 shall not be made unless approved by the Board of Management.
 - (d) Notwithstanding sub-Rule (c) above, the District Secretary may make a loan, grant or donation of an amount not exceeding \$3,000 to a member of the organisation if the loan, grant or donation:
 - (A) was first approved by the District Branch Administration Committee;
 - (B) is for the purpose of relieving the member or any of the member's dependents from severe financial hardship; and
 - (C) is subject to a condition to the effect that, if the Board of Management, at the next meeting of the Board of Management, does not approve the loan, grant or donation, it must be repaid as determined by the Board of Management.
 - (e) In considering whether to approve a loan, grant or donation made in accordance with this sub-Rule (d), the Board of Management must have regard to:
 - (A) whether the loan, grant or donation was made under the Rules of the organisation; and
 - (B) in the case of a loan:
 - (i) whether the security (if any) given for the repayment of the loan is adequate; and
 - (ii) whether the arrangements for the repayment of the loan are satisfactory.

(iv) Accounts and Records

The District Secretary shall keep or cause to be kept all accounts, records and papers which may be required by law, necessary to the preparation of any return or statement required by law, necessary for the information of the auditor or which may otherwise be required by these Rules or by the Board of Management.

(v) Financial Year

The financial year for the accounting purposes of the District Branch shall end at 30 June in each year.

(vi) Trustees

- (a) There shall be three Trustees. The Trustees shall be the District President, District Senior Vice-President and District Secretary. Trustees shall hold office for four years concurrently with the Executive Officers. The Trustees' office shall be subject to sub-Rules 9(i)(d), (e) and (f) above.

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- (b) The Trustees shall, under the direction of the Board of Management, prosecute, or, if more convenient, direct any officer to prosecute any member or other person suspected by them of any offence, legally punishable with reference to the affairs of the District Branch and they may themselves institute, or if more convenient, may direct any officer or officers to institute civil proceedings against any member or other person refusing to give up possession of any of the Union's or any District Branch property: or doing or neglecting to do any act so as to render himself or herself or themselves liable to proceedings in reference to the Division's affairs, or the affairs of the District Branch.
- (c) All funds, investments and other property of the District Branch shall be vested in the Trustees as joint tenants inter se and held by them in trust for the members of the District Branch.
- (d) The Trustees and/or the Board of Management shall without prejudice to any further power and duties conferred by these Rules and by statute be vested with all and every of the powers and duties with which Trustees may lawfully be vested. The Board of Management shall have all necessary powers with regard to the bringing or defending of any action, suit, prosecution or complaint in the name of the District Branch or authorise the Trustees to institute such proceedings.
- (f) The Trustees shall have power:
- (1) To receive monies or other property paid, delivered or conveyed to them as Trustees of the District Branch and to expend monies without distinction between capital and income.
 - (2) To invest, gift, donate sell, exchange or otherwise dispose of investments or other property of the District Branch and to deal with the funds of the District Branch including purchase or otherwise acquiring of property out of the funds of the District Branch.
 - (3) To lend and advance money or give credit to any person or corporation; to guarantee and give guarantees or indemnities for the payment of money or the performance of contracts or obligations by any person or corporation; to secure or undertake in any way the repayment of moneys lent or advance to or the liabilities incurred by any person or corporation: and otherwise to assist any person or corporation. This sub-Rule shall be subject to sub-Rule 11(iii)(c).
 - (4) To borrow or raise or secure the payment of money and to secure the same or the repayment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the District Branch in any way, and to purchase, redeem or pay off any such securities.
 - (5) To lease, licence, hire or otherwise give and acquire rights to use or occupy property of the District Branch and for the purposes of the District and to carry on any business of the District Branch.
 - (6) To call upon any Lodge Secretary to submit to the Trustees all documentation whether in the form of Contracts loans or otherwise together with full financial particulars and to render such further information as the Trustees may require from time to time relating to any activity or transaction be it Commercial or otherwise of any Lodge which may in the opinion of the Trustees contravene Rule 12(iii)(g) of these Rules or contrary to the Objects of the Branch as particularised in Rule 3 of these Rules.

(7) For the purposes of exercising a power listed above, the Trustees shall have all such powers ancillary or incidental to or conducive to the exercise of that power as they would have if they were exercising the listed power by employment of funds or in relation to property beneficially owned by them and were acting in a personal as against a fiduciary capacity. The powers conferred by this sub-Rule shall be in addition to such powers as are conferred upon Trustees by any law for the time being in force in Australia or any of its States or Territories (every one of which statutory powers the Trustees shall be deemed to have notwithstanding that the power is exercised outside Australia or the State or Territory under the law of which same is conferred) and shall not be construed to be limited or restricted to or by the statutory powers or so as to impose upon the Trustees any duties imposed by law upon Trustees exercising the statutory powers.

(8) The Trustees shall be fully and effectually indemnified out of the funds of the District Branch in respect of any personal liability incurred in a proper exercise of the powers given by this Rule or by law and shall not be liable to the District Branch or any of its members for loss incurred in a proper exercise of such powers.

(vii) Auditor

(a) An auditor appointed by the Board of Management shall audit the accounts in July of each year and see that the same are correctly kept in accordance with these Rules and the requirements of the law.

The auditor shall have power at any time to call for all books, records, papers, vouchers and documents belonging to the District Branch or any delegate, officer or committee thereof, so far as is necessary to the task of carrying out the audit. The auditor shall make a report of the audit to the Board of Management and shall sign an auditor's report at, or as soon as practicable after, the meeting of the Board of Management where the report is presented.

(b) The selection of an auditor and all other matters to do with the audit, shall be according to the requirements of the law affecting the accounting and auditing practices of organisations registered under the provisions of the *Fair Work (Registered Organisations) Act 2009* (or any successor legislation).

(viii) Seal

The Seal of the District Branch shall be held by the District Secretary and shall be used by the District Secretary for all purposes of the District Branch for which it may be required. The affixture of the seal to any instrument shall be attested under the name of the District Secretary and such other members of District Branch Executive as the District Branch Administration Committee may decide.

(ix) Registered Office

The registered office of the District Branch shall be the 2nd Floor, 61 Bowen Street, Spring Hill, or such other place as may be decided upon by the Board of Management from time to time.

(x) Access to Accounts and Records

Each member of the District Branch or person having an interest in the funds, shall, at all reasonable times, have access to the accounts and records both of the Lodge of which he is a member and of the District Branch.

- (xi) Travelling fares, wages and other expenses as prescribed from time to time shall be allowed to representatives to any other conference convened by the District Branch, Central Council and any other meeting or conference approved by the District Branch Executive or Board of Management and shall be defrayed by the Board of Management.

12 – LODGES

(i) Formation of Lodges

- (a) The District Branch Executive shall take whatever steps are necessary to establish Lodges of the District Branch at all workplaces in Queensland.
- (b) A Lodge is a local grouping of members, established to enable members to participate more effectively in the affairs of the District Branch and to give collective expression to the interests, concerns and views of the members who work in the Lodge.
- (c) Where there is no Lodge at a workplace or a new workplace has been commenced and the District Branch Executive, in consultation with the relevant members of the workplace, is of the opinion that a Lodge should be formed, the District Branch Executive shall announce, in whatever way is best suited to the circumstances of the workplace, that a meeting will be held of eligible workers for the purposes of forming a Lodge of the District Branch. The announcement shall state that officers of the Lodge will be elected at the foundation meeting.
- (d) The foundation meeting shall be chaired by a member of the District Branch Executive, by a member of the Board of Management or by a member of Central Council.
- (e) The foundation meeting shall be conducted according to the Standing Orders and Code of Conduct of the District Branch.
- (f) The foundation meeting shall elect a committee, officers and representatives as required by these Rules.

(ii) Management of Lodges

- (a) Each Lodge shall be managed by a Committee consisting of, as a minimum, the Lodge President and Lodge Secretary. Lodges shall agree by a majority vote of Lodge members to increase the number of members of the Lodge on the Committee if it is to be determined appropriate to the circumstances of the Lodge.
- (b) The Lodge President and Lodge Secretary positions shall be elected annually by means of an election conducted by the Lodge Returning Officer, provided that a longer term of office may be agreed by a majority vote of Lodge members. However, the term of office of Lodge Committee members shall not exceed four years. Any additional positions determined by the Lodge, as above, shall be elected in accordance with Lodge policies.

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- (c) The Lodge President shall preside at all meetings, except where s/he is unavailable due to a genuine absence and have both a deliberative and a casting vote.
 - (d) The majority of members of the Committee, including either the Lodge President or Lodge Secretary shall form a quorum.
 - (e) All Lodge meetings shall be conducted according to the Standing Orders and Code of Conduct Policy of the District Branch.
 - (f) Each Lodge shall have power to make by-laws and policies for its own guidance and control of its members. Such by-laws and policies shall not be in contravention of the Rules and policies of the Division or the District Branch and shall not become operative until submitted to and approved by the District Branch Executive.
 - (g) Notwithstanding sub-Rules (a) and (b) above, where a Lodge has not filled either the office of Lodge President or Lodge Secretary because no nominations were received for the office, a Lodge may have a Committee of either a Lodge President or Lodge Secretary. In such circumstances either the Lodge President or Lodge Secretary may perform the role of both offices. Where there is a Lodge Committee of only one person, any request for funds from the District Branch by the Lodge President or Lodge Secretary must be endorsed by another member of the Lodge.

(iii) Powers and Duties of Lodge President

Subject to the above, the Lodge President shall preside at all meetings and in conjunction with the Lodge Secretary ensure that the Rules of the Union, the District Branch and the Lodge are carried out. The Lodge President shall act as advocate and spokesman for the Lodge and generally act in the interests of the membership.

(iv) Powers and Duties of Lodge Secretary

The Lodge Secretary shall, in conjunction with the Lodge President ensure that the Rules of the Union, the District Branch and the Lodge are carried out. The Lodge Secretary shall be responsible for keeping the records of the Lodge including resolutions of Lodge meetings and a register of agreements made with the employer at the workplace.

(v) Powers and Duties of Lodge Committees

The Lodge Committee shall do whatever may be necessary to ensure that the health, lives and interests of their fellow workers are to the utmost protected.

Each member of the Lodge Committee shall, amongst his or her duties with respect to the Lodge, be a Delegate for members of the Lodge.

The Lodge Committee shall have power to strike a special levy to pay for Lodge expenses legitimately incurred in the conduct of Lodge business. Such special levy shall not be collected unless endorsed by a majority of members of the Lodge attending and voting at a meeting of the Lodge. The Committee of any Lodge, with the concurrence of such Lodge, may request that the Board of Management fine any member whose conduct has been or is inconsistent with the Rules of the Union or decisions of the Lodge reached by majority vote.

(vi) Financial

- (a) Subscriptions, fines, fees, dues and levies owed by Lodge members shall be paid to the District Secretary or to the person authorised by the District Secretary to receive such funds.
- (b) All accounts and property of the Lodge shall be held by the District Branch.

(vii) Strikes

- (a) No Lodge of this District Branch shall begin a strike before the Lodge's grievance has been considered by the Board of Management or the District Branch Executive.
- (b) In every case, before a strike is begun the District Branch Executive, in consultation with the Board of Management, shall offer to the employer or employees the option of settling the dispute by conciliatory means. If no settlement is reached by conciliation, the District Branch Executive in consultation with the Board of Management shall have free power to take whatever steps are necessary having regard to the Rules of the Union and the District Branch and the Commonwealth and State industrial laws.
- (c) No Lodge of the District Branch shall begin a strike unless a majority of Lodge members attending the voting at a meeting called to consider the question shall vote in favour of the strike.
- (d) The conduct of negotiations in any dispute shall be under the direction of the District Branch Executive and the Board of Management.
- (e) In the case of a strike conducted in accordance with these Rules, or a lockout by the employers, the District Branch Executive in consultation with the Board of Management shall have power to levy members of Lodges for support of the members on strike or locked out. Such levies shall not be collected unless endorsed by an aggregate District majority of members of the District Branch attending and voting at meetings called to consider the question.

(viii) Employees of Contractors and Contractor Lodges

- (a) Existing Lodges are encouraged to enrol and represent employees of contractors permanently based at the workplace covered by the Lodge. However, the decision to enrol or not enrol employees of contractors remains a prerogative of the Lodge. Lodges may enrol and represent employees of contractors subject to any reasonable qualifications the Lodge may decide. For example, the enrolment and representation of employees of contractors may be based on the preclusion of employees of contractors from voting on matters directly affecting only the employees of the mine operator and vice versa. The Board of Management or the District Branch Executive has the power to over-Rule any Lodge policy that imposes an unfair or unreasonable restriction on the rights of Lodge members who are employees of contractors.
- (b) Subject to the approval of the District Branch Executive, or the Board of Management, employees of contractors may form Lodges specific to their contractor employer. Such a Lodge may be confined to a specific workplace or geographic location; or alternatively may cover more than one workplace at which the contractor operates. In deciding whether to approve or not approve the formation of such a Lodge, the District Branch Executive or Board of Management shall be guided by the objective of facilitating the greatest level of involvement of employees of contractors in the activities of the Union.

(ix) Closure or Merger of a Lodge

- (a) When a Lodge drops below the required number of members to form a Lodge Committee in accordance with the Rules, they shall automatically be attached to the District Branch.
- (b) In the event of a total closure of a Lodge all assets will become the property of the District Branch and will be placed in the Legal and Assistance fund once all liabilities of the Lodge have been extinguished. Similarly, if a Lodge proposes to merge with another Lodge due to the amalgamation of workplaces or for other good reason, the District Branch Executive or the Board of Management shall approve such merger, provided it is not against the best interests of members.
- (c) Any decision to merge or dissolve an existing Lodge can only occur after a resolution of the Board of Management approving such merger.

13 – ALTERATIONS TO RULES

- (i) Proposed new District Rules may be made and any of the Rules of the District Branch may be altered, amended, added to or rescinded upon an examination and a report being received from the District Secretary.
- (ii) The report of the District Secretary shall be discussed by the Board of Management and the proposed Rules change submitted for approval by a majority of the members present and voting at that meeting of the Board of Management and then submitted for the approval of the membership in the same manner as other Board Resolutions.

14 – DISSOLUTION OF THE DISTRICT BRANCH

While seven financial members remain in the District, the Branch shall not be dissolved. Should the number of members at any time fall below seven, the District Branch shall be dissolved. In the event of a dissolution, all monies, after payment of all just debts, shall be held on trust by the Central Council in a separate fund until such time as a new District Branch containing seven or more members can be formed.

15 – MORTUARY BENEFIT FUND

- (i) There shall be a fund established by the District Branch known as the Mortuary Benefit Fund.
- (ii) The Rules governing the operation of the Mortuary Benefit Fund shall be established by the Board of Management and may be varied from time to time.
- (iii) In between meetings of the Board of Management, decisions concerning disbursements from the Mortuary Benefit Fund shall be made by the District Branch Administration Committee.
- (iv) The disbursements from the Mortuary Benefit Fund shall be reported to the Board of Management and shall be included in the District Branch's financial reports.

16 – LEGAL AND ASSISTANCE FUND

- (i) There shall be a fund established by the District Branch known as the Legal and Assistance Fund.
- (ii) The Rules governing the operation of the Legal and Assistance Fund shall be established by the Board of Management and may be varied from time to time.
- (iii) In between meetings of the Board of Management, decisions concerning disbursements from the Legal and Assistance Fund shall be made by the District Branch Administration Committee.
- (iv) The disbursements from the Legal and Assistance Fund shall be reported to the Board of Management and shall be included in the District Branch's financial reports.

17 – STANDING ORDERS AND CODE OF CONDUCT

Standing orders and code of conduct for all meetings of the District Branch shall be determined by the Board of Management and contained in the policies of the District Branch.

18– RETIRED MEMBERS

- (i) Any member contributing dues to the District Branch for five years and over, in the event of ceasing work through old age or infirmity shall be exempt from the payment of subscriptions, levies and fines and may still remain a member of the District Branch but will not be allowed to vote in Union ballots or any other voting process.
- (ii) The District Branch supports the formation of an Association of retired members in the District.
- (iii) In accordance with Union Rules, an Association of retired members requires approval by Central Council in order to obtain official recognition under the Rules of the Union and District Branch. The District Executive will assist any bona fide attempt to establish an Association of Retired Members of the Queensland District Branch.

TASMANIAN DISTRICT BRANCH

1 – NAME

The name of the District Branch shall be the Mining and Energy Union, Tasmanian Branch (hereinafter referred to as the District Branch).

2 – MEMBERSHIP OF THE DISTRICT BRANCH

The District Branch shall be composed of an unlimited number of persons otherwise eligible for membership of the Union, who work in Tasmania District and;

- (A) are engaged in or in connection with the Coal and Shale Industry,
- (B) are engaged in or in connection with the Mining or Exploration Industries,
- (C) are engaged as employees or as employees of contractors, in or in connection with the following industries;
 - (a) power generation, co-generation, transmission and distribution;
 - (b) oil;
 - (c) gas;
 - (d) nuclear; and
 - (e) chemical production
- (D) have been elected or appointed as have been elected or appointed as paid officers of the District Branch or whilst financial members of the District Branch are elected as representatives of any working class organisation to which the District Branch or the Union is affiliated, or as a working class member of parliament.

3 – OBJECTS

The Objects of the District Branch, in association with the Objects of the Union shall be to endeavour by all lawful means as follows:

- (a) To improve the conditions and protect the interests of the members by increasing the proportionate share of the value created by the workers which is paid back to them as wages and endeavouring to educate and organise for the complete abolition of the present wage system and the substitution therefore of the common ownership of the means of production, distribution and exchange.
- (b) To discuss, consider, and put into force when approved, any scheme for the guidance and advancement of industrial unionism in the industries of Australia.
- (c) To prevent, if possible, by conference or otherwise, any threatened cessation of work, and to endeavour by conciliatory measure to uphold the Rules of the District Branch, failing which, to provide ways and means for the support of members involved.

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- (d) To prevent illegal and improper stoppages of members' wages at the pay office.
 - (e) To provide for more efficient inspection of mines of the State and to take any legal steps which the District Branch may consider necessary to ensure the maximum safety and health for its members.
 - (f) From time to time raise funds for the purpose of applying and/or investing the same in any manner authorised by the Rules of the District Branch.
 - (g) To obtain legislative enactments whereby the lives and health of the members may be preserved and if necessary, to take steps to obtain compensation for accidents where the employer is liable.
 - (h) To obtain legislative enactments for the more efficient management and inspection of Mines.
 - (i) To secure the prices and/or wages for which members may at all times contract and to prevent illegal stoppages of wages at pay offices.
 - (j) To provide an allowance for the support of members who may be deemed unjustly dealt with and to provide benefits for dependents of members who die from any cause.
 - (l) To carry on or participate directly or indirectly and alone or with others in the carrying on of any mining or prospecting operation and related activities thereto.
 - (m) To take, subscribe for or otherwise acquire and hold any interest or shares, debentures, stock or other security of any company or trust or acquire any interest in any company or trust to achieve the furtherance of any of the objects of the District Branch.
 - (n) To raise funds whether by loan or otherwise for all or any of the objects of the District Branch and to invest such funds in such manner as the District Branch shall see fit.
 - (o) To purchase, take on lease or in exchange, hire and otherwise acquire and sell any real and personal property and any rights or privileges which may be necessary or convenient for the furtherance of any of the objects of the District Branch.
 - (p) To support bona fide charitable and other worthy causes consistent with the interests of members of the Union. Such support may include, but is not limited to, donations to community groups, relief funds, individual and other humanitarian, environmental, social or similar causes.
 - (q) Generally to do all acts, matters and things that may appear to be in the best interests of members.
 - (r) To do any other act or thing to achieve or further the objects of the District Branch.

4 – MEANS

For the purpose of carrying out all or any of the Objects of the District Branch and the Union and subject to any specific Rules relating to the raising of funds, financial decisions or governance more generally:

- (i) funds may be raised by entrance fees, subscriptions, donations, levies, contributions, dues and loans; and
- (ii) any other financial decisions may be taken as are necessary and/or desirable, including but not limited to with respect to acquiring and disposing of property and other investments.

5 – MEMBERSHIP

(i) Applications

- (a) A candidate for membership of the District Branch shall apply for membership to the State Executive Officer, in writing on the form prescribed and supplied by the District Branch for that purpose.
- (b) Subject to Rule 5(i)(d), a candidate for membership shall be deemed to be a member of the District Branch from the date of the day of receipt of the membership application form by the State Executive Officer.
- (c) Notwithstanding anything hereinbefore contained, the State Executive Officer may refer any membership application to the District Branch Board of Management. In such a case a candidate shall not become a member until the District Branch Board of Management has approved the application and the State Executive Officer has notified the candidate to that effect in writing. The candidate in such a case shall be a member of the District Branch from the date of the day of the State Executive Officer's letter of notification to the candidate. Where the District Branch Board of Management or the State Executive Officer decides against the admission to membership of a candidate, the candidate shall have a right of appeal to Central Council. Where the Central Council decides to admit the candidate to membership the candidate shall be a member of the Union from the date of the day of the Central Council's decision.
- (d) When a candidate is admitted to membership of the District Branch, the new member's name, address and date of admission shall be entered in:
 - (1) a Lodge Register of Members, which shall be kept by the Lodge Secretary or by the State Executive Officer on behalf of the Lodge;
 - (2) a District Register of Members, which shall be kept by the State Executive Officer; and
 - (3) the Register of Members, which shall be kept by the District Branch for the Union.
- (e) Membership of the District Branch shall be subject to compliance with sub-Rules 5(ii) and 5(iii) of the District Branch Rules.
- (f) The District Branch shall inform each candidate for membership, in writing, of:
 - A. The financial obligations arising from membership; and
 - B. The circumstances and the manner in which a member may resign from the District Branch.

(ii) Subscription and Fees

- (a) Every member shall pay such fines, fees, levies and subscriptions as may be prescribed or imposed from time to time according to the Rules.

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- (b) There may be an entrance fee payable by a candidate for membership of the District Branch on the member's admission to membership. The entrance fee shall be determined by the District Branch Board of Management. Entrance fees shall be retained by the District Branch.
 - (c) Subscriptions, fines, fees and levies owing by a member of the District Branch shall be paid to the State Executive Officer or to a person authorised by the State Executive Officer. It is the responsibility of each member, and no other person, to ensure that the member remains financial in accordance with these Rules.
 - (d) Payment of subscriptions, fines, levies, fees and dues can be made by the member authorising one (1) of the following methods:
 - (i) payroll deduction scheme; or
 - (ii) electronic funds transfer; or
 - (iii) other direct payment by the member.

A member who elects to pay subscriptions, fines, levies, fees and dues in accordance with this Sub-Rule shall be deemed financial from the date of authorising such deduction provided the member owed no arrears in subscriptions, fines, levies, fees and dues prior to authorising the deduction.

- (e) Subject to sub-Rule 5(iii) any member owing subscriptions, fines, fees or levies or any of them for more than fourteen days from when they become due shall be deemed unfinancial and shall not be entitled to any of the privileges of membership, including the right to vote, and seniority rights, and shall be liable to be sued for the recovery of amounts owed to the District Branch.
- (f) No member who has left the industry without paying all fines, fees, levies and subscriptions due by them shall become a financial member again until their case has been considered by the District Branch Board of Management and permission has been given by the District Board of Management for the member to regain financial status.
- (g) Any member deemed unfinancial under sub-Rule 5(ii)(d) shall be deemed to have become a financial member of the District Branch again from the date of the completion of payment by them of all amounts owing to the District Branch. Continuity of membership and lodge seniority may be restored by a decision of the District Branch Board of Management from the date of completion of payment of all sums owing to the District Branch. However, if a member has become unfinancial as a result of extenuating circumstances outside of the member's control, they may deem the member to be entitled to the privileges of membership, other than the right to vote on any matter, if the District Executive approves a repayment plan for all subscriptions, fines, fees and levies owed. If such a plan is approved, then the member shall be deemed financial from the date of such approval.
- (h) A member's payment becomes due in relation to sub-Rule 5(ii)(d) on the following basis:
 - (i) for the ongoing payroll deduction scheme where the members employer transfers payment of subscriptions, fines, levies, fees and dues from the members wages, and with such transfer being paid preferably monthly, but no greater than three (3) monthly.

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- (ii) for the ongoing electronic funds transfer on a monthly basis or as otherwise set by the District Branch.
 - (iii) for other direct payments by the member on a monthly basis or as otherwise set by the District Branch.
- (i) The District Branch Secretary shall notify the member in writing of the failure to remain financial, and unless the member pays all outstanding subscriptions, fines, levies, fees and dues within twenty-eight (28) days of the date of the notice, the member shall continue to remain unfinancial until all subscriptions, fines, levies, fees and dues due in accordance with this sub-Rule have been paid. Sub-Rule 5(ii)(e) shall apply to the member for the period that the member remains unfinancial.
 - (j) Union membership subscriptions shall be set by Annual Central Council of the Union and shall be payable for fifty-two weeks per year.
 - (h) Employees otherwise eligible to join the District Branch and under eighteen years of age and not in receipt of adult wages shall pay half subscriptions, fees and levies.
 - (i) Members paying half subscriptions may receive half financial benefits provided that they may if they so desire pay full subscriptions, fees and levies and shall then be entitled to full financial benefits.
 - (j) Any member being sick or out of employment in any pay period and not in receipt for that pay period of the equivalent of award wages, or other amounts which may be determined from time to time by the District Branch Board of Management, shall be exempt from the payment of subscriptions, fees or levies for the pay period.
 - (k) Members on compensation shall pay subscriptions as if at work, however, members receiving statutory workers compensation for permanent and total incapacity shall be exempt from paying subscriptions, fees and levies.
 - (l) District Branch subscriptions shall be at a rate to be determined by the District Branch Board of Management.
- (iii) Sick and Unemployed Members
 - (a) Any member registered in accordance with this Rule as an unemployed member and/or member on sick leave of absence, shall be entitled to the privileges of membership and shall be entitled to vote on all matters affecting the District Branch excepting upon any matter upon which any decision might be made which would or might involve the District Branch in the declaration of a strike or in a stoppage of work or in the making of a levy or levies upon the members of the Union.
 - (b) Any member unable to pay subscriptions, fines, fees or levies by reason of them being unemployed and/or on sick leave of absence and wishing to retain the rights and privileges conferred on them by these Rules other than the right to vote, shall be registered at least once in every quarter in the District Quarterly Register of Unemployed and Sick Members.

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- (c) An unemployed or sick member may apply, in writing, to the State Executive Officer for registration in the District Quarterly Register of Unemployed and Sick Members. The application to the State Executive Officer shall be signed by the member and his signature witnessed by a member of the District Branch. The application shall also, if the applicant is a member of a Lodge, include the name of the Lodge of which the applicant is a member.

The State Executive Officer shall submit all applications to the District Branch Board of Management to be considered and approved or not approved. Where an application is approved the State Executive Officer shall cause the applicant's name and address and the date of approval of the application by the District Branch Board of Management to be entered in a register, or electronic record, to be called the District Quarterly Register of Unemployed and Sick Members. The applicant shall then be duly registered for a period of three months from the approval of his application. The District Branch Board of Management shall have the power to remove the name of any member from the Register for any reason it thinks fit or may at the same time or at any other time prescribe a period for which the member shall be ineligible for registration in the register.

- (d) The State Executive Officer shall cause once in each quarter a list of the names and addresses of members registered as unemployed or sick to be submitted to the District Branch Board of Management for consideration. Continuation of the registration of a member as an unemployed or sick member shall be at the discretion of the District Branch Board of Management.

(iv) Resignations

- (a) A member may resign from membership of the Union by written notice addressed and delivered to the State Executive Officer, or a person authorised by the State Executive Officer to receive resignations.

- (b) A notice of resignation from membership takes effect:

- (i) Where the member ceases to be eligible to become a member of the Union;

(A) on the day on which the notice is received by the District Branch; or

(B) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;

whichever is the later; or

- (ii) in any other case:

(A) at the end of 2 weeks after the notice is received by the District Branch;
or

(B) on the day specified in the notice;

whichever is the later.

- (c) Any dues payable but not paid by a former member in relation to a period before the member's resignation took effect, may be sued for and recovered in the name of the District Branch, in a Court of competent jurisdiction as a debt due to the District Branch.

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- (d) A notice delivered to the State Executive Officer shall be taken to have been received by the District Branch when it was delivered.
 - (e) A notice of resignation that has been received by the District Branch is not invalid because it was not addressed and delivered in accordance with sub-Rule (a) above.
 - (f) A resignation from membership is valid even if it is not effected in accordance with this Rule if the member is informed in writing by or on behalf of the District Branch that the resignation has been accepted.

6 – ENTITLED TO VOTE

Subject to Rule 5, the members entitled to vote on any matter shall be, all financial members working in the industry, all financial members unemployed or on sick leave of absence, members registered according to Rule 5(iii) in the District Quarterly Register of Unemployed and Sick Members.

7 – BOARD OF MANAGEMENT

- (i) Elections
 - (a) The Committee of Management of the District Branch shall be the Tasmanian District Branch Board of Management.
 - (b) The District Branch Board of Management shall be composed of the State Executive Officer, Honorary District President, and such number of Lodge representative members as shall be determined from time to time by the District Branch.
 - (c) Lodge representative members shall be elected every four years according to the Ballot Rules of the Union from sub areas of the District Branch as shall be determined from time to time by the District Branch. The representatives elected shall take office in accordance with the Union Ballot Rule.
 - (d) Any extraordinary vacancy which occurs in an elected position within the District Branch shall be filled by the holding of an election in accordance with the Union Ballot Rule and the member so elected shall hold office for the remainder of the term for which the previous holder of the office was elected, provided that where the remainder of the term does not exceed:
 - (i) twelve months; or
 - (ii) three-quarters of the office, whichever is the greater;

the District Branch Board of Management, depending on the nature of the office, may appoint by resolution any eligible member of the District Branch to act in that office for the remainder of the term.

(ii) Meetings

- (a) The District Branch Board of Management shall meet at least two times a year. Unless the District Branch Board of Management determines otherwise, the first meeting shall be the Annual General Meeting. Meetings of the District Branch Board of Management may be conducted either in person or, in whole or in part, by members attending in accordance with sub-Rule (g) below.
- (b) Two-thirds of the members of the District Branch Board of Management shall form a quorum.
- (c) The State Executive Officer, Honorary District President and each of the Lodge representatives shall have a deliberative vote at any meeting of the District Branch Board of Management. The State Executive Officer, or in his or her absence, the Honorary District President, shall, in the event of the District Branch Board of Management being equally divided on any question, be entitled to a casting vote. Every member of the District Branch Board of Management shall vote either for or against any proposition put to the meeting.
- (d) Any officer or representative absenting himself from any meeting of which he has been duly notified, by the State Executive Officer, in writing, at least seven days before the date of the meeting, without giving an explanation which is accepted by a majority of the members attending and voting at the next subsequent meeting of the Board, may be fined a sum not exceeding two hundred dollars as the Chair may direct.
- (e) A meeting of the District Branch Board of Management may be convened by the State Executive Officer, or Honorary District President, or upon written request to the State Executive Officer or Honorary District President, to call such a meeting signed by at least one representative from each Lodge. Upon receipt of such a request the State Executive Officer or Honorary District President shall convene a meeting of the District Branch Board of Management.
- (f) The State Executive Officer shall issue or cause to be issued to District Branch Board of Management members a notice of the date of the District Branch Board of Management meeting and an agenda paper at least fourteen (14) days prior to the date of the meeting but no failure to notify will of itself vitiate a meeting.
- (g) Despite any other Rule of the District Branch a Board of Management meeting may be conducted by any method by which the members of the District Branch Board of Management, can communicate each with each other, including but not limited to some or all members of the Board of Management participating in the meeting by telephone, computer and/or audio-visual conferencing.

(iii) Lodge Business

- (a) Any Lodge having business for the consideration of the District Branch, after having dealt with same locally, shall forward it to the State Executive Officer or Honorary District President to be submitted to the next following meeting of the District Branch Board of Management.

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- (b) Each Lodge Secretary shall forward to the State Executive Officer or Honorary District President within twenty-eight days, or such other period as may be determined by the District Branch Board of Management, from receiving same, the decision of his Lodge on any business that may be sent to it for its consideration by the District Branch Board of Management. The decision of any Lodge failing to comply with this Rule shall be null and void.
- (iv) Endorsement of Decisions
- (a) The minutes of the District Branch Board of Management, along with any matters that the District Branch Board of Management specifically requires to be considered, hereafter referred to as “Board Resolutions”, for endorsement shall be sent to the Lodges following a meeting of the District Branch Board of Management.
- (b) The Executive Committee of each Lodge shall submit the confirmed resolutions of the Board to a meeting of the Lodge membership. The Secretary of each Lodge shall record the number of votes for and against each Board Resolution. The Secretary shall send a return of the votes, signed and dated by him to the State Executive Officer within six weeks of the date on which the State Executive Officer posted the District Branch Board of Management minutes to the Lodge.
- (c) A Board Resolution shall become the binding policy of the District Branch if an aggregate majority of the members of the District Branch attending and voting at Lodge meetings which consider the Board Resolution, vote in favour of the resolution.
- (d) This sub Rule is to be read subject to the provisions of Rule 12.
- (v) Powers and Duties of the District Branch Board of Management

The powers and duties of the District Branch Board of Management shall be as follows:

- (a) Subject to Union Rule 22, to hear any appeal from any Lodge or members thereof.
- (b) To consider the financial position of the Branch and transact any business that may be placed before them by the State Executive Officer.
- (c) To make, impose, order and enforce any levies, fines, fees or subscriptions on all members of the Branch not in conflict with the Rules of this District Branch or the Rules of the Union for any one or more of the objects set out in Rule 3 of these Rules.
- (d) To determine any matter or report referred to it by the State Executive Officer or by any Lodge or to settle any disputes internally and between Lodges. Reasonable notice of the time and place of the meeting shall be given to all parties involved, who shall be given an opportunity of being heard.
- (e) From time to time to alter, amend, rescind or make standing orders for the regulation of the conduct of the business and proceedings of this District Branch and of the Lodges of the District Branch.
- (f) To fix, reduce, increase or alter the salaries and allowances of the officers and employees of the District Branch.
- (g) To receive and adopt or otherwise deal with the Annual Report of the District Branch.

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- (h) Subject to Union Rule 12, to inflict any fine on any Lodge or member, such fine not to exceed one thousand dollars (\$1,000) on any Lodge or five hundred dollars (\$500) on any member.
 - (i) To have control of the management and publication of the Official Organ of the District Branch.
 - (j) And generally to do all acts, matters and things that may appear to be in the best interests of the District Branch.

8 – STATE EXECUTIVE OFFICER

(i) Office of State Executive Officer

- (a) The State Executive Officer shall be elected by the membership of the District Branch each four years according to the Union Ballot Rules. The State Executive Officer shall take office for a term of four years as from the first day of the month next following his/her election. For the avoidance of doubt, a member who holds the office of State Executive Officer, may nominate for election to another office within the District Branch however, a person may not hold the position of State Executive Officer and Honorary District President at the same time.
- (b) The State Executive Officer shall remain in office unless they resign their position by writing delivered to the District Branch Board of Management, or unless removed from office.
- (c) The State Executive Officer shall remain a financial member of the District Branch and shall retain full membership rights of the Lodge of which they were members at the time of their election to the District Branch Office. In the event of a State Executive Officer's Lodge closing the officer shall become a financial member of another lodge as directed by the District Branch Board of Management.
- (d) No member shall be eligible for any District Branch Office unless they have been a member continuously for at least 12 months prior to the closing date of nominations.

(ii) Office of State Executive Officer to be Left Vacant / Administration of District

If the Office of State Executive Officer is vacant at any time, the office shall not be filled unless there is a specific resolution of the District Branch Board of Management determining that the office should be filled. Where no person occupies the office of State Executive Officer, the powers and responsibilities of the office become the powers and responsibilities of the Honorary District President.

If the office of State Executive Officer and the office of Honorary District President are unfilled, the General Secretary of the Union may use the powers otherwise granted to the State Executive Officer, or the Honorary District President, to act as an administrator for the District Branch. The administration conducted by the General Secretary shall be subject to the Rules of the Union, the District Branch and the direction of the District Branch Board of Management. Where the General Secretary has the power of administrator, the General Secretary may convene, attend and/or address any District Branch Board of Management meeting however will not have a vote on the District Branch Board of Management.

(iii) Powers and Responsibilities of the State Executive Officer

The State Executive Officer shall, subject to the review of his/her actions by the next ensuing meeting of the District Branch Board of Management have the care, control, custody and superintendence, management and administration in all respects of the District Branch. The powers and responsibilities of the State Executive Officer shall include the following:

- (a) To keep a correct account of all monies received and expended, prepare a yearly Balance Sheet of same, copies of which shall be submitted to the members of the Branch through the Annual General Meeting of the District Branch Board of Management and to Lodge members through the Lodge Secretaries.
- (b) To cause to be kept a register of members of the District Branch, including to which respective Lodges members belong.
- (c) To attend and vote at all meetings of the District Branch Board of Management meetings. To preside over such meetings and take minutes of same or direct another Board Member to take minutes. In the case of equal voting at District Branch Board of Management meetings the State Executive Officer shall have the casting vote.
- (d) To attend to all correspondence, watch the interests of the members and advance the members' position generally.
- (e) To observe the Rules of the District Branch unless they are otherwise inconsistent with the Rules of the Union.
- (f) To as far as possible observe that the Rules are carried out by the District Branch Lodges and from time to time examine the books and accounts of the District Branch and generally keep themselves acquainted with the financial transactions of the District Branch.
- (g) To prepare and forward to the relevant statutory body all returns which may be required by law.
- (h) To consider and decide upon any application for membership.
- (i) To initiate, manage and control all actions, proceedings, industrial disputes and other matters and to appoint agents, solicitors or counsel to appear for and represent the District Branch or any of its members in any Court or proceedings, legal or otherwise.
- (j) To demand and collect or cause to be collected all levies, subscriptions, fines, fees and dues payable by all members.
- (k) To demand, receive and keep possession of all books and accounts of the District Branch.
- (l) To demand, or cause to be made, an audit of the books and accounts of the District Branch.
- (m) To engage any employees or other assistance that are necessary for the proper carrying on of the District Branch business and to pay such wages, salaries and allowances as it shall deem proper.

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- (n) To enter into and make any industrial agreements on behalf of the District Branch and its members subject to the instruction of the District Branch Board of Management and members in accordance with these Rules.
 - (o) To call the District Branch Board of Management together at any time necessary and to call aggregate meetings of the members of the Branch when necessary.
 - (p) To submit such matters as may appear to it to be of sufficient importance, to the District Branch Board of Management for decision or directly to the members of the District Branch for decision by Ballot.
 - (q) All acts of the State Executive Officer done in pursuance of the powers granted it by these Rules shall have full force and effect and be of full validity, notwithstanding anything in these Rules, until such acts shall be reversed or altered, or otherwise dealt with by the next ensuing meeting of the District Branch Board of Management.

9 – HONORARY DISTRICT PRESIDENT

- (i) Office of Honorary District President
 - (a) There shall be an office of Honorary District President in the Tasmanian District Branch (“the Honorary District President”).
 - (b) The office of Honorary District President shall be honorary and the person holding the office will not be entitled to receive a regular salary.
 - (c) The term of office of the Honorary District President shall be for 4 years in accordance with the Union Ballot Rules.
 - (d) Elections for the office of Honorary District President will be conducted in accordance with the Union Ballot Rules. The electorate for the office is the membership of the Tasmanian District Branch.
 - (e) Any candidate for the office of Honorary District President must be a financial member of the Tasmanian District Branch and have been a member of the District Branch for no less than 12 months.
- (ii) Powers and Responsibilities of the Honorary District President
 - (a) The Honorary President is a member of the District Branch Board of Management.
 - (b) If the State Executive Officer’s office is occupied, aside from his or her position on the District Branch Board of Management, the role of the Honorary District President is to assist the State Executive Officer.
 - (c) If the State Executive Officer’s office is vacant, or not filled, the Honorary District President shall assume the powers and the responsibilities of the office of State Executive Officer. For the avoidance of doubt, in such a circumstance:
 - (A) the Honorary District President exercises only the voting rights otherwise allocated to the State Executive Officer on the District Branch Board of Management; and

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- (B) the Honorary District President takes the place of the State Executive Officer on Central Council.
 - (d) For the purposes of fulfilling the responsibilities of the office, the Honorary District President may authorise, another person, or persons, to exercise any of his or her powers on his or her behalf, provided that:
 - (A) the Honorary District President maintains the power to direct the person or persons in the exercise of the powers;
 - (B) any authorisation is subject to any resolution of the District Branch Board of Management; and
 - (C) the Honorary District President cannot authorise another person to exercise any power with respect to voting on the District Branch Board of Management.

9A – DISTRICT BRANCH CENTRAL COUNCILLOR

- (a) There shall be such number of District Branch Central Councillors as are required by the Union Rules.
- (b) The duties of the District Branch Central Councillor shall be to attend meetings of the Central Council as the representative of the Tasmanian District Branch, to attend and address Lodges and other meetings of members at the direction of the District Branch Board of Management and to attend meetings of the District Branch Board of Management. The District Councillor shall be responsible to the District Branch Board of Management.
- (c) Where the Union's Rules require the District Branch to have one or more District Branch Central Councillors, the District Branch Central Councillor/s shall be elected in accordance with the Union Ballot Rules. The electorate for the office of District Branch Central Councillor is the membership of the District Branch. The term of office for the office of a District Branch Central Councillor is 4 years.

10 – FINANCE AND PROPERTY

- (i) The District Branch Fund shall consist of:
 - (a) Any real or personal property of which the District Branch by these Rules or by any established practice not inconsistent with the Rules, has, or in the absence of any limited term lease, bailment or arrangement, would have, the right of custody, control or management;
 - (b) The amounts of entrance fees, subscriptions, fines, fees or levies received by the District Branch, less so much of those amounts as is payable by the District Branch to the National Office;
 - (c) Any interest, rents or dividend derived from the investment of the Fund;
 - (d) Any superannuation or long service leave fund operated or controlled by the District Branch for the benefit of its officers or employees;

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- (e) Any sick pay fund, accident pay fund, funeral fund, benefit fund or like fund operated or controlled by the District Branch for the benefit of its members;
 - (f) Any property acquired wholly or mainly by expenditure of the moneys of the Fund or derived from other assets of the Fund; and
 - (g) The proceeds of any disposal of parts of the Fund.
 - (h) Any other funds received by the District Branch;
 - (i) All Lodge property and funds.

(ii) State Executive Officer Control

Subject to the control of the District Branch Board of Management, the property and funds of the District Branch shall be under the control of the State Executive Officer.

(iii) Use of Funds

- (a) The funds of the District Branch shall be applied and/or invested as follows: in such lawful manner as the District Branch Board of Management may decide, including, without limiting the generality of this sub-clause, deposit on current account or fixed deposit with any approved deposit taking institution carrying on business in the Commonwealth of Australia, the mortgage of real or personal estate situated in the Commonwealth, the subscription for or purchase of shares in any company registered and carrying on business in any State of the Commonwealth. Funds so applied shall only be realized on the authority of the State Executive Officer or on the authority of the District Branch Board of Management.
- (b) All monies shall be banked to the credit of the District Branch.
- (c) Monies shall be drawn from the funds of the District Branch by the State Executive Officer, or a person authorised by the State Executive Officer.
- (d) All fees, fines, contributions, levy and dues shall be banked to the credit of the District Branch without deduction.
- (e) All monies withdrawn from the funds shall be applied only to carrying out the Objects mentioned in Rule 3 of these District Branch Rules and to payments to the Union.
- (f) When levies are ordered to be collected in accordance with these Rules such levies shall be collected from members as ordered by the State Executive Officer or by the District Branch Board of Management.
- (g) Loans, grants and donations of any amount exceeding \$1,000 shall not be made by the District Branch unless the District Branch Board of Management has satisfied itself that the making of the loan, grant or donation is in accordance with the Rules of the District Branch and that, in relation to a loan, that in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory. Loans, grants and donations of an amount exceeding \$1,000 shall not be made unless approved by the District Branch Board of Management.

(iv) Books and Records

The State Executive Officer shall keep or cause to be kept all books, records and papers which may be required by law, necessary to the preparation of any return or statement required by law, necessary for the information of the auditor or which may otherwise be required by these Rules or by the District Branch Board of Management.

(v) Financial Year

The financial year for the accounting purposes of the District Branch shall end at 31 December in each year.

(vi) Auditor

(a) The District Branch Board of Management shall appoint an auditor.

(b) The auditor's duties shall be to audit the accounts at the end of the financial year or when required by the District Branch Board of Management. The signed auditor's report, general purpose financial report and operating report of the District Branch shall be presented to the District Branch Board of Management. The presentation to the District Branch Board of Management shall constitute, and be sufficient for, presentation for the purposes of section 266 of the *Fair Work (Registered Organisations) Act 2009*. Provided that if 5% of the members of the District Branch request a general meeting of the members, or a series of general meetings of the members, to consider the auditor's report, the general purpose financial report, and the operating report, such a meeting or meetings shall be called as soon as is practicable.

(c) A copy of the signed auditor's report, general purpose financial report and operating report of the District Branch shall be provided to the Tasmanian District Members in accordance with section 265 of the *Fair Work (Registered Organisations) Act 2009*.

(d) The selection of an auditor shall be according to the requirements of the law affecting the accounting and auditing practices of organizations registered under the provisions of the *Fair Work (Registered Organisations) Act 2009* (or any successor legislation).

(vii) Seal

The Seal of the District Branch shall be held by the State Executive Officer and shall be used for all purposes of the District Branch for which it may be required. The affixture of the seal to any instrument shall be attested under the name of the State Executive Officer or such other Board members as the District Branch Board of Management may decide.

(vii) Access to Books

Each member of the District Branch shall have access at all reasonable times, to the books of the Branch on applying to the State Executive Officer.

(ix) Person to Sue

The State Executive Officer shall be the person to sue or be sued for and on behalf of the District Branch.

(x) Political Funds

- (a) The District Branch Board of Management shall be empowered to recommend to the members of the Branch a voluntary payment per annum for a political fund. Monies derived from this source shall be paid into a fund which shall be used only for political purposes.
- (b) Contributions to the Political Fund shall not be a condition of admission to or of membership of the Branch. A member who does not contribute to this fund shall not be excluded from the benefits of the District Branch by reason of his failure to so contribute to the political fund. Only those members who contribute to the political fund shall be allowed to enjoy the privileges for which the fund is created.

(xi) Payment of Officers and Delegates

All Officers and Delegates when performing work for the District Branch shall be paid out of the funds of the District Branch such remuneration as may be determined from time to time by the District Branch Board of Management.

(xii) Fines

All fines for violation of the District Branch Rules shall be paid into the General Fund unless otherwise provided for.

(xiii) Registered Office

The registered office of the District Branch shall be 215-217 Clarence Street, Sydney, or such other place as may from time to time be determined by the District Branch Board of Management.

11 – LODGES

(i) Formation of Lodges

- (a) The State Executive Officer shall take whatever steps are necessary to establish Lodges of the District Branch at all workplaces in the District coming within the eligibility of the Union. A Lodge is a local grouping of members, established to enable members to participate more effectively in the affairs of the District Branch and to give collective expression to the interests, concerns and views of the members who work in the Lodge.
- (b) Where there is no Lodge at a workplace or where a new workplace has started work and the State Executive Officer is of the opinion that a Lodge should be formed, the State Executive Officer shall announce, in whatever way is best suited to the circumstances of the workplace, that a meeting will be held of eligible workers for the purposes of forming a Lodge of the District Branch. The announcement shall state that officers of the Lodge will be elected at the foundation meeting.
- (c) The foundation meeting shall be chaired by the State Executive Officer.
- (d) The foundation meeting shall be conducted according to the Standing Orders for District Branch Lodge meetings.
- (e) The foundation meeting shall elect a committee, officers and representatives as required by these Rules.

(ii) Management of Lodges

- (a) Each Lodge shall be managed by a Committee consisting of a Lodge President, Lodge Secretary and such other members as the Lodge shall determine from time to time.
- (b) The Committee shall be elected by the Lodge at least once every 4 years.
- (c) Two-thirds of the members of the Lodge Committee shall form a quorum.
- (d) All Lodge meetings shall be conducted according to the Standing Rules of the Union.
- (e) All members of the Lodge shall have equal voting power on all questions put to a meeting of the Lodge except that in the event of equal voting on any question the Chair shall have a casting vote.
- (f) Lodges shall meet at least quarterly, or otherwise as determined by the Lodge Committee.
- (g) Any member of a Lodge failing to attend a meeting of the Lodge may be fined ten dollars for each offence, but a member shall have the right to make an appeal for the remission of his fine at the next monthly meeting of his Lodge.
- (h) All meetings of Lodges shall be convened by Notice posted on the Lodge Notice Board or by such other means as may be convenient.
- (i) Any fine imposed on members for non-attendance at a meeting shall be paid before any appeal is entertained by the Lodge.
- (j) Fines for non-attendance shall be paid into the District Branch fund.
- (k) Lodges shall be empowered to exempt any member from attendance at Lodge meeting owing to infirmity or other reasonable cause.
- (l) Each Lodge shall have power to make By-laws for its own guidance and control of its members. Such By-laws shall not be in contravention of the Union Rules or the District Branch and shall not become operative until submitted to and approved by the District Branch Board of Management.

(iii) Powers and Duties of Lodge President

The Lodge President shall preside at all meetings and in conjunction with the Lodge Secretary, ensure that the Rules of the Union, the District Branch and the Lodge are carried out. The Lodge President shall act as advocate and spokesman for the Lodge and generally act in the interest of the membership.

(iv) Powers and Duties of Lodge Secretary

The Lodge Secretary shall, in conjunction with the Lodge President ensure that the Rules of the Union, the District Branch and Lodge are carried out. The Lodge Secretary shall be responsible for records of the Lodge including a minute book for recording resolutions of Lodge meetings and a register of agreements made with the employer.

Upon request, the District Branch shall provide each Lodge Secretary with the necessary information in which shall be enrolled the names of all members of the Lodge with an account of all monies received and expended to ascertain the financial status of the members of the Lodge.

When entering the names of members in the Lodge register the Lodge Secretary shall also enter the date and time when all new members start work.

Each Lodge Secretary shall produce the Lodge Books to the Branch Officers and District Branch Board of Management when called upon to do so.

All books, tickets and documents held by any Lodge Officers or members relating to the District Branch shall be the property of the District Branch and shall be surrendered to the State Executive Officer upon demand. Where a Lodge has closed the Lodge Secretary of such Lodge shall forward to the State Executive Officer all Branch and Lodge Books in the Lodge's possession.

Subject to Union Rule 22, if any Lodge Officer or member fails to comply with these Rules they may be expelled by the District Branch Board of Management.

The Lodge Secretary shall also produce the books for inspection when called upon by the majority of the Lodges of which he/she is Secretary.

The Lodge Secretary shall keep the Lodge Books in accordance with the system approved by the District Branch Board of Management.

(v) Duties of Lodge Committee

The Committee of each Lodge shall see that the health and lives of their fellow workers are protected to the utmost and shall deal with all matters as affecting the interest of the Lodge.

Each member of the Lodge Committee shall, amongst his or her duties with respect to the Lodge, be a Delegate for members of the Lodge.

(vi) Private Agreements

(a) No member of any Lodge in the Branch shall be permitted to enter into any private agreement with his employer without the sanction of the Lodge of which he is a member, and the Lodge shall be permitted to enter into any agreement with the employer without the sanction of the State Executive Officer and/or the District Branch Board of Management.

(vii) Members not to Work When mine is Idle

(a) When a mine is idle members of this Branch shall not enter the mine unless with the permission of the State Executive Officer or District Branch Board of Management.

(viii) Expulsion or Suspension of Lodges

This Rule is to be applied using the principles outlined in Union Rule 22:

(a) Any Lodge of this District Branch refusing to comply with the decision of the majority of the District Branch shall be suspended for a period of time or expelled from the District Branch and shall not be entitled to any benefits or privileges of the District Branch.

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- (b) In cases of suspension or expulsion the Lodge shall pay all arrears before being readmitted to the District Branch.
 - (c) Any Lodge expelled or suspended under this Rule shall have the right to appeal against the decision to the Central Council of the Union.
- (ix) Demand by Lodges for Dismissal of Officer

Subject to Union Rule 22, no Lodge shall send to the District Branch Board of Management a notice of motion asking for the resignation of a District Branch Officer unless some specific charge is laid against such Officer in writing and has been given the opportunity to attend the Lodge to vindicate themselves and no such motion shall be allowable unless at least fifty per cent of the Lodge are present or a ballot of the whole of the members of the Lodge has been taken.

12 – ALTERATION OF RULES

- (i) New District Branch Rules may be made and any of the Rules of the District Branch may be altered, amended added to or rescinded by the District Branch Board of Management.
- (ii) Proposed new Rules shall be examined and reported on by a Rules committee of members of the District Branch Board of Management appointed from time to time as the occasion arises by the District Branch Board of Management.
- (iii) The report of the Rules committee shall be discussed by the District Branch Board of Management and the proposed Rules changes submitted for approval by a majority of the members present and voting at that meeting of the District Branch Board of Management, provided that the provisions of Rule 7(iv) shall not apply in the application of this Rule.

WESTERN AUSTRALIAN DISTRICT BRANCH

1 – NAME

The name of the District Branch shall be the Mining and Energy Union, Western Australian District Branch (hereinafter referred to as the District Branch).

A reference to the "Union" shall be a reference to the Mining and Energy Union.

2 – MEMBERSHIP OF THE DISTRICT BRANCH

The District Branch shall consist of an unlimited number of employees, otherwise eligible for membership of the Union, who, work in Western Australia and;

- (A) are engaged in or in connection with the Coal and Shale Industry,
- (B) are engaged in or in connection with the Mining or Exploration Industries,
- (C) are engaged as employees or as employees of contractors, in or in connection with the following industries;
 - (a) power generation, co-generation, transmission and distribution;
 - (b) oil;
 - (c) gas;
 - (d) nuclear; and
 - (e) chemical production
- (D) have been elected or appointed as paid officers of the District Branch or whilst financial members of the District Branch are elected as representatives of any working class organisation to which the District Branch or the Union is affiliated, or as a working class member of parliament.

3 – OBJECTS

The Objects of the District Branch, in association with the Objects of the Union shall be to endeavour by all lawful means as follows:

- (a) To improve the conditions and protect the interests of the members by increasing the proportionate share of the value created by the workers which is paid back to them as wages and endeavouring to educate and organise for the complete abolition of the present wage system and the substitution therefore of the common ownership of the means of production, distribution and exchange.
- (b) To discuss, consider and, put into force when approved, any scheme for the guidance and advancement of industrial unionism in the industries of Australia.

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- (c) To prevent, if possible, by conference or otherwise, any threatened cessation of work, and to endeavour by conciliatory measure to uphold the Rules of the District Branch, failing which, to provide ways and means for the support of members involved.
 - (d) To prevent illegal and improper stoppages of members' wages at the pay office.
 - (e) To provide for more efficient inspection of the mines of the State and to take any legal steps which the District Branch may consider necessary to ensure the maximum safety, health and welfare for its members.
 - (f) From time to time raise funds for the purpose of applying and/or investing the same in any manner authorised by the Rules of the District Branch.
 - (g) To obtain legislative enactments whereby the lives, health and welfare of the members may be preserved and if necessary, to take steps to obtain compensation for accidents where the employer is liable.
 - (h) To obtain legislative enactments for the more efficient management and inspection of workplaces.
 - (i) To secure the prices and/or wages for which members may at all times contract and to prevent illegal stoppages of wages at pay offices.
 - (j) To provide an allowance for the support of members who may be deemed unjustly dealt with and to provide benefits for dependents of members who die from any cause.
 - (k) To carry on or participate directly or indirectly and alone or with others in the carrying on of any mining, power, energy or prospective operation and related activities thereto.
 - (l) To take, subscribe for or otherwise acquire and hold any interest or shares, debentures, stock or other security of any company or trust or acquire any interest in any company or trust to achieve the furtherance of any of the objects.
 - (m) To raise funds whether by loan or otherwise for all or any of the objects and to invest such funds in such manner as the District Branch or Union shall see fit.
 - (n) To purchase, take on lease or in exchange, hire and otherwise acquire and sell any real and personal property and any rights or privileges which may be necessary or convenient for the furtherance of any of the objects of the District Branch or Union.
 - (o) To support bona fide charitable and other worthy causes consistent with the interests of members of the District Branch or Union. Such support may include, but is not limited to, donations to community groups, relief funds, individual and other humanitarian, environmental, social or similar causes.
 - (p) Generally to do all acts, matters and things that may appear to be in the best interests of members.
 - (q) To do any act or things to achieve or further the objects of the District Branch and/or Union.

4 – MEANS

For the purpose of carrying out all or any of the Objects of the District Branch and the Union and subject to any specific Rules relating to the raising of funds, financial decisions or governance more generally:

- (i) funds may be raised by entrance fees, subscriptions, donations, levies, contributions, dues and loans; and
- (ii) any other financial decisions may be taken as are necessary and/or desirable, including but not limited to with respect to acquiring and disposing of property and other investments.

5 – MEMBERSHIP

(i) Applications

- (a) Any candidate for membership of the Union shall apply for membership to the District Secretary, in writing on the form prescribed and supplied for that purpose.
- (b) The District Secretary shall sign and date membership application forms on the day he or she receives them. Subject to Rule 5(i)(d), a candidate for membership shall be deemed to be a member from the date of the day of receipt of the membership application form by the District Secretary.
- (c) Notwithstanding anything hereinbefore contained the District Secretary may refer any membership application to the District Branch Board of Management. In such a case a candidate shall not become a member until the District Branch Board of Management has approved the application and the District Secretary has notified the candidate to that effect in writing. The candidate in such a case shall be a member of the Union from the date of the day of the District Secretary's letter of notification to the candidate. Where the District Branch Board of Management or the District Branch Secretary decides against the admission to membership of a candidate, the candidate shall have a right of appeal to Central Council.

Where the Central Council decides to admit the candidate to membership the candidate shall be a member from the date of the day of the Central Council's decision.

- (d) When a candidate is admitted to membership the new member's name, address and date of admission shall be: entered in a book to be called the Lodge Register of Members, which shall be kept by the Lodge Secretary; entered in a book to be called the District Register of Members, which shall be kept by the District Secretary; and entered in the Register of Members, which may be kept by the District Branch for the Union.
- (e) Membership shall be subject to compliance with sub-Rules 5(ii) and 5(iii) of these Rules.
- (f) The District Branch shall inform each candidate for membership, in writing, of:
 - A. The financial obligations arising from membership; and
 - B. The circumstances and the manner in which a member may resign.
- (g) Membership of the District Branch means membership of the Union.

(ii) Subscription and Fees

- (a) Every member shall pay such fines, fees, levies and subscriptions as may be prescribed or imposed from time to time according to the Rules.
- (b) There may be an entrance fee payable by a candidate for membership on his or her admission to membership. Any entrance fee shall be determined by the District Branch Board of Management. Entrance fees shall be retained by the District Branch.
- (c) Subscriptions, fines, fees and levies owing by a member shall be paid to the District Secretary or a person authorised by the District Secretary. It is the responsibility of each member, and no other person, to ensure that he or she remains financial in accordance with these Rules.
- (d) Payment of subscriptions, fines, levies, fees and dues can be made by the member authorising one (1) of the following methods:
 - (i) payroll deduction scheme; or
 - (ii) electronic funds transfer; or
 - (iii) other direct payment by the member.

A member who elects to pay subscriptions, fines, levies, fees and dues in accordance with this Sub-Rule shall be deemed financial from the date of authorising such deduction provided the member owed no arrears in subscriptions, fines, levies, fees and dues prior to authorising the deduction.

- (e) Subject to sub-Rule 5(iii) any member owing subscriptions, fines, fees or levies or any of them for more than fourteen days from when they became due shall be deemed unfinancial and not be entitled to any of the privileges of membership, including the right to vote, and shall be liable to be sued for the recovery of amounts owed to the District Branch.
- (f) No member who has left the industry without paying all fines, fees, levies and subscriptions due by him or her shall become a financial member again until his or her case has been considered by the District Branch Board of Management and permission has been given by the District Branch Board of Management for the member to regain financial status.
- (g) Any member deemed unfinancial under sub-Rule 5(ii)(e) shall be deemed to have become a financial member again from the date of the completion of payment by him or her of all amounts owing. However, if a member has become unfinancial as a result of extenuating circumstances outside of the member's control, they may deem the member to be entitled to the privileges of membership, other than the right to vote on any matter, if the District Executive approves a repayment plan for all subscriptions, fines, fees and levies owed. If such a plan is approved, then the member shall be deemed financial from the date of such approval.
- (h) A member's payment becomes due in relation to sub-Rule 5(ii)(d) on the following basis:
 - (i) for the ongoing payroll deduction scheme where the members employer transfers payment of subscriptions, fines, levies, fees and dues from the

members wages, and with such transfer being paid preferably monthly, but no greater than three (3) monthly.

- (ii) for the ongoing electronic funds transfer on a monthly basis or as otherwise set by the District Branch.
 - (iii) for other direct payments by the member on a monthly basis or as otherwise set by the District Branch.
- (i) Subject to sub-Rule 5(ii)(g), the District Branch Secretary shall notify the member in writing of the failure to remain financial, and unless the member pays all outstanding subscriptions, fines, levies, fees and dues within twenty-eight (28) days of the date of the notice, the member shall continue to remain unfinancial until all subscriptions, fines, levies, fees and dues due in accordance with this sub-Rule have been paid. Sub-Rule 5(ii)(e) shall apply to the member for the period that the member remains unfinancial.
 - (j) Union membership subscriptions shall be set by the Annual General Meeting of Central Council and shall be payable for fifty-two weeks per year.
 - (k) Employees otherwise eligible to join the Union and under eighteen years of age and not in receipt of adult wages shall pay half subscriptions, fees and levies.
 - (l) Members on compensation shall pay subscriptions as if at work, however, members receiving statutory workers compensation for permanent and total incapacity shall be exempt from paying subscriptions, fees and levies.
 - (m) District Branch subscriptions shall be at a rate to be determined by the Board of Management.
- (iii) Sick and Unemployed Members (including Members on Unpaid Parental Leave)
- (a) Any member registered in accordance with this Rule as an unemployed member and/or member on sick or unpaid parental leave of absence, shall be entitled to the privileges of membership and shall be entitled to vote on all matters affecting the Union excepting upon any matter upon which any decision might be made which would or might involve the declaration of a strike or in a stoppage of work or in the making of a levy or levies upon the members.
 - (b) Any member unable to pay subscriptions, fines, fees or levies by reason of the member being unemployed and/or on sick leave or unpaid parental leave and wishing to retain the rights and privileges conferred on the member by the Rules, shall be registered at least once in every quarter in the District Branch Quarterly Register of Unemployed and Sick Members.
 - (c) An unemployed or sick member, or a member on unpaid parental leave, may apply, in writing, to the Secretary of the Lodge of which he or she is a member for registration in the District Branch Quarterly Register of Unemployed and Sick Members. A member of a District Branch who is not also a member of a Lodge may apply for registration, in writing, to the District Secretary. The application to the Lodge or District Branch Secretary shall be signed by the member. The application shall also, if the applicant is a member of a Lodge, include the name of the Lodge of which the applicant is a member. The Lodge or District Branch Secretary shall sign and date the applications as they are received. Lodge Secretaries shall send all such applications to the District Branch Secretary immediately.

The District Branch Secretary shall submit all applications to the District Board of Management to be considered and approved or not approved. Where an application is approved the District Branch Secretary shall enter the applicant's name and address and the date of approval of the application by the District Committee of Management in a register to be called the District Branch Quarterly Register of Unemployed and Sick Members. The applicant shall then be duly registered for a period of three months from the approval of his application. The District Branch Board of Management shall have the power to remove the name of any member from the Register for any reason it thinks fit or may at the same time or at any other time prescribe a period for which the member shall be ineligible for registration in the register.

- (d) The District Branch Secretary shall once in each quarter submit a list of the names and addresses of members registered as unemployed, sick or on unpaid parent leave to the District Branch Board of Management for consideration. Continuation of the registration shall be at the discretion of the District Board of Management.

(iv) Resignations

- (a) A member may resign from membership of the Union by written notice addressed and delivered to the District Secretary or Lodge Secretary.
- (b) A notice of resignation from membership takes effect:
- (i) where the member ceases to be eligible to become a member;
- (A) on the day on which the notice is received by the Union; or
- (B) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member; whichever is the later; or
- (ii) in any other case:
- (A) at the end of three (3) months after the notice is received by the Union; or
- (B) on the day specified in the notice; whichever is the later.
- (c) Any dues payable but not by a former member in relation to a period before the member's resignation took effect, may be sued for and recovered in the name of the Union, in a court of competent jurisdiction as a debt due to the Union.
- (d) A notice delivered to the District Secretary or Lodge Secretary shall be taken to have been received by the Union when it was delivered.
- (e) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with sub-Rule (a) above.
- (f) A resignation from membership is valid even if it is not effected in accordance with this Rule if the member is informed in writing by or on behalf of the Union that the resignation has been accepted.

6 – ENTITLED TO VOTE

Subject to Rule 5, the members entitled to vote on any matter shall be, all financial members working in the industry, all financial members unemployed or on sick leave or unpaid parental leave, members registered according to Rule 5(iii)(c) in the District Branch Quarterly Register of Unemployed and Sick Members.

7 – BOARD OF MANAGEMENT

(i) Elections

- (a) The Committee of Management of the District Branch shall be the District Branch Board of Management.
- (b) The Board of Management shall be composed of the Branch Executive Officers, and four (4) Lodge representative members.
- (c) For the purpose of the election of the Vice-Presidents and the Lodge representative members, the District Branch shall be divided into a Northern and Southern region.

The Northern Region shall consist of that part of the State of Western Australia, north of the Tropic of Capricorn and the Southern Region shall consist of that part of the State of Western Australia south of the Tropic of Capricorn. Lodge representative members shall be elected every four (4) years according to the Ballot Rule of the Union as follows:

Northern Region - two (2) representatives

Southern Region - two (2) representatives

The representatives shall be nominated by and from and elected by the members assigned to the relevant region. The representatives elected shall take office from the first day of the month next following their election.

- (d) Any extraordinary vacancy which occurs in an elected position within the District Branch shall be filled by the holding of an election in accordance with the Ballot Rules of the Union and the members so elected shall hold office for the remainder of the term for which the previous holder of the office was elected, provided that where the remainder of the term does not exceed:
 - (i) twelve months; or
 - (ii) three-quarters of the office, whichever is the greater;

the District Branch Board of Management, depending on the nature of the office, may appoint by resolution any eligible member of the District Branch to act in that office for the remainder of the term.

(ii) Meetings

- (a) The Board of Management shall meet at least three times a year and at such place as may be determined by the Board. One meeting shall be held in March, one in July and one in December of each year. Unless otherwise determined by the Board of Management, the March meeting shall be the Annual General Meeting. The Board of Management shall meet at such other times as the District Branch Executive may deem necessary and may be conducted by telephone conference or any other form of communication that allows members of the Board of Management to communicate each with each other, including but not limited to some or all members of the Board of Management participating in the meeting by telephone, computer and/or audio-visual conferencing.
- (b) Two-thirds of the members of the Board of Management shall form a quorum.
- (c) The District President, District Secretary, District Vice-Presidents and each of the Lodge Representatives shall have a deliberative vote at any meeting of the Board of Management. The officer chairing the meeting shall, in the event of the Board of Management being equally divided on any question, be entitled to a casting vote. Every member of the Board of Management shall vote either for or against any proposition put to the meeting.
- (d) Any officer or representative absenting himself or herself from any meeting of which he or she has been duly notified, by the District Secretary, in writing, at least seven days before the date of the meeting without giving an explanation which is accepted by a majority of the members attending and voting at the next subsequent meeting of the Board of Management, may be fined a sum not exceeding two hundred dollars as the District President may direct.
- (e) A special meeting of the Board of Management may be convened by a majority of the Executive, or upon written request to either the District Secretary or the District President to call such special meeting signed by at least one representative from each Lodge. Upon receipt of such requests, either the District Secretary or District President shall convene a meeting of the Board of Management.
- (f) The District Secretary shall issue or cause to be issued to Board of Management members a notice of the date of the Board of Management meeting and an agenda paper at least fourteen (14) days prior to the date of the meeting but no failure to notify will of itself vitiate a meeting.
- (g) Electronic Voting Outside of Meetings
 - A. If the District President or District Secretary considers it advisable to submit any matter, including the imposition of a levy or the alteration or rescission of a Rule, to a vote of the Board of Management at any time when it is not practical to call the Board of Management together, the District Secretary may submit a resolution dealing with the matter to the members of the Board of Management by any electronic means.
 - B. The votes on such resolution shall be returnable to the District Secretary at such time as the District Secretary shall fix and shall be subject to the quorum requirements set out in sub-Rule 8(ii)(b). The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in a meeting of the Board of Management assembled.

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- C. The matter shall be recorded in the minutes on the next Board of Management meeting held following the vote.

(iii) Lodge Business

- (a) Any Lodge having business for the consideration of the District Branch, after having dealt with same locally, shall forward it to the District Secretary to be submitted to the next following meeting of the District Branch Executive or of the Board of Management.
- (b) Each Lodge Secretary shall forward to the District Secretary within twenty-eight days, or such other period as may be determined by the Board of Management, from receiving same, the decision of his or her Lodge on any business that may be sent to it for its consideration by the District Branch Executive or Board of Management. The decision of any Lodge failing to comply with this Rule shall be null and void.

(iv) Endorsement of Decisions

- (a) Copies of the minutes of the Board of Management shall be posted to the Lodges of the District Branch.
- (b) The Executive Committee of each Lodge shall submit the minutes and any resolutions of the Board of Management requiring endorsement to a meeting of the Lodge membership. The Secretary of each Lodge shall record the number of votes for and against each Board of Management resolution required to be considered for endorsement. The Secretary shall send a return of the votes, signed and dated by him or her to the District Secretary within six weeks of the date on which the District Secretary posted the Board minutes to the Lodge. Any failure of an Executive Committee to submit the minutes or of the Lodge Secretary to send a return of votes does not prevent an endorsement by other Lodges of the District Branch.
- (c) A resolution of the Board of Management shall be endorsed if an aggregate majority of the members of the District Branch attending and voting at Lodge meetings which consider the Board of Management resolutions, vote in favour of the resolution.
- (d) The following types of resolutions of the Board of Management must be endorsed by the members of the District Branch in the process described in this Rule:
- (1) A resolution the Board of Management determines should be sent to Lodges for endorsement;
 - (2) A resolution to form binding policy on members of the District Branch;
 - (3) A resolution to make, impose, order and enforce any levy on all members of the District Branch; and
 - (4) A resolution to penalise or dismiss an Officer of the District Branch.
- (d) This sub Rule is to be read subject to the provisions of Rule 13.

(v) Powers and Duties of the Board of Management

The powers and duties of the Board of Management shall be as follows:

- (a) To hear any appeal from any Lodge or members thereof.
- (b) To consider the financial position of the Branch and transact any business that may be placed before them by the Executive Officers.
- (c) To make, impose, order and enforce any levies, fines, fees or subscriptions on all members of the Branch not in conflict with the Rules of this District Branch or the Rules of the Union for any one or more of the objects set out in Rule 3 of these Rules.
- (d) To determine any matter of report referred to it by the Branch Executive or by any Lodge or to settle any disputes internally and between Lodges. Reasonable notice of the time and place of the meeting shall be given to all parties involved, who shall be given an opportunity of being heard.
- (e) From time to time to alter, amend, rescind or make standing orders for the regulation of the conduct of the business and proceedings of this District Branch and of the Lodges of the District Branch.
- (f) To fix, reduce, increase or alter the salaries and allowances of the officers and employees of the District Branch.
- (g) To receive and adopt or otherwise deal with the Annual Report of the District Branch.
- (h) Subject to Union Rule 22, to inflict any fine on any Lodge or member, such fine not to exceed one thousand dollars (\$1,000) on any Lodge or five hundred dollars (\$500) on any member.
- (i) To have control of the management and publication of the Official Organ of the Branch.
- (j) And generally to do all acts, matters and things that may appear to be in the best interests of the District Branch.

8 – DISTRICT BRANCH EXECUTIVE

(i) Executive Officers

- (a) The District Branch Executive shall consist of the District President, two District Vice-Presidents and the District Secretary.
- (b) The District President and the District Secretary shall be nominated by and elected from the whole membership of the District Branch, each four (4) years according to the Ballot Rules of the Union. The District President and the District Secretary shall take office for a term of four (4) years from the first day of the month next following their election.
- (c) One District Vice-President shall be nominated by and elected from the membership in the Northern Region and one District Vice-President shall be nominated by and elected from the membership of the Southern Region. The District Vice-Presidents shall be elected each four (4) years according to the Ballot Rule of the Union. The District

Vice-Presidents shall take office for a term of four (4) years from the first day of the month next following their election, or in accordance with Union Rule 22.

- (d) Each officer shall remain in office unless he or she resigns his position in writing delivered at least one month in advance of the intended due date of resignation, or unless removed from office in accordance with Union Rule 22.
- (e) The Executive Officers shall remain financial members of the District Branch, and shall retain full membership rights.
- (f) No member shall be eligible for any District Branch Office unless he or she has been a member continuously for at least 12 months prior to the closing date of nominations.
- (g) No member shall hold more than one District Branch Office at the same time.

(ii) Duties of Executive Officers

(a) The District President

The District President shall preside at all meetings of the District Branch Board of Management or meetings called by the District Branch. The District President shall cooperate with other District Branch Officers in carrying out the objects of the District Branch, and if necessary, in the absence of the District Secretary, act in his or her stead. The District President shall as far as possible, observe that the Rules are carried out by the District Branch Lodges. In the case of equal voting at Board of Management meetings, the District President shall have the casting vote. The District President shall receive such remuneration as shall be agreed upon from time to time with the District Board of Management.

(b) The District Vice-Presidents

The District Vice-Presidents shall act as members of the District Branch Executive in the exercise of the powers and duties of the Executive and shall attend all meetings of the District Branch Board of Management. The District Vice-Presidents shall be prepared to preside, in the place of the District President, over any meeting. When presiding in the District President's place at any meeting, a District Vice-President shall have the casting vote. The District Vice-Presidents shall, with the co-operation of other Executive Officers, carry out the objects of the District Branch and shall as far as possible, ensure that these Rules are carried out.

(c) The District Secretary

The District Secretary's duties shall be to keep a correct account of all monies received and expended, prepare a yearly Balance Sheet of same, copies of which will be submitted to the members of the Branch through the Annual General Meeting of the Board of Management and to Lodge members through the Lodge Secretary.

The District Secretary shall also cause to be kept a register of members of the Branch under the headings of the respective Lodges to which members belong. The District Secretary shall attend all Board of Management meetings and take minutes of same. The District Secretary shall attend to all correspondence, watch the interests of the members and do everything possible to advance the members' position generally. The District Secretary shall strictly observe the Rules of the District Branch. The District Secretary shall be empowered with the concurrence of the other District Executive Officers to call special meetings of the Board of Management in cases of emergency and shall vote at all meetings of the Board of Management. The District Secretary shall as far as possible, observe that the Rules are carried out by the Branch Lodges and from time to time examine the books and accounts of the District Branch and generally keep themselves acquainted with the financial transactions of the District Branch. The District Secretary shall prepare and forward to the relevant government authority all returns which may be required by law. The District Secretary shall receive for his or her salary such remuneration as shall be agreed from time to time with the District Branch Board of Management.

(iii) Meetings of the District Branch Executive

- (a) The District President or the District Secretary may convene a meeting of the District Branch Executive at any time by oral or written communication to the other members of the District Branch Executive.
- (b) The District President or District Secretary may allow some or all members of the District Branch Executive to participate in the meeting by telephone or by other means of electronic communication.
- (c) A quorum of any meeting of the District Branch Executive shall be four (4).
- (d) The chairman of any meeting of the District Branch Executive shall have a deliberative but not a casting vote.
- (e) Where matters are due to be decided by the District Branch Executive and an officer cannot be present the officer may record a vote by letter, facsimile, email or other form of written communication.

(iv) Powers of the District Branch Executive

The District Branch Executive shall, subject to the review of their actions by the next ensuing meeting of the Board of Management have the care, control, custody and superintendence, management and administration in all respects of the District Branch. The powers of the District Branch Executive shall include the following:

- (a) To consider and decide upon any application for membership referred to it by the District Branch Secretary or by any Lodge of the District Branch.
- (b) To initiate, manage and control all actions, proceedings, industrial disputes and other matters and to appoint agents, solicitors or counsel to appear for and represent the District Branch or any of its members in any Court or proceedings, legal or otherwise.
- (c) To demand and collect or cause to be collected all levies, subscriptions, fines, fees and dues payable by all members.
- (d) To demand, receive and keep possession of all books and accounts of the District Branch.

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- (e) To demand, or cause to be made, an audit of the books and accounts of the District Branch.
 - (f) To engage any employees or other assistance that in its opinion are necessary of the proper carrying on of the District Branch business and to pay such wages, salaries and allowances as it shall deem proper.
 - (g) To enter into and make any industrial agreements on behalf of the District Branch and its members subject to the instruction of the Board of Management and members in accordance with these Rules.
 - (h) To call the Board of Management together at any time necessary and to call aggregate meetings of the members of the District Branch when necessary.
 - (i) To have the powers of the Board of Management as set down in these Rules, with the exception of the power to alter the Rules of the District Branch.
 - (j) To submit such matters as may appear to it to be of sufficient importance, to the Board of Management for decision or directly to the members of the District Branch for decision by Ballot.
 - (k) All acts of the Executive done in pursuance of the powers granted it by these Rules shall have full force and effect and be of full validity, notwithstanding anything in these Rules, until such acts shall be reversed or altered, or otherwise dealt with by the next ensuing meeting of the Board of Management.

9 – ADDITIONAL OFFICERS

- (a) There shall be such number of District Branch Central Councillors as are required by the Rules of the Union.
- (b) The duties of the District Branch Central Councillors shall be to attend meetings of the Central Council as the representatives of the District Branch, to attend and address Lodges and other meetings of members at the direction of the District Branch Board of Management and to attend meetings of the District Branch of Management. The District Branch Central Councillors shall be responsible to the District Branch Board of Management and the District Branch Executive.
- (c) The District Branch Central Councillor elected under these Rules shall be subject to Rules 8(i)(d) and 8(i)(e).

10 – FINANCE AND PROPERTY

- (i) The District Branch Fund shall consist of:
 - (a) Any real or personal property of which the District Branch by these Rules or by any established practice not inconsistent with the Rules, has, or in the absence of any limited term lease, bailment or arrangement, would have, the right of custody, control or management.

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- (b) The amounts of entrance fees, subscriptions, fines, fees or levies received by the District Branch, less so much of those amounts as is payable by the District Branch to the National Office of the Union;
 - (c) Any interest, rents or dividends derived from the investment of the Fund;
 - (d) Any superannuation or long service leave fund operated or controlled by the District Branch for the benefit of its officers or employees;
 - (e) Any sick pay fund, accident pay fund, funeral fund, benefit fund or like fund operated or controlled by the District Branch for the benefit of its members provided that any such fund specific to members in any Group shall be subject to the control of the appropriate Group Committee;
 - (f) The proceeds of any disposal of parts of the Fund;
 - (g) All Lodge property and funds, provided that any such property or funds collected or accumulated for Lodge purposes only, shall be recorded as to be used for that purpose; and
 - (h) All other funds received by the District Branch.

(ii) District Executive Control

Subject to the control of the District Branch Board of Management, the property and funds of the District Branch shall be under the control of the District Branch Executive.

(iii) Use of Funds

- (a) The funds of the District Branch shall be applied and/or invested as follows: in such lawful manner as the Board of Management may decide, including, without limiting the generality of this sub-clause, deposit on current account or fixed deposit with any approved deposit-taking institution carrying on business in the Commonwealth of Australia, the mortgage of real or personal estate situated in the Commonwealth, the subscription for or purchase of shares in any company registered and carrying on business in any State of the Commonwealth. Funds so applied shall only be realised on the authority of the District Branch Executive or on the authority of the Board of Management.
- (b) Monies shall be drawn from the funds of the District Branch by cheque or electronic means, signed or authorised by any two of the District Branch President or the District Branch Secretary or any one of those officers with any other officer or senior staff member as designated from time to time by the District Branch Board of Management.
- (c) All monies, including fees, fines, contributions, levy and dues received shall be immediately recorded in the books and banked to the credit of the District Branch by the District Branch Secretary without deduction or otherwise applied in accordance with sub-Rule (vi) Trustees.
- (d) All monies withdrawn from the funds shall be applied only to carrying out the objects mentioned in Rule 3 of these Branch Rules and to payments to the Union.
- (e) When levies are ordered to be collected in accordance with these Rules such levies shall be collected from members as ordered by the District Branch Executive or by the Board of Management.

(f) Loans, grants and donations of any amount exceeding \$1,000 shall not be made by the District Branch unless the District Branch Board of Management has satisfied itself that the making of the loan, grant or donation is in accordance with the Rules of the District Branch and that, in relation to a loan, that in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory. Loans, grants and donations of an amount exceeding \$1,000 shall not be made unless approved by the Board of Management.

(g) In spite of paragraph (f), the District Secretary may make a loan, grant or donation of an amount not exceeding \$3,000 to a member of the District Branch if the loan, grant or donation:

(i) is for the purpose of relieving the member or any of the member's dependents from severe financial hardship; and

(ii) is subject to a condition to the effect that, if the Board of Management, at the next meeting of the Board of Management, does not approve the loan, grant or donation, it must be repaid as determined by the Board of Management.

(iv) Books and Records

The District Branch Secretary shall keep or cause to be kept all books, records and papers which may be required by law, necessary to the preparation of any return or statement required by law, necessary for the information of the auditor or which may be otherwise required by these Rules or by the Board of Management.

(v) Financial Year

The financial year for the accounting purposes of the District Branch shall end at 31 December in each year.

(vi) Trustees

(a) There shall be Trustees of the District Branch Fund.

(b) The Trustees shall be the President and Secretary of the District Branch.

(c) The Trustees shall, under the direction of the Board of Management, prosecute, or, if more convenient, direct any officer to prosecute any member or other person suspected by them of any offence, legally punishable with reference to the affairs of the District Branch and they may themselves institute, or if more convenient, may direct any officer or officers to institute civil proceedings against any member or other person refusing to give up possession of any of the Union's or any District Branch property; or doing or neglecting to do any act so as to render himself or themselves liable to proceedings in reference to the Union's affairs, or the affairs of the District Branch.

(d) All funds, investments and other property of the District Branch, held in the name of the Trustees, shall be vested in the Trustees as joint tenants and be held by them in trust for the members of the District Branch.

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- (e) The Trustees and/or the Board of Management shall without prejudice to any further power and duties conferred by these Rules and by statute be vested with all and every of the powers and duties with which Trustees may lawfully be vested. The Board of Management shall have all necessary powers with regard to the bringing or defending of any action, suit, prosecution or complaint in the name of the District Branch or authorise the Trustees to institute such proceedings.
- (f) The Trustees shall have power:
- (1) To receive money or other property paid, delivered or conveyed to them as Trustees of the District Branch and to expend monies without distinction between capital and income.
 - (2) To lend and advance money or give credit to any person or corporation; to guarantee and give guarantees or indemnities for the payment of money or the performance of contracts or obligations by any person or corporation; to secure or undertake in any way the repayment of monies lent or advanced to or the liabilities incurred by any person or corporation; and otherwise to assist any person or corporation. This sub-Rule shall be subject to sub-Rule 10(iii)(g).
 - (3) To borrow or raise or secure the payment of money and to secure the same or the repayment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the District Branch in any way, and to purchase, redeem or pay off any such securities.
 - (4) To lease, licence, hire or otherwise give and acquire rights to use or occupy property of the District Branch and for the purposes of the District Branch and to carry on any business of the District Branch.

For the purposes of exercising a power listed above the Trustees shall have all such powers ancillary or incidental to or conducive to the exercise of that power as they would have if they were exercising the listed power by employment of funds or in relation to property beneficially owned by them and were acting in a personal as against a fiduciary capacity.

The powers conferred by this sub-Rule shall be in addition to such power as are conferred upon Trustees by any law for the time being in force in Australia or any of its States or Territories (every one of which statutory powers the Trustees shall be deemed to have notwithstanding that the power is exercised outside Australia or the State or Territory under the law of which same is conferred) and shall not be construed to be limited or restricted to or by the statutory powers or so as to impose upon the Trustees any duties imposed by law upon Trustees exercising the statutory powers.

The Trustees shall be fully and effectually indemnified out of the funds of the District Branch in respect of any personal liability incurred in a proper exercise of the powers given by this Rule or by the law and shall not be liable to the District Branch or any of its members for loss incurred in a proper exercise of such powers.

(vii) Auditor

- (a) There shall be one auditor who shall be duly qualified in accordance with the requirements of the *Fair Work (Registered Organisations) Act 2009* or any relevant successor legislation.
- (b) The auditor shall be appointed by the Board of Management.

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- (c) The auditor's duties shall be to audit the accounts at the end of the financial year or when required by the Board of Management.
 - (d) On all occasions the auditor shall furnish a report as to the state of the books and such report will be submitted to the members together with the Balance Sheet.
 - (e) The selection of an auditor, the presentation of the accounts and certificates by the auditor and all other matters to do with the audit, the keeping of and presentation of accounts to the Board of Management and to the membership, shall be according to the requirement, forms and procedures of the law affecting the accounting and auditing practices of organisations registered under the provisions of the *Fair Work (Registered Organisations) Act 2009* or any relevant successor legislation.

(viii) Seal

The Seal of the District Branch shall be held by the District Secretary and shall be used by him for all purposes of the District Branch for which it may be required. The affixture of the seal to any instrument shall be attested under the name of the District Secretary and such other members of Executive as the Executive may decide.

(ix) Access to Books

Each member of the District Branch shall have access at all reasonable times, to the books of the Branch on applying to the District Secretary.

(x) Person to Sue

The District Branch Secretary shall be the person to sue or be sued for and on behalf of the District Branch.

(xi) Political Funds

- (a) The District Branch Board of Management shall be empowered to recommend to the members of the Branch a voluntary payment per annum for a political fund. Monies derived from this source shall be paid into the Branch Office and such monies so received shall be paid into a fund which shall be used only for political purposes. No monies of the District, other than the amount raised by such voluntary payment shall be paid into the Political Fund.
- (b) Each member of the District Branch has a right to be exempt from the making of such voluntary payment. To become exempt a member must inform the District Secretary in writing that the member does not desire to pay the voluntary payment.
- (c) Contributions to the Political Fund shall not be a condition of admission to or of membership of the District Branch. A member who does not contribute to this fund shall not be excluded from the benefits of the District Branch by reason of the member's failure to so contribute to the political fund. Only those members who contribute to the political fund shall be allowed to enjoy the privileges for which the fund is created.

(xii) Payment of Officers and Delegates

All Officers and Delegates when performing work for the District Branch shall be paid out of the funds of the District Branch such remuneration as may be determined from time to time by the Board of Management.

(xiii) Fines

All fines for violation of the District Branch Rules shall be paid into the District Branch Fund unless otherwise provided for.

(xiv) Registered Office

The registered office of the District Branch shall be the Mineworkers Institute, 75 Throssell Street, Collie, Western Australia or such other place as may from time to time be determined by the District Branch Board of Management.

11 – GROUP COMMITTEES

- (i) The District Branch Executive may establish Group Committees for the purpose of carrying out organisational work and to assist the District Branch Board of Management in the administration of the District Branch.
- (ii) The District Branch Board of Management may make such By-laws as it thinks fit, not inconsistent with the Rules of the District Branch, for the effective operation of the Group Committees including, to the extent thought necessary, the election of Group Committee members, their duties, finances of the Group Committees and any other matter relating to the operation of the Group Committees.

12 – LODGES

(i) Formation of Lodges

- (a) The District Branch Executive may establish Lodges of the District Branch where it considers it necessary. A Lodge is a local grouping of members, established to enable members to participate more effectively in the affairs of the District Branch and to give collective expression to the interests, concerns and views of the members who work in the Lodge.
- (b) Where there is no Lodge at a place of employment or where a new place of employment has started work and the District Executive is of the opinion that a Lodge should be formed, the District Branch Executive shall announce, in whatever way is best suited to the circumstances of that place of employment, that a meeting will be held of eligible workers for the purposes for forming a Lodge of the District Branch. The announcement shall state that officers of the Lodge will be elected at the foundation meeting.
- (c) The foundation meeting shall be chaired by a member of the District Branch Executive.
- (d) The foundation meeting shall be conducted according to the Standing Orders for District Branch Lodge meetings.
- (e) The foundation meeting shall elect a committee, officers and representatives as required by these Rules.

(ii) Management of Lodges

- (a) Each Lodge shall be managed by a Committee consisting of a Lodge President, Lodge Secretary, and such other number of committee members as determined by the Lodge.
- (b) The Committee shall be elected by the Lodge no less than every four (4) years. The Board of Management may make guidelines for the conduct of the elections.
- (c) Three members of the Lodge Committee shall form a quorum or if a Lodge Committee is comprised of only a President and Secretary, both members of the Committee.
- (d) All Lodge meetings shall be conducted in accordance with any applicable Standing Orders of the District Branch.
- (e) All members of the Lodge shall have equal voting power on all questions put to a meeting of the Lodge except that in the event of equal voting on any question the President shall have a casting vote.
- (f) Lodges shall meet as required, but at least every two months.
- (g) Subject to Union Rule 22, any member of a Lodge failing to attend a summonsed meeting of the Lodge, without reasonable cause, may be fined ten dollars for each offence but a member shall have the right to make an appeal for the remission of his fine at the next meeting of his Lodge.
- (h) All meetings of Lodges shall be convened by Notice posted on the Lodge Notice Board or by such other means as may be convenient.
- (i) Any fine imposed on a member for non-attendance at a meeting shall be paid before any appeal is entertained by the Lodge.
- (j) Fines for non-attendance shall be paid into the District Branch Fund.
- (k) Lodges shall be empowered to exempt any members from attendance at Lodge meeting owing to infirmity or other reasonable cause.
- (l) Each Lodge shall have power to make By-laws for its own guidance and control of its members. Such By-laws shall not be in contravention of the Rules of the Union or the District Branch and shall not become operative until submitted to and approved by the District Branch Board of Management.

(iii) Powers and Duties of Lodge President

The Lodge President shall preside at all meetings and in conjunction with the Lodge Secretary ensure that the Rules of the Union, the District Branch and the Lodge are carried out.

(iv) Powers and Duties of Lodge Secretary

The Lodge Secretary shall, in conjunction with the Lodge President ensure that the Rules of the Union, the District Branch and Lodge are carried out. The Lodge Secretary shall be responsible for keeping the books and records of the Lodge including a minute book for recording resolutions of Lodge meetings, a register of agreements made with the employer at the place of employment, and is entitled to obtain from the District Branch a record of the contribution, fines, fees, levies and other monies paid by members of the Lodge.

The District Branch shall provide each Lodge Secretary with the necessary books.

When entering the names of members in the Lodge register the Secretary shall also enter the date and time when all new members start work.

Each Lodge Secretary shall produce the Lodge Books to the Branch Officers and Board of Management when called upon to do so.

All books, tickets and documents held by any Lodge Officers or members relating to the District Branch shall be the property of the District Branch and shall be surrendered to the District Branch Executive upon demand. Where a Lodge has closed the Lodge Secretary of such Lodge shall forward to the District Secretary all Branch and Lodge books in his possession.

Subject to Union Rule 22, if any Lodge Officers or member fails to comply with these Rules he or she may be expelled by the Board of Management.

The Lodge Secretary shall also produce Lodge books or records for inspection when called upon by the majority of the Lodge of which he or she is Lodge Secretary.

The Lodge Secretary shall keep the Lodge Books or Records in accordance with the system approved by the District Branch Board of Management.

(v) Duties of Lodge Committee

The Committee of each Lodge shall see that the health and lives of their fellow workers are protected to the utmost and shall deal with all matters as affecting the interest of the Lodge. In addition to their other duties, each member of the Lodge Committee also has the role of a delegate representing members of the Lodge.

(vi) Financial

Subscriptions, fines, fees, dues and levies shall be collected quarterly by the District Branch unless provision is otherwise made in these Rules or by specific agreement between the District Branch Executive and the Lodge Committee.

(vii) Private Agreements

No member of any Lodge in the District Branch shall be permitted to enter into any private agreement with his employer without the sanction of the Lodge of which he is a member and no Lodge shall be permitted to enter into any agreement with the employer without the sanction of the District Branch Executive and/or the Board of Management.

(viii) Expulsion or Suspension of Lodges

This Rule is to be applied utilising the principles outlined in Union Rule 22.

- (a) Subject to Union Rule 22, any Lodge of the District Branch refusing to comply with the decision of the District Branch shall be expelled from the Branch and shall not be entitled to any benefits or privileges of the District Branch.
- (b) In cases of suspension or expulsion the Lodge shall pay any outstanding payments owed to the District Branch before being readmitted to the District Branch.
- (c) Any member or Lodge expelled or suspended under this Rule shall have the right to appeal against the decision to the Central Council.

(ix) Demand by Lodges for Dismissal of Officer

Subject to Union Rule 22, no Lodge shall send to the District Branch Board of Management a notice of motion asking for the resignation of a District Branch Officer unless some specific charge is laid against such Officer in writing and he has been given the opportunity to attend the Lodge to vindicate himself and no such motion shall be allowable unless at least fifty per cent of the Lodge are present or a Ballot of the whole of the members of the Lodge has been taken.

13 – ALTERATION OF RULES

- (i) New District Branch Rules may be made and any of the Rules of the District Branch may be altered, amended, added to or rescinded by the District Branch Board of Management.
- (ii) Proposed new Rules shall be examined and reported on by a Rules committee of members of the District Branch Board of Management appointed from time to time as the occasion arises by the District Branch Board of Management.
- (iii) The report of the Rules committee shall be discussed by the District Branch Board of Management and the proposed Rules changes submitted for approval by a majority of the members present and voting at that meeting of the District Branch Board of Management, provided that the provision of Rule 7(iv) shall not apply in the application of this Rule.

VICTORIAN DISTRICT BRANCH

1 – NAME

The name of the District Branch shall be the Victorian District Branch of the Mining and Energy Union, (hereinafter referred to as the “District”). A reference to the “Union” shall be a reference to the Mining and Energy Union.

2 – MEMBERSHIP OF THE DISTRICT

The District shall consist of an unlimited number of persons, otherwise eligible for membership of the Union, who work in the Victorian District and:

- 2(A) are engaged as employees or as employees of contractors, in or in connection with any of the following industries:
- (1) mining or exploration;
 - (2) power generation, co-generation, transmission and distribution;
 - (3) oil, gas, coal, shale;
 - (4) nuclear; and
 - (5) chemical production.
- 2(B) have been elected as paid officers of the District; or
- 2(C) are paid employees of the District; or
- 2(D) as a working class Member of Parliament.

3 – OBJECTS

The Objects of the District, in association with the Objects of the Union shall be, by all lawful means:

- 3(A) To improve the conditions and to protect the interest of the members of the District by:
- (1) increasing the proportionate share of the wealth to the workers; and
 - (2) endeavouring to educate and organise for the complete abolition of the present wage system and the substitution of the common ownership of the means of production, distribution and exchange.
- 3(B) To discuss, consider and put into force, when approved, any scheme for the better guidance and extension of Australian industrial organisation.
- 3(C) In order to further or ensure the better advocacy of workers or for any other purpose which the District Board of Management may deem proper, to support, own in whole or part and/or subsidise any newspaper or any other publication advocating the cause of workers and their community.

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- 3(D) To secure the election of such working class representatives in Parliament that are committed to promote such legislative enactments as will ensure the protection and improvement of the social and industrial interests of Australian workers.
- 3(E) To obtain legislative enactments:
- (1) for the more efficient management and inspection of workplaces; and
 - (2) to preserve the lives, health and welfare of workers.
- 3(F) To take steps to obtain compensation and justice for accidents where the employer is liable or negligent.
- 3(G) To provide an allowance for the support of members who may be deemed unjustly dealt with and to provide benefits for dependents of members who died from any cause.
- 3(H) To prevent, if possible, by conference or otherwise any threatened cessation of work and to endeavour by conciliatory measures to uphold the Rules of the District, failing which, to provide ways and means for the support of members involved.
- 3(I) To secure the prices and/or wages for which members may at all times be engaged or contract and to prevent illegal or improper stoppage or reduction of member's wages.
- 3(J) To support bona fide charitable and other worthy causes consistent with the interests of members of the Union. Such support may include, but is not limited to, donations to community groups, relief funds, individual and other humanitarian, environmental, social or similar causes.
- 3(K) Generally to do all acts, matters or things that are reasonably considered to be in the best interests of the members, or further any or all of the Objects of the District and the Union.
- 3(L) To do any other act provided for in the Rules of the District.

4 – MEANS

Where necessary or convenient for the purpose of carrying out or furthering all or any of the Objects of the District and the Union, the District may:

- 4(A) raise funds by entrance fees, subscriptions, donations, levies, contributions, dues, loans or otherwise for the purpose of applying and/or investing the same in any manner;
- 4(B) take, subscribe for or otherwise acquire, hold or divest any interest, shares, debentures, stock or other security of any company or trust; and
- 4(C) purchase, take on lease or in exchange, hire or otherwise acquire or sell any real or personal property or any rights or privileges.

5 – MEMBERSHIP

5(A) APPLICATIONS

- (1) All persons working in any capacity or doing any work falling within the scope of Rule 2 shall be eligible for membership of the District.
- (2) A candidate for membership of the District shall apply for membership to the District Secretary or Lodge Secretary at the place in which he works, in writing on the form prescribed and supplied by the District for that purpose.
- (3) Where the District Secretary or Lodge Secretary receive a membership application, the District Secretary or Lodge Secretary, as the case may be, shall sign and date the back of the membership application form on the day they receive them.
- (4) Subject to Rule 5(A)(5), a candidate for membership shall be deemed to be a member of the District from the date of receipt of the membership application form by the District Secretary or Lodge Secretary as the case may be.
- (5) Notwithstanding anything herein before contained;
 - (a) The District Secretary may decide against the admission to membership of any candidate. In such case, the District Secretary shall immediately refer any such application to be considered and approved or not approved by the District Board of Management.
 - (b) In the event of a membership candidate being referred on in accordance with Rule 5(A)(5)(a), the candidate shall not become a member of the District until the District Board of Management has approved the application and the District Secretary has notified the candidate to that effect in writing. The candidate in such a case shall be a member of the District from the date of the District Secretary's letter of notification to the candidate.
 - (c) Where the District Board of Management decides against the admission to membership of a candidate, the candidate shall have a right of appeal to Central Council. Where the Central Council decides to admit the candidate to membership, the candidate shall be a member of the District from the date of the Central Council's decision.
- (6) When a candidate is admitted to membership of the District, the new member's name, address, date of birth and date of admission shall be:
 - (a) entered in a register or database to be called the District Register of Members, which shall be kept by the District Secretary; and
 - (b) entered in the Union Register of Members, which shall be kept by the Union and may, so far as it relates to a District, be kept as a separate part or section at the office of the District Branch.
- (7) It shall be the responsibility of the person or body who approves a candidate's membership to submit the new member's name address and date of admission in accordance with Rule 5(A)(6).
- (8) Membership of the District shall be subject to compliance with Rules 5(B) and 5(C).

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- (9) Membership of the District also means membership of Union.
 - (10) The District Branch shall inform each candidate for membership, in writing, of:
 - (a) the financial obligations arising from membership; and
 - (b) the circumstances, and the manner, in which a member may resign from the organisation.

5(B) *SUBSCRIPTIONS AND FEES*

- (1) Every member shall pay such fines, fees, levies and subscriptions as may be prescribed or imposed from time to time according to the Rules of the District and/or Union.
- (2) A candidate for membership of the District may be required to pay an entrance fee on their admission to membership. The District Board of Management shall determine the entrance fee. All entrance fees shall be payable to the District for use by the District in accordance with the District Rules.
- (3) Subscriptions, fines, fees and levies owing by a member of the District may be paid to the District Secretary, a person authorised by the District Board of Management or by such other means as determined by the District Board of Management.
- (4) Payment of subscriptions, fines, levies, fees and dues can be made by the member authorising one (1) of the following methods:
 - (a) payroll deduction scheme; or
 - (b) electronic funds transfer; or
 - (c) other direct payment by the member.

A member who elects to pay subscriptions, fines, levies, fees and dues in accordance with this Sub-Rule shall be deemed financial from the date of authorising such deduction provided the member owed no arrears in subscriptions, fines, levies, fees and dues prior to authorising the deduction.

- (5) Subject to Rule 5(C), any member owing subscriptions, fines, fees or levies for more than fourteen days from when they became due shall be deemed unfinancial and shall not be entitled to any of the privileges of membership, including the right to vote on any matter, and shall be liable to be sued for the recovery of amounts owed.
- (6) Any member deemed unfinancial under Rule 5(B)(5) shall be deemed to have become a financial member of the District again from the date of the completion of payment by them of all amounts owing. Continuity of membership shall be restored from the date of payment of all sums owing, provided they have not been non-financial for longer than 12 months. Members non-financial for longer than 12 months shall cease membership and shall be removed from the District Register of Members. However, if a member has become unfinancial as a result of extenuating circumstances outside of the member's control, they may deem the member to be entitled to the privileges of membership, other than the right to vote on any matter, if the District Executive approves a repayment plan for all subscriptions, fines, fees and levies owed. If such a plan is approved, then the member shall be deemed financial from the date of such approval.

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- (7) A member's payment becomes due in relation to Sub-Rule 5(B)(4) on the following basis:
 - (a) for the ongoing payroll deduction scheme where the members employer transfers payment of subscriptions, fines, levies, fees and dues from the members wages, and with such transfer being paid preferably monthly, but no greater than three (3) monthly.
 - (b) for the ongoing electronic funds transfer on a monthly basis or as otherwise set by the District Branch.
 - (c) for other direct payments by the member on a monthly basis or as otherwise set by the District Branch.
 - (8) Subject to Sub-Rule 5(B)(6), the District Branch Secretary shall notify the member in writing of the failure to remain financial, and unless the member pays all outstanding subscriptions, fines, levies, fees and dues within twenty-eight (28) days of the date of the notice, the member shall continue to remain unfinancial until all subscriptions, fines, levies, fees and dues due in accordance with this Sub-Rule have been paid. Sub-Rule 5(B)(5) shall apply to the member for the period that the member remains unfinancial.
 - (9) District membership subscriptions shall be set by the District Board of Management and shall be payable for 52 weeks of the year.
 - (10) The Annual Central Council meeting shall set the Union membership subscriptions which are paid to the National Office and are payable for 52 weeks of the year.
 - (11) Employees and apprentices, otherwise eligible to join the District, but who are on low incomes shall be entitled to a reduced rate of membership subscriptions, as set by the District Board of Management from time to time.
 - (12) Members on compensation shall pay subscriptions as if at work, however, members receiving compensation for permanent and total incapacity shall be exempt from paying subscriptions, fees and levies.

5(C) *SICK MEMBERS*

- (1) There shall be a register or database called the District Quarterly Register of Sick Members. The register shall be kept updated by the District Secretary.
- (2) Any member unable to pay subscriptions, fees or levies by reason of their being on sick leave of absence and wishing to retain the rights and privileges conferred on them by these Rules, may apply to be entered on the District Quarterly Register of Sick Members.
- (3) Applications for registration in the District Quarterly Register of Sick Members:
 - (a) must be in writing, signed by the applicant, witnessed by a member of the District and submitted to the District Secretary. Where the applicant is a member of a Lodge, the application shall also include the name of such Lodge;
 - (b) be signed and dated by the District Secretary as they are received and be submitted to the District Board of Management for its consideration;

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- (c) Where approved by the District Board of Management, the District Secretary shall enter the applicant's name, address and the date of approval in the District Quarterly Register of Sick Members. The applicant shall then be duly registered for a period of a minimum of three months from the approval of his/her application.
 - (4) Members, whilst entered on the District Quarterly Register of Sick Members shall be:
 - (a) exempt from subscriptions, fees and levies applicable to such period;
 - (b) entitled to the privileges of membership and to vote on all matters affecting the District, excepting upon any matter which would or might involve the declaration of a strike or in a stoppage of work or in the making of a levy upon other members.
 - (5) In respect to the District Quarterly Register of Sick Members the District Board of Management shall have the power to:
 - (a) review persons listed on the Register from a list presented by the District Secretary once in each quarter;
 - (b) remove the name of any member from the District Quarterly Register of Sick Members for any reason it thinks fit; and/or
 - (c) prescribe a period for which a member shall be ineligible for registration in the District Quarterly Register of Sick Members.

5(D) UNEMPLOYED MEMBERS & LEAVE WITHOUT PAY

- (1) Any member unable to pay subscriptions, fees or levies by reason of their being unemployed, and wishing to retain the rights and privileges conferred on them by these Rules, may apply to have their membership status put on "hold" until they commence employment once again. Providing that the member has not resigned in writing, then membership fees will become payable immediately upon recommencement of employment.
- (2) Members with an on "hold" status for longer than 12 months will be reviewed by the District Secretary. If they have resumed work without notification, then membership subscriptions will become payable from the date of their recommencing of employment. If the member remains unemployed after 12 months, then their membership will cease and they will be removed from the Register of Members, just as if they had resigned their Membership in writing under sub-Rule 5(E)(1).

5(E) *RESIGNATIONS*

- (1) A member may resign from membership of the Union by written notice addressed and delivered to the District Secretary;
- (2) A notice of resignation from membership takes effect;
 - (a) Where the member ceases to be eligible to become a member of the District;
 - (i) on the day on which the notice is received by the District; or

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- (ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;

whichever is the later, or

- (b) in any other case:

- (i) at the end of two weeks after the notice is received by the District; or
- (ii) on the day specified in the notice;

whichever is the later.

- (3) Any dues payable but not paid by a former member in relation to a period before the member's resignation took effect, may be sued for and recovered in the name of the District in a court of competent jurisdiction as a debt due to the District.
- (4) A notice of resignation delivered to the District Secretary shall be considered as received by the District when it was delivered.
- (5) A notice of resignation that has been received by the District is not invalid because it was not addressed and delivered in accordance with Rule 5(E)(1) above.
- (6) A resignation from membership is valid even if it is not effected in accordance with this Rule if the member is informed in writing by or on behalf of the District that the resignation has been accepted.
- (7) Any member whose membership fee subscriptions fall in arrears greater than an amount which is equivalent to 12 months membership fee subscriptions shall be deemed to have ceased Membership of the District and will be removed from the District Register of Members, just as if they had resigned their Membership in writing under Rule 5(E)(1).

6 – ENTITLED TO VOTE

Subject to Rule 5, the members entitled to vote on any matter shall be, all financial members working in the industries shown in Rule 2 in addition to all members registered on the District Quarterly Register of Unemployed and Sick Members according to sub-Rule 5(C).

7 – BOARD OF MANAGEMENT

The Board of Management of the Victorian District shall be the Victorian District Board of Management.

7(A) *COMPOSITION*

The District Board of Management shall be composed of:

- (1) The District Executive, being:
 - (a) the District President;
 - (b) the District Vice President; and
 - (c) the District Secretary.
- (2) Lodge Representatives as follows (where such Lodge exists):
 - (a) Loy Yang Mine Lodge President;
 - (b) Loy Yang 'A' Power Station Lodge President;
 - (c) Loy Yang 'B' Power Station Lodge President;
 - (d) Yallourn Mine Lodge President;
 - (e) Yallourn Power Station Lodge President;
 - (f) Emergency Services Lodge President;
 - (h) Other elected representatives of Lodges or groups of members as determined by the District Board of Management.

Except that whilst a Lodge President holds a District Executive position, a Lodge Committee member of that same Lodge shall hold the position of Lodge Representative on the District Board of Management instead of the Lodge President. Such Lodge Committee member shall be elected by collegiate vote of that Lodge Committee.

- (3) Such District Central Councillors as determined by the Rules of the Union.

7(B) *ELECTIONS*

- (1) Upon any determination of the District Board of Management pursuant to Rules 7(B)(2) & 7(B)(3) or 7(B)(4), the District Secretary shall advise the National Returning Officer appointed for the purpose, of the requirement of an election pursuant to the Union Ballot Rules.
- (2) Representatives to the District Board of Management shall be elected every four years in accordance with the Union Ballot Rules and shall take office following the declaration of their election in accordance with the Union Ballot Rules.

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- (3) The District Executive positions shall be elected every four years according to the Union Ballot Rules and shall take office following the declaration of their election in accordance with the Union Ballot Rules.
 - (4) Subject to Rule 7(B)(5), any extraordinary vacancy that occurs in an elected position within the District Board of Management shall be filled by the immediate holding of an election in accordance with the Union Ballot Rules. The member so elected shall hold office for the remainder of the term for which the previous holder of the office was elected.
 - (5) Where the remainder of the term applicable to Rule 7(B)(4) is less than three years, then the District Board of Management may appoint by resolution any eligible member of the District to act in that office for the remainder of the term. Where the vacancy is a Lodge Representative referred to in Rule 7(A)(2)(a) to (g) and an appointment is made by the District Board of Management, such appointee will be determined by the collegiate vote of the relevant Lodge Committee.

7(C) *MEETINGS*

- (1) The District Board of Management shall meet at least three times each year, including a meeting at such other times as the majority of the District Executive or the District Board of Management may deem necessary. Meetings may be conducted in person and/or in whole or in part by telephone or by other electronic audio and/or visual means.
- (2) A special meeting of the District Board of Management shall be convened by either the District President or District Secretary upon receipt of a written request to do so signed by at least one District Board of Management Lodge Representative from each of at least three Lodges, and stating the agenda items to be raised.
- (3) More than half of the number of District Board of Management members, including at least half of the District Executive Officers must be present at each meeting of the District Board of Management and shall be the quorum.
- (4) All members of the District Board of Management shall have a deliberative vote at any meeting of the District Board of Management. In the event of the Board being equally divided on any question, the District President shall be entitled to a casting vote.
- (5) At all meetings of the District Board of Management every Board member in attendance shall vote either for or against any proposition put to the meeting.
- (6) Any District Board of Management member absenting himself from any meeting, of which they have been duly notified by or on behalf of the District Secretary at least fourteen days before the date of the meeting, may be called upon to give an explanation at the next subsequent meeting of the District Board of Management.
- (7) The District Secretary shall issue or cause to be issued to District Board of Management members, a notice of the date of the District Board of Management meeting at least fourteen days prior to the date of the meeting. The District Secretary shall also issue or cause to be issued a meeting agenda to members of the District Board of Management at least fourteen days prior to the meeting of the District Board of Management. Such fourteen day periods may be reduced where special circumstances exist and the District Executive agrees to do so.

7(CA) *RESOLUTIONS OUTSIDE OF MEETINGS*

- (1) Where it is impractical to call a Board of Management meeting, the District Secretary, may submit any resolution that has been endorsed by at least two of the District Executive to a vote of the Board of Management by letter, facsimile, telephone, email, in writing, by computer link and/or by any other means of communication. When submitting the resolution, the District Secretary must advise the District Board of Management members when votes on the resolution are returnable.
- (2) For a resolution to be passed in accordance with this sub-Rule, the number of votes returned must meet the quorum requirements for meetings of the District Board of Management contained at Rule 7(C)(3). In the event of the District Board of Management votes being equally divided, the District President shall be entitled to a casting vote.
- (3) A resolution passed in accordance with this sub-Rule has the same effect as a resolution passed in meeting of the District Board of Management.
- (4) A resolution passed in accordance with this sub-Rule shall be recorded in the minutes of the next District Board of Management meeting following the vote.

7(D) *LODGE BUSINESS*

Any Lodge having business for the consideration of the District, after having dealt with the same matter locally, shall forward it to the District Secretary for inclusion in the agenda of the next meeting of the District Executive or of the District Board of Management.

7(E) *ENDORSEMENT OF DECISIONS*

- (1) The minutes of the Board of Management, along with any matters that the Board of Management specifically requires to be considered or as detailed in Rule 7(E)(2) for endorsement shall be sent to the Lodges following a meeting of the Board of Management.
- (2) All District Board of Management resolutions that affect either:
 - a) a change in District policy affecting members directly;
 - b) a change in the District Rules;
 - c) an increase in membership fees;
 - d) the imposition of a subscription or levy;
 - e) an appointment to an Executive Officer vacancy; or
 - f) an expenditure exceeding that of the delegated authority of the District Executivewill be put to a vote for endorsement by the District membership. All other resolutions shall be regarded as administrative in nature and will not require endorsement by members, with the exception of Central Council resolutions and any other resolutions not considered administrative only in nature by the Board of Management.
- (3) Voting will be conducted by either postal ballot, electronic survey or at Lodge meetings of members or the general membership; as determined by the District Executive or Board of Management from time to time.
- (4) All votes shall be returned to the District Secretary within 21 days from the date that the ballots commence or the meeting was held. All votes of any Lodge or member failing to comply with this Rule shall be null and void.

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- (5) A resolution of the District Board of Management shall become binding on the District if an aggregate majority of the members returning votes considers and vote in favour of the District Board of Management resolution concerned.

7(F) *POWERS AND DUTIES OF THE DISTRICT BOARD OF MANAGEMENT*

The powers and duties of the District Board of Management shall be as follows:

- (1) Subject to Union Rule 22, to hear any appeal from any Lodge or member.
- (2) To consider the financial position of the District and transact any business that may be placed before them by the District Executive.
- (3) To make, impose, order and enforce any levies, fines, fees or subscriptions on any or all members of the District not in conflict with the Rules of the District or the Rules of the Union for any one or more of the objects set out in Rule 3 of these Rules.
- (4) To determine any matter or report referred to it by the District Executive or by any Lodge or to settle any disputes between the membership. Reasonable notice of the time and place of the meeting shall be given to all parties involved, who shall be given an opportunity of being heard.
- (5) From time to time to alter, amend, rescind or make standing orders for the regulation of the conduct of the business and proceedings of this District and of the Lodges of the District.
- (6) New District Rules may be made and any of the Rules of the District may be altered, amended, added to or rescinded by the District Board of Management in accordance with Rule 12.
- (7) To fix, reduce, increase or alter the salaries and allowances of the officers and employees of the District.
- (8) To refer any matter to the Central Council for its consideration.
- (9) To receive and adopt or otherwise deal with the Annual Report of the District.
- (10) Subject to Union Rule 22, to inflict any fine on any Lodge or member, such fine not to exceed one thousand dollars (\$1000.00) on any Lodge or one hundred (\$100.00) on any member subject to a general right of appeal.
- (11) To expel any Lodge Officer or member who fails to comply with the Rules of the District or Union subject to a general right of appeal in accordance with Union Rule 22.
- (12) To consider and decide upon any application for membership referred to it by the District Secretary or by any Lodge of the District.
- (13) And generally to do all acts, matters and things that are reasonably considered to be in the best interests of the District.

8 – DISTRICT EXECUTIVE

8(A) *EXECUTIVE OFFICERS*

- (1) The District Executive shall consist of the District President, the District Vice-President and the District Secretary.
- (2) Each officer shall remain in office for their elected term unless they either die, resign their position in writing, delivered at least one month in advance of the intended date of resignation, or are dismissed from office in accordance with Union Rule 22.
- (3) The Executive Officers shall remain financial members of the District and shall retain full membership rights of the Lodges of which they were members at the time of their election to District Office. In the event of an officer's Lodge closing the officer shall become a financial member of another Lodge as directed by the District Board of Management.
- (4) No member shall be eligible for any District Executive Office unless they have been a member continuously for at least 12 months prior to the closing date of nominations.
- (5) No member may contest for more than one District Executive Office in the same election. If a member is nominated for more than one position, they must indicate to the Returning Officer which position they wish to contest, prior to the closing of nominations. Where a member is nominated for more than one District Executive Office, and fails to withdraw the excess nominations before the close of nominations, the Returning Officer shall disregard all but the highest office nomination. In such case, the office of District President shall be considered higher than that of District Secretary which shall be considered higher than District Vice-President.

8(B) *DUTIES OF EXECUTIVE OFFICERS*

- (1) The District President's duties shall be to:
 - (a) Preside at all meetings of the District Board of Management or other meetings called by the District;
 - (b) Co-operate with the other District Executive Officers in carrying out the objects of the District;
 - (c) In conjunction with the other District Executive Officers, transact the general business of the District;
 - (d) Assist, where required, the District Secretary in the conduct of their duties;
 - (e) If necessary, in the absence of the District Secretary, act in their stead;
 - (f) Strictly observe the Rules of the District and as far as possible, observe that the District Lodges carry out the Rules;
 - (g) Ensure that one or more members of the District Executive attend Lodge meetings when requested by the Lodge President; and
 - (h) In the case of equal voting at District Board of Management meetings, have the casting vote.

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- (2) The District Secretary's duties shall be to:
- (a) Keep a correct account of all monies received and expended and have prepared a yearly Balance Sheet of same, copies of which shall be submitted to the members of the District through the Annual General Meeting of the District Board of Management and to Lodge members through the Lodge Secretaries;
 - (b) Cause to be kept a register or database of members of the District under the headings of the respective Lodges to which members belong;
 - (c) Attend all District Board of Management meetings and take minutes of same;
 - (d) Co-operate with the other District Executive Officers in carrying out the objects of the District;
 - (e) Zealously attend to all correspondence, watch the interests of the members and do all in their power to advance the members' position generally;
 - (f) Strictly observe the Rules of the District and as far as possible observe that the Rules are carried out by the District Lodges;
 - (g) Be empowered, with the concurrence of the other District Executive Officers, to call special meetings of the District Board of Management in cases of emergency and shall vote at all District Board of Management meetings;
 - (h) Be under the control of the District Board of Management;
 - (i) From time to time examine the books and accounts of the District and generally keep acquainted with the financial transactions of the District; and
 - (j) Prepare and forward to the Registrar all returns that may be required by law.
 - (k) To have control of the management and publication of the journal of the District.
- (3) The District Vice-President shall co-operate with the other District Executive Officers in carrying out the Objects of the District and in the absence of the District President shall exercise all functions of the District President's position.

8(C) *MEETINGS OF THE DISTRICT EXECUTIVE*

- (1) The District President or District Secretary may convene a meeting of the District Executive at any time by oral or written communication to the other members of the Executive.
- (2) A quorum of any meeting of the District Executive shall be three.
- (3) The chair of any meeting of the District Executive shall have a deliberative but not a casting vote.
- (4) Where matters are due to be decided by the District Executive and an officer cannot be present, they may, if they wish, record a vote by post, facsimile or electronic mail. In such an event the decision of the majority shall be valid as had they assembled.

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- (5) Despite any other Rule of the District, a District Executive meeting may be conducted by any method by which the members of the District Executive can communicate each with each other, including but not limited to some or all of members of the District Executive participating in the meeting by telephone, computer and/or audio-visual conferencing.

8(D) *POWERS OF THE DISTRICT EXECUTIVE*

The District Executive shall, subject to the review of their actions by the next ensuing meeting of the District Board of Management have the care, control, custody superintendence, management and administration in all respects of the District. All acts of the District Executive done in pursuance of the powers granted it by these Rules shall have full force and effect and be of full validity, notwithstanding anything in these Rules, until such acts shall be reversed or altered, or otherwise dealt with by the next ensuing meeting of the District Board of Management.

The powers of the District Executive shall include the following:

- (1) To initiate, manage and control all actions, proceedings, industrial disputes and other matters and to appoint agents, solicitors or counsel to appear for or represent the District or any of its members in any Court or proceedings, legal or otherwise.
- (2) To demand and collect or cause to be collected all levies, subscriptions, fines, fees and dues payable by all members.
- (3) To demand, receive and keep possession of all books, records and accounts of the District.
- (4) To demand, or cause to be made, an audit of the books, records and accounts of the District.
- (5) To engage any persons, agents or other assistance that in its opinion are necessary for the proper carrying on of the District business and to pay such wages, salaries and allowances, as it shall deem proper.
- (6) To enter into, and make any industrial agreements on behalf of the District and its members subject to the instruction of the District Board of Management and members in accordance with these Rules.
- (7) To establish regional offices of the District where necessary to properly service the membership.
- (8) To call meetings of the District Board of Management, a Lodge or aggregate meetings of the members of the District at any time necessary and to attend such meetings.
- (9) To have the powers of the District Board of Management as set down in these Rules, pending endorsement by the Board of Management at their next meeting.
- (10) To submit such matters as may appear to it to be of sufficient importance, to the District Board of Management for decision or directly to the members of the District for decision by Ballot.

8(E) *REMUNERATION*

District Executive Officers shall receive such remuneration as shall be agreed upon from time to time between the Officer and the District Board of Management.

9 – DISTRICT CENTRAL COUNCILLORS

9(A) There shall be such number of District Central Councillors as may be determined from time to time by Central Council in accordance with the Rules of the Union.

9(B) The District Central Councillor shall be the District President ex officio, where the Rules of the Union require only one representative of the Victorian District on the Central Council.

9(C) Where the Rules of the Union require more than one representative on the Central Council from the District, the additional District Central Councillor or Councillors shall be part time officers elected every four years according to the Union Ballot Rules.

9(D) The elected District Central Councillor or Councillors shall take office as and from the first day of the new term of office following the declaration of their election in accordance with the Union Ballot Rules.

9(E) The duties of a District Central Councillor shall be:

- (1) to attend meetings of the Central Council of the Union as the representative of the Victorian District;
- (2) to attend and address Lodge meetings and other meetings of members at the direction of the District Board of Management;
- (3) to attend meetings of the District Board of Management;
- (4) District Central Councillors shall be responsible to the District Board of Management and the District Executive.

10 – FINANCE AND PROPERTY

10(A) The District Fund shall consist of:

- (1) any real or personal property of which the District by these Rules or by any established practice not inconsistent with these Rules, has, or in the absence of any limited term lease, bailment or arrangement, would have, the right of custody, control or management;
- (2) the amounts of entrance fees, subscriptions, fines, fees or levies received by the District, less so much of those amounts as is payable by the District to the Central Office of the Union;
- (3) any interest, rents or dividend derived from the investment of the Fund;
- (4) any superannuation or long service leave fund operated or controlled by the District for the benefit of its officers or employees;

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- (5) any sick pay fund, accident pay fund, funeral fund, benefit fund or like fund operated or controlled by the District for the benefit of its members or employees;
 - (6) any property acquired wholly or mainly by expenditure of the money of the Fund or derived from other assets of the Fund;
 - (7) the proceeds of any disposal of parts of the Fund; and
 - (8) Any other funds received by the District Branch.

10(B) *DISTRICT EXECUTIVE CONTROL*

Subject to the control of the District Board of Management, the property and funds of the District shall be under the control of the District Executive.

10(C) *USE OF FUNDS*

- (1) The funds of the District shall be applied and/or invested in such lawful manner as the District Board of Management may decide, including, without limiting the generality of this sub-clause:
 - (a) deposit on current account or fixed deposit with any financial institution;
 - (b) the mortgage of real or personal estate;
 - (c) the subscription for or purchase of shares in any company;

Funds so applied shall only be realised on the authority of the District Executive or on the authority of the District Board of Management.

- (2) All monies shall be banked in the names of the trustees to the credit of the District.
- (3) Monies shall be drawn from the funds of the District by cheques signed by, or by electronic funds transfer authorised by two Executive Officers of the District.
- (4) All fees, fines, subscriptions and levies received by the District Secretary or other persons in accordance with these Rules shall pass through the District Office and all monies so received from the above sources shall be immediately recorded in the books and banked to the credit of the District by the District Secretary without deduction.
- (5) All monies withdrawn from the funds shall be applied only to carrying out the Objects mentioned in Rule 3 of these District Rules and to payments to the Union.
- (6) When levies are ordered to be collected in accordance with these Rules such levies shall be collected from members as ordered by the District Executive or by the District Board of Management.
- (7) Loans, grants and donations of any amount exceeding \$1,000 shall not be made by the District unless the District Board of Management has satisfied itself that the making of the loan, grant or donation is in accordance with the Rules of the District and that, in relation to a loan, that in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory. Loans, grants and donations of an amount exceeding \$1,000 shall not be made unless approved by the District Board of Management.

10(D) *BOOKS AND RECORDS*

The District Secretary shall keep or cause to be kept all books, records and papers which may be required by law, necessary to the preparation of any return or statement required by law, necessary for the information of the auditor or which may otherwise be required by these Rules or by the District Board of Management.

10(E) *FINANCIAL YEAR*

The financial year for the accounting purposes of the District shall end at 31 December in each year.

10(F) *TRUSTEES*

- (1) The Trustees shall be the District President, the District Vice-President and the District Secretary of the District.
- (2) The Trustees shall, under the direction of the District Board of Management, prosecute, or if more convenient, direct any officer to prosecute any member or other person suspected by them of any offence, legally punishable with reference to the affairs of the District and they may themselves institute, or if more convenient, may direct any officer or officers to institute civil proceedings against any member or other person refusing to give up possession of any of the Union's or any of the District's property; or doing or neglecting to do any act so as to render himself or themselves liable to proceedings in reference to the Union's affairs, or the affairs of the District.
- (3) All funds, investments and other property of the District shall be vested in the Trustees as joint tenants and be held by them in trust for the members of the District.
- (4) The Trustees and/or the District Board of Management shall without prejudice to any further power and duties conferred by these Rules and by statute, be vested with all and every of the powers and duties with which Trustees may lawfully be vested. The District Board of Management shall have all necessary powers with regard to the bringing or defending of any action, suit, prosecution or complaint in the name of the District or authorise the Trustees to institute such proceedings.
- (5) The Trustees shall have power:
 - (a) To receive monies or other property paid, delivered or conveyed to them as Trustees of the District and to expend monies without distinction between capital and income.
 - (b) To invest, sell, exchange or otherwise dispose of investments or other property of the District and to deal with the funds of the District including purchase or otherwise acquiring of property out of the funds of the District.
 - (c) To lend and advance money or give credit to any person or corporation; to guarantee, and give guarantees or indemnities for the payment of money or the performance of contracts or obligations by any person or corporation; to secure or undertake in any way the repayment of moneys lent or advanced to or the liabilities incurred by any person or corporation: and otherwise to assist any person or corporation. This Rule shall be subject to Rule 10(C)(7).

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- (d) To borrow or raise or secure the payment of money and to secure the same or the repayment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the District in any way, and to purchase, redeem or pay off any such securities.
 - (e) To lease, licence, hire or otherwise give and acquire rights to use or occupy property of the District and for the purposes of the District and to carry on any business of the District.
- (6) For the purposes of exercising a power listed above, the Trustees shall have all such powers ancillary or incidental to or conducive to the exercise of that power as they would have if they were exercising the listed power by employment of funds or in relation to property beneficially owned by them and were acting in a personal as against a fiduciary capacity. The powers conferred by this Rule shall be in addition to such powers as are conferred upon Trustees by any law for the time being in force in Australia or any of its States or Territories (every one of which statutory powers the Trustees shall be deemed to have notwithstanding that the power is exercised outside Australia or the State or Territory under the law of which same is conferred) and shall not be construed to be limited or restricted to or by the statutory powers or so as to impose upon the Trustees any duties imposed by law upon Trustees exercising the statutory powers.
 - (7) The Trustees shall be fully and effectually indemnified out of the funds of the District in respect of any personal liability incurred in a proper exercise of the powers given by this Rule or by law and shall not be liable to the District or any of its members for loss incurred in a proper exercise of such powers.

10(G) *AUDITOR*

- (1) There shall be one auditor who shall be a duly qualified Chartered Accountant.
- (2) The auditor shall be appointed annually by the District Board of Management and shall be eligible for re-appointment.
- (3) The auditor's duties shall be to audit the accounts at the end of the financial year or when required by the District Board of Management. He shall also audit Lodge Books when authorised to do so by the District Executive Officers.
- (4) On all occasions the auditor shall furnish a report as to the state of the books and such report will be provided to the members together with the Balance Sheet.
- (5) Should at any time the position of Auditor become vacant, it shall be filled in accordance with Rule 10(G).
- (6) The selection of an auditor, the presentation of the accounts and certificates by the auditor and all other matters to do with the audit, the keeping of and presentation of accounts to the District Board of Management and to the membership, shall be according to the requirements, forms and procedures of the law affecting the accounting and auditing practices of organisations registered under the provisions of the *Fair Work (Registered Organisations) Act 2009* or successor legislation.

10(H) *SEAL*

The Seal of the District shall be held by the District Secretary and shall be used by the District Secretary for all purposes of the District for which it may be required. The affixture of the seal to any instrument shall be attested under the name of the District Secretary and such other members of District Executive as the District Executive may decide.

10(I) *REGISTERED OFFICE*

The registered office of the District shall be Wing 5 Lignite Court, Morwell, Victoria or such other place as may be decided upon by the District Board of Management from time to time.

10(J) *ACCESS TO BOOKS*

Each member of the District shall have access at all reasonable times, to the books of the District on applying to the District Secretary.

10(K) *PERSON TO SUE*

The District Secretary shall be the person to sue or be sued for and on behalf of the District.

10(L) *POLITICAL FUNDS*

- (1) The District Board of Management shall be empowered to recommend to the members of the District a voluntary payment per annum for a Political Fund. Monies derived from this source shall be paid into the District Office and such monies so received shall be paid into a fund which shall be used only for political purposes.
- (2) Contributions to the Political Fund shall not be a condition of admission to or of membership of the District. A member who does not contribute to this fund shall not be excluded from the benefits of the District by reason of his failure to so contribute to the Political Fund. Only those members who contribute to the Political Fund shall be allowed to enjoy the privileges for which the fund is created.

10(M) *PAYMENT OF OFFICERS AND DELEGATES*

All Officers and Delegates when performing work for the District shall be paid out of the funds of the District, such remuneration as may be determined from time to time by the District Board of Management, provided that where there has been a determination by the Central Council of the Union of the level of such remuneration, Officers and Delegates shall be paid in conformity with that determination. Travelling, lost time and other expenses shall also be allowed to representatives to the District Board of Management as prescribed from time to time by the District Board of Management.

10(N) *FINES*

All fines for violation of the District Rules shall be paid into the General Fund of the District unless otherwise provided for.

10(O) *GENERAL MEETING – CONSIDERATION OF FINANCIAL REPORTS*

The members of the Victorian District Branch may call for a general meeting of the Victorian District Branch members for the purpose of considering the Victorian District Branch auditor's report, the general-purpose financial report, and the operating report. The District Secretary, or in his or her absence, the District President, must call such a general meeting, as soon as is reasonably practicable, where each of the following requirements have been met:

- (1) The call for a general meeting is made in writing in the form of a petition.
- (2) The petition is signed by at least 5% of the members of the Victorian District Branch. For a member to be counted towards the 5% threshold, that member's full name, address and dated signature must appear on the petition.
- (3) The petition must be provided to the District Secretary, or in his or her absence, the District President, within 30 days of the date of the first signature on the petition.

11 – LODGES

11(A) *FORMATION OF LODGES*

- (1) The District Executive shall take whatever steps are necessary to establish Lodges of the District at all workplaces in the District.
- (2) A Lodge is a local grouping of members, established to enable members to participate more effectively in the affairs of the District Branch and to give collective expression to the interests, concerns and views of the members who work in the Lodge.
- (3) Where there is no Lodge at a workplace and the District Executive is of the opinion that a Lodge should be formed, the Executive shall announce, in whatever way is best suited to the circumstances of the workplace, that a meeting will be held of eligible workers for the purposes of forming a Lodge of the District. The announcement shall state that officers of the Lodge will be elected at the foundation meeting.
 - (a) Any foundation meeting shall be chaired by a member of the District Executive.
 - (b) The foundation meeting shall be conducted according to the Standing Orders for District Lodge meetings.
 - (c) The foundation meeting shall elect a Lodge Committee, officers and representatives as required by these Rules.

11(B) *WHERE THERE ARE NO LODGES*

- (1) Any member of the Union who works at a workplace where there is no Lodge of the District, shall pay to the District Secretary or a person authorised by the District Board of Management, all subscriptions, fines, fees, and levies which shall be determined as payable by them by the District Executive or District Board of Management.
- (2) Where there are less than twenty-five members at a workplace, they may form a Lodge but shall be under the direct supervision of and managed by the District Executive rather than a Lodge Committee.

11(C) *MANAGEMENT OF LODGES*

- (1) Subject to Rule 11(B)(2), each Lodge shall be managed by a Lodge Committee consisting of:
 - (a) Where the Lodge consists of both Mine and Power Station workplaces;
 - (i) a Lodge President (Mining);
 - (ii) a Lodge President (Energy);
 - (iii) a Lodge Secretary;
 - (iv) a Lodge Assistant Secretary; and
 - (v) such number of ordinary Lodge Committee members determined in accordance with Rule 11(C)(2).
 - (b) In all other Lodges;
 - (i) a Lodge President;
 - (ii) a Lodge Secretary; and
 - (iii) such number of ordinary Lodge Committee members determined in accordance with Rule 11(C)(2).
- (2) The number of ordinary Lodge Committee members shall be determined annually, prior to the calling of nominations of the Lodge Committee elections, by a meeting of the Lodge members. Such determination shall endeavour to provide each distinct work group within the Lodge with proportionate representation on the Lodge Committee and shall not become policy until submitted to and approved by the District Board of Management.
- (3) All members of the Lodge Committee, including Lodge Presidents, shall have equal voting power on all questions put to a meeting of the Lodge Committee.
- (4) More than half of the number of Lodge Committee members, including more than half of the Lodge Executive Officers must be present at each meeting of a Lodge Committee and shall be the quorum.

11(D) *ELECTION OF LODGE COMMITTEE MEMBERS*

Subject to Rule 11(B)(2) and Rule (2) Lodge Committee positions, with the exclusion of Lodge President who is elected according to Rule 7(B), shall be elected annually by Lodge Ballot in accordance with the following:

- (1) Lodges consisting of both Mine and Power Station workplaces
 - (a) For the purposes of Lodge elections, Lodge members shall be classified as either Mine or Power Station members and further as required, into work groups. This classification shall be carried out by the Lodge Committee and submitted to the District Board of Management for its approval.

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- (b) The Lodge President (Mining) shall be elected from and by the Lodge Mine members.
 - (c) The Lodge President (Energy) shall be elected from and by the Lodge Power Station members.
 - (d) The election of Lodge Secretary and Lodge Assistant Secretary shall be combined under the nomination of Lodge Secretary and shall be elected from and by all Lodge members. Where the first placed candidate so elected for Lodge Secretary is classified as:
 - (i) a Mine member, the Assistant Secretary shall be the next placed candidate classified as a Power Station member, or where no such candidate exists, the second placed candidate; or
 - (ii) a Power Station member, the Assistant Secretary shall be the next placed candidate classified as a Mine member, or where no such candidate exists, the second placed candidate;

provided that the first placed candidate may choose to take the Assistant Lodge Secretary position instead and thus the second successful candidate the Lodge Secretary position.

- (e) Lodge Ordinary Committee members shall be elected by and from such work group or industry sector as such positions exist within that Lodge.
- (2) All other Lodges
- (a) The Lodge President and Lodge Secretary positions shall be elected from and by all Lodge members.
 - (b) For the purposes of the Lodge ordinary Committee member elections, Lodge members shall be classified into such work groups or occupations as are required. This classification shall be carried out by the Lodge Committee and submitted to the District Board of Management for its approval. Lodge ordinary Committee members shall be elected by and from such work group or industry sector as such positions exist within that Lodge.

11(E) *DUTIES OF LODGE COMMITTEE*

- (1) The Committee of each Lodge shall see that the health and lives of their fellow workers are protected to the utmost and shall deal with all matters affecting the interests of the Lodge.
- (2) Lodge Committees shall endeavour to protect and improve the working conditions and living standards of all members.
- (3) Lodge Committees shall comply with, and put into effect, all resolutions that are carried by a majority vote of their Lodge members. Resolutions carried by a majority of Lodge members may only be revoked by another Lodge member resolution receiving a majority vote.

11(F) *LODGE MEETINGS*

- (1) All Lodge meetings shall be conducted according to the Standing Orders of the Union.

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- (2) Subject to Rule 5(B) and 5(C), all members of the Lodge shall have equal voting power on all questions put to a meeting of the Lodge except that in the event of equal voting of any question the chair shall have a casting vote. The chair shall normally be the Lodge President. Where a Lodge has two Presidents, the two Presidents will take alternate turns chairing meetings unless the two Presidents agree otherwise.
 - (3) The maximum time between successive meetings of Lodges shall be four calendar months.
 - (4) All meetings of Lodges shall be convened by Notice posted on the Lodge Notice Boards or by such other means as may be convenient.
 - (5) Each Lodge shall have power to make by-laws for its own guidance and control of its members. Such by-laws shall not be in contravention of the Rules of the Union or the District and shall not become operative until submitted to and approved by the District Board of Management.

11(G) *POWERS AND DUTIES OF LODGE PRESIDENT*

Lodge President(s) shall preside at all Lodge meetings and in conjunction with the Lodge Secretary ensure that the Rules of the Union, the District and the Lodge are carried out. Lodge Presidents shall act as advocates and spokesmen for their Lodge and generally act in the interests of the membership.

11(H) *POWERS AND DUTIES OF LODGE SECRETARY*

- (1) The Lodge Secretary shall, in conjunction with the Lodge President(s) ensure that the Rules of the Union, the District and the Lodge are carried out. The Lodge Secretary shall be responsible for keeping the books and records of the Lodge including a minute book for recording resolutions of Lodge meetings and a register of agreements made with the employer at the workplace.
- (2) The District shall provide each Lodge Secretary with the necessary books, equipment or facilities required to record Lodge information.
- (3) To produce their Lodge books/records to the District Executive Officers and District Board of Management when called upon to do so.
- (4) All books, tickets, records, information (electronic or otherwise) and documents held by any Lodge Officers or members relating to the District shall be the property of the District and shall be surrendered to the District Executive upon demand. Where a Lodge has closed, the Lodge Secretary of such Lodge shall forward to the District Secretary all District and Lodge books/records in his possession.
- (5) Subject to Union Rule 22, if any Lodge Officer or member fails to comply with these Rules the District Board of Management may expel them.
- (6) To produce the Lodge books/records for inspection when called upon by a majority of the members of the Lodge.
- (7) To keep the Lodge books/records in accordance with the system approved by the District Board of Management.

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- (8) To administer and keep records of any Lodge funds in a manner consistent with District methods.

11(I) *DELEGATES*

- (1) Lodge Committees shall endeavour to have all work groups within their Lodge represented by Delegates. Accordingly, the Lodge Committee may, from time to time, call for nominations for Delegates from members.
- (2) Nominations for Delegates shall be in writing and signed by at least two financial members of the Lodge and be accepted by way of the signature of the nominee. Nominees shall be financial members of the Lodge.
- (3) Lodge Committees shall submit all eligible Delegate nominations for endorsement by a majority of members present at the next meeting of the Lodge. Endorsed nominations shall then be submitted by the Lodge Secretary to the next meeting of the District Board of Management for its consideration.
- (4) Where the District Board of Management endorses a Lodge nomination for a Delegate, the District Secretary shall notify both the member and Lodge concerned in writing.
- (5) Authorised Delegates shall:
 - (a) remain informed of the concerns and issues affecting members in their work group and report same to the Lodge Committee;
 - (b) act as the advocate and spokesman for their work group; and
 - (c) generally act in the interests of all Lodge members.
- (6) All Lodge Committee and District Board of Management members shall ex-officio be Authorised Delegates for their Lodge.

11(J) *STRIKES*

- (1) Before a stoppage of work takes place at any workplace, the Lodge Committee shall fully investigate the cause of the dispute and endeavour to effect a settlement. Failing a settlement being obtained by the Lodge Committee, the dispute shall be immediately referred to the District Executive who shall inquire into and endeavour to bring about a satisfactory settlement of the dispute.
- (2) No Lodge or members of a Lodge shall cease work without the sanction of the District Executive.
- (3) Any Lodge or members of a Lodge failing to comply with these Rules shall not be financially supported by this District.
- (4) The District Executive Officers shall endeavour to settle any matters in dispute failing which they shall have the power to refer such dispute to the District Board of Management.
- (5) Notwithstanding anything contained in this Rule, the Lodge or members may where danger in the workplace is apprehended, cease work immediately without reference to the District Executive.

11(K) *PRIVATE AGREEMENTS*

No member of any Lodge in the District shall be permitted to enter into any private negotiation or agreement with his employer without the sanction of the Committee of the Lodge of which they are a member and no Lodge shall be permitted to enter into any agreement with the employer without the sanction of the District Executive and/or the District Board of Management.

11(L) *MEMBERS NOT TO WORK WHEN WORKPLACE IS IDLE*

When a workplace is idle, members of this District shall not enter the workplace unless with the permission of the District Executive.

11(M) *EXPULSION OR SUSPENSION OF LODGES*

This Rule is to be applied using the principles outlined in Union Rule 22:

- (1) Any Lodge of this District refusing to comply with the decision of the majority of this District shall be suspended for a period of time or expelled from the District and shall not be entitled to any benefits or privileges of the District.
- (2) In cases of suspension or expulsion, the Lodge shall pay all arrears before being readmitted to the District.
- (3) Any Lodge expelled or suspended under this Rule shall have the right to appeal against the decision to the Central Council of the Union.

11(N) *DEMAND BY LODGES FOR DISMISSAL OF OFFICER*

Subject to Union Rule 22, no Lodge shall send to the District Board of Management a notice of motion asking for the resignation of a District Officer, unless some specific charge is laid against such Officer in writing and he has been given the opportunity to attend the Lodge to vindicate himself and no such motion shall be allowable unless at least fifty per cent of the Lodge are present or a ballot of the whole of the members of the Lodge has been taken. The Lodge shall defray the cost of such a ballot.

12 – ALTERATION OF RULES

New District Rules may be made and any of the Rules of the District may be altered, amended, added to or rescinded by the District Board of Management.

12(A) Proposed new Rules shall be examined and reported on by a Rules Committee of members of the District Board of Management appointed from time to time as the occasion arises by the District Board of Management.

12(B) The report of the Rules Committee shall be discussed by the District Board of Management and the proposed Rule changes submitted for approval by a majority of the members present and voting at that meeting of the District Board of Management and then submitted for the approval of the membership in the same manner as other District Board of Management resolutions.

13 – DISSOLUTION OF THE DISTRICT

While seven financial members remain in the District, the District shall not be dissolved. Should the number of members at any time fall below seven the District shall be dissolved. In the event of dissolution, all monies remaining, after payment of all just debts, shall be held in trust by the Central Council of the Union in a separate fund until such time as a new District containing seven or more members can be formed.

END OF RULES

Annexure 4

~~[105N FED: Incorporates alterations of 24 July 2019] [R2019/89]
(replaces rulebook dated 27 March 2018 [D2017/5])~~

~~_____ I CERTIFY under section 161 of the Fair Work (Registered Organisations)

_____ Act 2009 that the pages herein numbered 1 to 101 both inclusive contain a

_____ true and correct copy of the registered rules of the Construction, Forestry, and Maritime,

_____ Employees Mining and Energy Union.~~

~~_____~~

~~_____~~

~~_____ DELEGATE OF GENERAL MANAGER
_____ FAIR WORK COMMISSION~~

Rules of the Construction, ~~Forestry and~~, Maritime ~~Employees and Manufacturing, Mining and~~
Energy Union
Contents

1 - NAME	1
2 - CONSTITUTION	1
3 - DESCRIPTION OF INDUSTRY	4441
4 - OBJECTS	5146
5 - DEFINITIONS	5348
6 - SEAL	5550
7 - MEMBERSHIP	5651
8 - ENTRANCE FEES AND CONTRIBUTIONS	5853
9 - CLEARANCES	5853
10 - TRANSFERS	5954
11 - RESIGNATION OF MEMBERS	5954
12 - REGISTER OF MEMBERS	6055
13 - SUPREME GOVERNING BODY IN UNION	6055
13A - NATIONAL WOMEN'S CONFERENCE	6358
13B - NATIONAL WOMEN'S COMMITTEE	6358
14 - NATIONAL EXECUTIVE COMMITTEE	6459
15 - NATIONAL EXECUTIVE	6560
16 - ELECTION OF NATIONAL OFFICERS AND NATIONAL EXECUTIVE COMMITTEE MEMBERS	6863
17 - ELECTION OF DELEGATES TO DIVISIONAL CONFERENCES	7065
18 - DIVISIONAL EXECUTIVE ELECTION	7368
19 - REMOVAL OF OFFICERS	7469
20 - REFERENDA	7469
21 - VACANCIES IN OFFICE	7570
22 - DUTIES OF OFFICERS/MEMBERS	7570
22A - TRAINING OF OFFICERS	7671
23 - FUNDS AND PROPERTY	7772
24 - AUDITOR	7873
24A - POLICIES AND PROCEDURES - EXPENDITURE	7873
24B - DISCLOSURE BY OFFICERS OF REMUNERATION AND NON-CASH BENEFITS	7873
24C - DISCLOSURE BY OFFICERS OF MATERIAL PERSONAL INTEREST	7974
24D - DISCLOSURE BY UNION OF PAYMENTS	8075
25 - ALTERATION OF RULES	8176
26 - RULES BINDING ON MEMBERS, BRANCHES AND DIVISIONS	8176
26A - COMPLAINTS BY MEMBERS	8176
27 - DIVISIONS	8378
28 - BRANCHES	8479
29 - AGREEMENTS WITH STATE UNIONS	8479
30 - AGREEMENTS	8580
31 - CLAIMS AND INDUSTRIAL DISPUTES AND PROCEEDINGS	8580
32 - REGISTERED OFFICE	8681
33 - REGISTERED OFFICER	8681
34 - DISSOLUTION	8681
35 - RECOVERY OF DUES	8782
36 - LEVIES	8782
37 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED	8782
38 - STANDING ORDERS	8883
39 - ABSENTEE VOTING	9085
40 - MANNER OF SUMMONING MEETINGS	9085
41 - SPECIAL RULE AND AMALGAMATIONS	9085
42 - TRANSITIONAL PROVISIONS – ORIGINAL AMALGAMATION	9085
42A - DELETED	9489
42B - Merger with ABCE & BLF	9489
42C - AMALGAMATION WITH FBTPU	9590
42D - DELETED	9691

Contents

42E - TRANSITIONAL RULE – MUA AND TCFUA	9691
BRANCH RULES	9893
43 - NAME	9893
44 - MEMBERSHIP AND CONSTITUTION	9893
45 - SEAL	9893
46 - STATE CONFERENCE	9893
47 - STATE EXECUTIVE	10094
48 - ELECTION OF STATE OFFICERS – OTHER THAN NSW STATE BRANCH	10195
48A – ELECTION OF STATE OFFICERS NSW STATE BRANCH	10296
49 - FUNDS OF THE BRANCH	10296
50 - AUDIT	10397
50A - POLICIES AND PROCEDURES - EXPENDITURE	10398
50B - DISCLOSURE BY BRANCH OFFICERS OF REMUNERATION AND NON-CASH BENEFITS	10498
50C - DISCLOSURE BY BRANCH OFFICERS OF MATERIAL PERSONAL INTEREST	10499
50D - DISCLOSURE BY BRANCH OF PAYMENTS	10599
51 - OFFICERS	106100
52 - REFERENDA	106100
53 - RULES OF THE BRANCH	106101
54 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED	107101

1 - NAME

The name of the Union shall be the "Construction, ~~Forestry, and Maritime, Employees Mining and Energy and Manufacturing~~ Union".

2 - CONSTITUTION

(A)(A) The following unlimited number of persons, whether male or female, are eligible to be members of the Union

- (1) employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations and/or industrial pursuits of

and/or
- (2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or
- (3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:
 - (i) carpenters or joiners (including foremen and sub-foremen) and carpenters or joiners employed in the States of New South Wales, Tasmania and Western Australia or in the Australian Capital Territory on bridges, wharves, jetties or piers or employed in the State of Victoria on bridges, wharves, jetties or piers which are wholly or substantially built of concrete and in respect of which the performance of formwork requires the exercise of a substantial amount of the knowledge and skill of a tradesman carpenter, or employed in one of the said States or in the State of Queensland or the said Territory on dams, ship carpenters or joiners (including foremen and sub-foremen) or tilelayers, including without limiting the meaning of the word tilelayers, persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions, or bricklayers, tuckpointers, or in a trade or calling of a slater, roof tiler, shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibro, fibrolite or cement mixtures and accessories, malthoid sisalkraft or bituminous roofing materials and all accessories made of the same materials and without limiting the meaning of the above they shall be deemed to include terra cotta, glazed, semi-glazed roofing tiles, cement tiles, slates, fibro slates, tiles, asbestos, fibro fibrolite, fibrous mixtures, cement and any mixtures that may replace or be used in conjunction with the foregoing or any materials incidental thereto or in place thereof, or in New South Wales journeymen and other labour engaged in the plate, sheet and ornamental glass trade, or apprentices or trainees to or in any of the foregoing trades together with such other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof PROVIDED however that notwithstanding the foregoing:-

- (a) In the States of Western Australia, South Australia, Tasmania and Queensland and in the Australian Capital Territory, nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in tilelaying as defined in this sub-rule;
 - (b) In the States of New South Wales, Victoria, South Australia, Queensland and Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership, any employee engaged in tilelaying as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trade Society of Australasia;
 - (c) In the Australian Capital Territory and the State of Tasmania nothing in paragraph (A)(i) of this rule shall render eligible for membership persons engaged in the fixing of corrugated asbestos cement roofing sheets;
 - (d) Nothing in paragraph (A)(i) of this rule shall render eligible for membership any person who is a member of or eligible for membership of The Plumbers and Gasfitters Employees' Union of Australia;
 - (e) In the States of Victoria, South Australia, Queensland, Tasmania and the Australian Capital Territory nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee engaged in the plate, sheet and ornamental glass industries as defined in this sub-rule who is eligible for membership of The Federated Furnishing Trades Society of Australasia.
- (ii) the process or trade or business as a: plasterer, fixer, shophand, and caster, or employed in internal and/or external plastering, and/or cementing, including rendering with all forms of plaster, asbestos fibre, and including the performance of the aforementioned duties or processes by manual or mechanical means, (excepting employees engaged in manufacture of cement and/or concrete, and/or fibrolite articles) including wood, paper and metal lathing and/or top dressing of all concrete work finished in cement, and/or fibrous plaster fixing work, including sackett board and similar substances, defined as being fixing and finishing of fibrous work, as done by plasterers or fibrous plaster fixers, or employed in underground sewer or tunnel plastering, granolithic floor laying, i.e., floors laid with material or aggregate consisting of granite chips, blue stone toppings, crushed slag, cement floors, including magnesite and/or composition floors, marble mosaic paving, terrazzo and similar work, and/or press cement work, including shophands' work, being defined to include the interpretation of plans and details, and to work from them in the preparation of the ground work for the modeller, and also the cutting and mounting of moulds and casters' work, which shall include cornice and moulding and other plaster castings, and the casting of plain or ornamental plaster sheets by mechanical or manual means (excepting the manufacture of paper-backed wallboard from plaster of paris at Colonial Sugar Refining Company Ltd in New South Wales). Excepting in the State of New South Wales and Victoria the laying or fixing to floors or walls, tiles of terra cotta or pottery ware, faience, ceramic (excepting where such work is done in connection with bricklaying work) opalite tiles not exceeding in measurement .093 square metres, tiles made of plastic substances or other materials in substitution thereof, excepting metal, together with all persons as have been appointed officers of the Federation, and admitted members thereof. All persons employed assisting shophands, casters and/or fixers.

All junior shophands, casters and fixers and all persons apprenticed to any such branch of the plastering trades. Apprentices to the tilelaying trade other than in the States of New South Wales and Victoria. In the State of Victoria nothing in paragraph (A)(i) of this rule shall render eligible for membership any employee

- (a) engaged upon the laying or fixing of tiles faience or ceramic blocks or tiles;
 - (b) engaged on press cement work;
 - (c) engaged upon the manufacture of plaster sheets by mechanical or manual means;
 - (d) engaged in assisting shophands, casters and/or fixers.
- (iii) In the State of Victoria any process, trade or business in or of the plaster industry. Without limiting the generality of the term, the plaster industry shall include:
- (a) the making of fibrous plaster and plasterglass board;
 - (b) the fixing or stopping of fibrous plaster, plasterglass board or gypsum plasterboard sections and shapes or any other work connected therewith;
 - (c) the making of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass;
 - (d) the fixing of architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster cement or fibreglass or any other work therewith;
 - (e) the making of moulds for use in the making of such architectural ornaments;
 - (f) architectural modelling;
 - (g) the manufacturing of Plaster of Paris and the excavating or preparing of the raw materials for Plaster of Paris;
 - (h) the making and fixing of gypsum beam blocks and/or castings;
 - (i) the making of all forms of gypsum plasterboard sections, shapes and systems;
 - (j) the preparation of material for, and the making and fixing of acoustic tiles;
 - (k) the erection of suspended ceilings where the ceiling is to be of fibrous plaster sheets or tiles, gypsum plasterboard, plasterglass board or other material having a plaster content, including the fixing of battens, tracks or channels to which the plaster content materials are attached;
 - (l) the making and fixing of plaster walls, partitions and systems;
 - (m) the making, colouring and decorating of plaster models, the assembling or finning of models when taken from moulds, and any other work connected therewith;
 - (n) the making of moulds from chemically blended or compounded substances in substitution for plaster, fibrous plaster, or cement, the using of such moulds in the making of articles from plaster, fibrous plaster or cement or fibreglass for use in the building industry, and the fixing of such articles in the said industry;

- (o) the making of articles composed of chemically blended or compounded substances for use in the building industry and the fixing of the said articles;
- (p) the assembling, stacking and preparation for distribution of:

fibrous plaster, plasterglass board, architectural ornaments composed wholly or mainly of fibrous plaster, plasterglass, plaster, cement or fibreglass, Plaster of Paris, gypsum beam blocks and/or casting, gypsum plasterboard, acoustic tiles, plaster walls and partitions, plaster models and chemically blended or compounded substances for use in the building industry;
- (q) the manufacturing of chalk, crayon or other articles from mineral earth;

and includes in Victoria the occupation of plasters' labourer and a person assisting a tradesperson in the Plaster Industry.

(A)(b) Without limiting the generality of any other subrule or paragraph or being limited thereby an unlimited number of persons employed in or seeking to be employed in or in connexion with all or any of the industry and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, shall be eligible to be members of the Union including the following:

- (a) on ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind, and in the State of West Australia in accordance with the State Demarcation Board's decision number 32 of 1945 contained in the West Australia Industrial Gazette, published 30th June, 1947, Vol. XXVIII, page 130;
- (b) the painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;
- (c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;
- (d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;
- (e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars (but excepting in the State of Victoria, South Australia and Tasmania only, any person who is eligible for membership of the Federated Furnishing Trade Society of Australasia);

- (f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distemping, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;
- (g) signwriting, designing and/or lettering of price tickets and showcards;
- (h) pictorial or scenic painting or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering;
- (i) in the State of West Australia the work of enamelling, lining, spraying and writing on cycles;
- (j) in the State of Queensland leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;
- (k) employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November, 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 2, Constitution hereof, (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, water colour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools, or by grit, shot, or other abrasives or by any other means;
- (l) persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade; together with such other persons whether engaged in any industrial pursuit or not who have been appointed officers of the Union or its branches and admitted as members thereof but shall not include persons employed in connexion with the production or preparation of manufactured goods, plant, machinery, equipment, packages or containers for sale or purposes of distribution.
- (2) For the purposes of this Rule a person shall be deemed to be employed in one or more of the specified industries, occupations, callings, vocations or industrial pursuits if:
 - (i) his usual occupation is that of an employee in one or more of the specified industries, occupations, callings, vocations or industrial pursuits, or
 - (ii) he is a person employed in one or more of the specified industries, or engaged in one or more of the specified industrial pursuits in the State of New South Wales, Queensland, South Australia or Western Australia who -

- (a) in the case of a person so employed or engaged in New South Wales - is an employee for the purposes of the Industrial Arbitration Act 1940 of that State or that Act as amended from time to time;
 - (b) in the case of a person so employed or engaged in Queensland - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1961-1976 of that State or that Act as amended from time to time;
 - (c) in the case of a person so employed or engaged in South Australia - is an employee for the purposes of the Industrial Conciliation and Arbitration Act 1972-1975 of that State or that Act as amended from time to time;
 - (d) in the case of a person so employed or engaged in Western Australia - is an employee for the purposes of the Industrial Arbitration Act 1979 of that State or that Act as amended from time to time;
- (3) A person who is a member of or who is eligible for membership of The Printing and Kindred Industries Union, shall not be eligible to be or be a member of The Operative Painters and Decorators Union of Australia.
- (B) Without limiting the generality of the foregoing, or being limited thereby the Union shall also consist of:-
- (1) workers (other than tradesperson), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building.

For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.
 - (2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:
 - (i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or
 - (ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as
 - Bricklayers Labourer
 - Plasterers Labourer
 - Concrete Finisher
 - Dump Cart Operator
 - Scaffolder
 - Powder Monkey
 - Foundation Shaftsmen
 - Steel Fixer (including Tack Welder)
 - Assistant Powder Monkey
 - Demolition Worker
 - Gear Hand
 - Jackhammerman
 - Mixer Driver (Concrete)
 - Steel Erector
 - Aluminium Alloy Worker Structural Erectors
(whether prefabricated or otherwise)

Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine
Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations
or basements of building or levelling
ground on a proposed building site
or doing concrete work, tar paving or
asphalt work or mortar or concrete mixing
in connection with or incidental to the
construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an
integral part of, or is incidental to, a
tradesman's work
Assistant Rigger assisting a rigger
specified in immediate preceding
classifications
Drilling Machine Operator except in the
mining or mineral exploration or
hydrocarbon industries

Provided that, nothing in this sub-rule (B) shall render eligible to join the Union any person employed:-

- (3) In the State of Victoria as a bricklayer's labourer, a bricklayer's labourer-refractory brickwork, a plasterer's labourer assisting a fibrous plasterer, a plasterers labourer assisting a solid plasterer, a concrete finisher, or labourer whose sole function is to assist a roof slater and tiler or whose sole function is to operate a dump cart;
 - (4) A drainer or person employed as a plumber's labourer;
 - (5) On a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a Civil or Mechanical Engineering Site;
 - (6) In the installation, repair or maintenance of lifts, escalators or air-conditioning plant;
 - (7) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.
- (C) Without limiting the generality of the foregoing and without being limited thereby the following are eligible to be members of the Union:

- (i) All persons who are employed or are usually employed in any position on or in or in connection with (a) saws and wood working machines; (b) handling and treating timber and articles manufactured therefrom; (c) sawmills, timber yards, box and case factories, saw makers shops, joiners workshops, car and waggon shops, coach builders workshops, coopers workshops, furniture factories wooden sporting goods factories and veneer and plywood factories; (d) the preparing of woodwork for joiners, carpenters, builders, implement makers, coachbuilders, car and waggon builders, furniture factories, box and case factories, wooden sporting goods factories, veneer and plywood factories and coopers shops; (e) falling splitting and hewing timber.

Provided that millwrights, blacksmiths and maintenance engineers employed as such elsewhere than in bush sawmills, and fitters and/or turners, other than wood turners, shall not be eligible for membership unless covered by the provisions of paragraph (ii) hereof.

In these Rules, the words "wood and/or timber" without in any way limiting the ordinary meaning of the words, shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and

- (ii) An unlimited number of males and females engaged or usually engaged in any occupation connected with manufacture, processing and supply of pulp, paper, paper board, strawboard, plastic materials (obtained from the wood and cooking chemicals in establishments where the organisation has as members persons coming within any other sections of this constitution) paper bags or any similar commodity, excepting employers of labour and
- (iii) Such other persons who may be appointed from time to time to any office.
- (D) Without limiting the generality of the foregoing and without being limited thereby, in the State of South Australia, an unlimited number of employees engaged in or in connection with the coal and shale industries together with such other persons whether employees in the industries or not as have been appointed officers and admitted as members are eligible to be members of the Union. This sub-rule 2(D) does not apply outside the State of South Australia.
- (E) Without limiting the generality of the foregoing and without being limited thereby the following are eligible to be members of the Union:-
- (a) An unlimited number of all classes of engine drivers, firemen, crane drivers, mobile crane drivers, forklift drivers, tow motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery connected with the production or utilisation of power on land or any harbour or river, and boiler attendants attending boilers not generating steam for power purposes and such persons as have been elected or appointed as paid officers of the Union or a branch of the Union or whilst financial members of the Union are elected as representatives of any working-class organisation to which the Union or a branch thereof is affiliated, or as a working-class member of Parliament.

Provided that mobile crane drivers, operators of fork lifts and/or tow motors engaged on the waterfront upon such work being that of a waterside worker or engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership.

Provided further that, other than in the State of South Australia, nothing in sub-rule 2(E)(a) shall render eligible to join the Union a person engaged in the Mining, Exploration and Energy Industries:-

(i) the Coal and Shale Industry,

(ii) the Mining or Exploration Industries,

(iii) the power generation, co-generation, transmission and distribution industry;

(iv) the oil industry;

(v) the gas industry;

(vi) the nuclear industry; and

(vii) the chemical production industry.

- (b) Further, provided that, without limiting the generality of the foregoing the following classes of workers engaged in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building are eligible to be members of the Union. For the purposes of this sub-rule (b) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

Dogman

Hoist or Winch Driver

Gantry Hand or Crane Hand

Crane Chaser

Dogman/Crane Hand

Trainee Dogman/Crane Hand

Pile Driver

Pile Driver Assistant

Rigger performing rigging work that is an integral part of, or is incidental to, crane operations

Assistant Rigger

Drilling Machine Operator

Dump Cart Operator in respect of Victoria only

Provided that, nothing in sub-rule (b) shall render eligible to join the Union any person employed:

- (1) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site.
- (2) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.
- (3) in the mining or exploration or hydro-carbons industries.

- (F) Without limiting the generality of any other sub-rule or paragraph or being limited thereby an unlimited number of persons who are employed in, or competent to be employed in or in connection with the following industries or trades are eligible to be members of the Union:

Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting

accommodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattress-makers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen, and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

- (G) ~~(Deleted). Without limiting the generality of sub-rules (A), (B), (C), (D) (E) and (F) above, and without being limited thereby, employees other than managerial, supervisory, administrative, professional and clerical employees and trades persons employed by Comalco Aluminium Limited at its operations at Weipa in the State of Queensland are eligible to be members of the Union.~~
- (H) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule "E" shall make eligible for membership of the union any person employed by Queensland Alumina Limited in its operations at Gladstone in the State of Queensland.
- (I) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule (E) above shall make eligible for membership of the Union any person employed by the following employers in metalliferous mining in Tasmania or South Australia:
- Aberfoyle Resources Ltd
 Beaconsfield Gold Mines Ltd
 Mt Lyell Mining & Railway Co. Ltd
 Pasma Mining
 Renison Ltd
 Tasmania Mines Ltd
 Western Mining Corporation
 Adelaide Chemical Company
 Boral Resources (SA) Pty Ltd
 Penrice Soda Products Pty Ltd
 Mt Gunson Mines Ltd
 Commercial Minerals (SA) Pty Ltd
- (J) Without limiting the generality of Sub-Rules (A) to (F) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they

usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.

(K) 1. For the purposes of this sub-rule:

1.1 "employees" shall mean and include employees of employers engaged in the operations of sugar mills, refineries, distilleries, terminals and sugar storage facilities in the milling, refining, distilling, terminal, storage and other sectors of the sugar industry in Queensland and/or in any by-product or tourism operations conducted by an employer but shall not mean and include -

1.1.1 persons employed to perform office clerical and tradespersons' work, or

1.1.2 in the case of CSR Limited, persons who are from time to time members of the CSR Ltd Officers' Association or who are from time to time salaried staff of CSR Limited eligible for membership of the CSR Ltd Officers' Association, or

1.1.3 persons who are contractors or subcontractors engaged by employers, and

1.2 "employers" shall mean and include -

1.2.1 Australian National Power Alcohol Company Proprietary Limited,

1.2.2 Babinda Sugar Limited,

1.2.3 Bingera Sugar Pty Ltd,

1.2.4 The Bulk Sugar Terminal Operations,

1.2.5 Bundaberg Distilling Company Pty Limited,

1.2.6 Bundaberg Sugar Ltd,

1.2.7 CSR Limited,

1.2.8 CSR Plane Creek Pty Ltd,

1.2.9 The Haughton Sugar Company Pty Limited,

1.2.10 Isis Central Sugar Mill Co Limited,

1.2.11 Mackay Sugar Co-operative Association Limited,

1.2.12 Millaquin Sugar Pty Ltd,

1.2.13 Moreton Sugar Ltd,

1.2.14 Mossman Central Mill Company Pty Ltd,

1.2.15 Pioneer Sugar Mills Limited,

1.2.16 Proserpine Co-operative Sugar Milling Association Limited,

1.2.17 Schumer Pty Ltd,

1.2.18 South Johnstone Mill Limited,

1.2.19 The Maryborough Sugar Factory Limited,

1.2.20 Mulgrave Central Mill Co Limited,

1.2.21 Tully Sugar Limited, and

1.2.22 W H Heck & Sons Pty Ltd.

2. Employees (as defined) of employers (as defined) shall not be eligible to join the union.

(L) Employees of Thiess Services Pty Ltd employed as maintenance workers at South Eastern Water pursuant to the Australian Workers Union Construction and Maintenance Award 1989 and the Thiess Environmental Services Pty Ltd Victorian Maintenance and Construction Services Enterprise Agreement 1995-1997 shall not be eligible for membership.

(M) Persons employed or to be employed by Energy Developments Limited and/or its subsidiaries or related companies shall not be eligible for membership of the union pursuant to any rule of the union, and the union shall not have the right to represent under the Act the industrial interests of such persons.

(N) Without limiting the generality of the foregoing and without being limited thereby, the following are eligible to be members of the Union: an unlimited number of persons whether male or female throughout the Commonwealth who are employed or usually employed in the Brick, Tile and Pottery Industry and without limiting the generality of the foregoing, shall include persons employed or usually employed within the said industry in the manufacture of Abrasive wheels and stones (otherwise than at Australian Abrasives Pty. Ltd., Auburn and at Carborundum Pty. Ltd., Thomastown), Architectural terracotta facing materials, Building bricks of every description (including sand and lime bricks), Bristolware, Ceramics, Chinaware, Conduits and Insulators, Earthenware, Ceramic flooring tiles, Pottery and porcelain ware, Refractory materials, Roofing tiles and accessories including cement tiles only in the State of Western Australia, Stoneware pipes and sanitary fittings, Terracotta ware and wall tiles, together with such persons, whether engaged in the industry or not, who have been elected full time paid officers of the Clay and Ceramics Industry Divisional Branch pursuant to the relevant rules relating to the election of officers.

(O) **Additional Eligibility for Admission to Membership in the State of Queensland**

This rule 2(O) does not apply outside the State of Queensland.

Without limiting the generality of the foregoing rules and without being limited thereby, the following provisions of this rule provide for additional eligibility for admission to membership of the Union in the State of Queensland:-

(i)

SECTION A

(a) The Union shall consist of an unlimited number of persons, employed or usually employed as carpenters or joiners, including ship carpenters or joiners, or as stonemasons, marble masons, polishers, machinists, sawyers and all other persons engaged in the dressing and preparation and/or erection of stone, marble or slate also those engaged in the preparation and/or erection of terrazzo or similar compositions; also those employed in or usually employed in the following callings:- Bricklaying, tuckpointing, coke slab wall erection, gas retort repairers, fire clay block layers, floor tilers, roof tilers, slaters and shinglers, Terracotta fixer; majolica fixers, earthenware pipe drain layers in or about a building, cutters of brickwork for doorways, windows etc. plasterers; fibrous plasterers; tilers; floor specialists; lathers; together with such other persons, whether employees in the industry or not, as have been appointed Officers of the Association and admitted as members hereof.

(b) This Union shall also consist of an unlimited number of persons employed in or usually employed in the painting and decorating industry in connection with

buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), general and ship painting, including the following:

- (i) On ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational Offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind.
- (ii) The painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind.
- (iii) The painting of or in connection with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise). The painting of or in connection with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts or prefabricated building and structures as aforementioned.
- (iv) The painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or seas, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases.
- (v) Glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars.
- (vi) Paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering.
- (vii) Signwriting, designing and/or lettering of price tickets and show cards.
- (viii) Pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering.
- (ix) Leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections.
- (x) Employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, putty stopping, caulking mixtures, compositions or compounds, oils, varnishes, watercolours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings will not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 1.2.2, Constitution hereof

(other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, watercolour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water solvents, electrical, mechanical, air powered or hand tools or by grit, shot, or other abrasives or by any other means.

- (xi) The Union shall also consist of an unlimited number of persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade together with such other persons whether engaged in any industrial pursuit or not who have been appointed Officers of the Union or its branches and admitted as members thereof but shall not include persons employed in connection with the production or preparation of manufactured goods, plant, machinery, equipment, packages, or containers for sale or purposes of distribution.

- (c) Nothing in this Section A rule will make eligible for membership any employee employed in or in connection with the conduct of Hamilton Island and Dent Island as part of the Island Tourist Resort Industry other than employees of contractors and/or subcontractors employed on the mainland and performing work on Hamilton Island and Dent Island from time to time. Provided further that, notwithstanding the foregoing provisions of this rule, the union does not have the right to enrol as members under this sub-rule, employees of Mount Isa Mines Limited covered by the Mount Isa Mines Limited Award and the Mount Isa Mines Limited Tracing Employees Industrial Agreement.

- (d) Notwithstanding any other provision in these Section A rules, a person employed by a sugar mill, refinery, distillery, terminal or storage operation and milling, refining, distilling, terminal, storage or other sectors of the sugar industry shall not be eligible to become a member of the union under this sub-rule.

- (e) The Union also shall consist of an unlimited number of members who are employed in, or competent to be employed in or in connection with the following industries or trades: Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accommodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattressmakers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military,

aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

- (f) Provided further that, notwithstanding the foregoing provisions of this Section A rule, the union does not have the right to enrol as members under this sub-rule persons employed from time to time on Lot 42 CP905700, Locality BEOR, Parish BEOR, County Elphinstone, Title Reference 50170171 until 5 February 2000.
- (g) Without limiting the generality of the foregoing Sub-Rules of this Section A Rule, or being limited thereby, independent contractors who, if they were employees performing work of the kind that they usually perform as independent contractors, would be employees eligible for membership of the Union, will be eligible for membership of the Union, and the Union will consist of an unlimited number of such persons.

SECTION B

- (a) The Association shall consist of an unlimited number of all classes of engine drivers, firemen, crane drivers, mobile crane drivers, forklift drivers, tow-motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery connected with the production or utilisation of power on land or any harbour or river and boiler attendants attending boilers not generating steam for power purposes and such persons as have been elected or appointed as paid officers of the Association or a Branch of the Association or whilst financial members of the Association are elected as representatives of any working class organisation to which the Association or a Branch thereof is affiliated or as a working class member of parliament. Provided that mobile crane drivers, operators of fork lifts and/or towmotors engaged on the waterfront upon such work being that of a waterside worker or engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership. Provided further that, notwithstanding the foregoing provisions of this Section B rule, the union does not have the right to enrol as members under this sub-rule, employees of Mount Isa Mines Limited covered by the Mount Isa Mines Limited Award and the Mount Isa Mines Limited Tracing Employees Industrial Agreement.
- (b) Nothing in sub-rule (O)(i) shall make eligible for membership any employee employed in or in connection with the conduct of Hamilton Island and Dent Island as part of the Island Tourist Resort Industry other than employees of contractors

and/or subcontractors employed on the mainland and performing work on Hamilton Island and Dent Island from time to time.

- (c) Notwithstanding any other provision in this Section B rule, a person employed by a sugar mill, refinery, distillery, terminal or storage operation and milling, refining, distilling, terminal, storage or other sectors of the sugar industry shall not be eligible to become a member of the association under this sub-rule.
- (d) Notwithstanding any other provision in this Section B rule, the persons employed by Dalrymple Bay Coal Terminal Pty Ltd at the Dalrymple Bay Coal Terminal site shall not be eligible for membership under this sub-rule.

(e) Provided further that that nothing in this sub-rule (O)(i) shall render eligible to join the Union a person engaged in the Mining, Exploration and Energy Industries.:

(i) the Coal and Shale Industry,

(ii) the Mining or Exploration Industries,

(iii) the power generation, co-generation, transmission and distribution industry;

(iv) the oil industry;

(v) the gas industry;

(vi) the nuclear industry; and

(vii) the chemical production industry.

SECTION C

- (a) ~~The Union shall be formed of persons not under the age of fourteen years employed or formerly employed in or about any coal, shale, metal, coke, and smelting works in Queensland, and who are approved by the Committee of Management.~~
- (b) Provided further that, notwithstanding the foregoing provisions of this rule, the Union does not have the right to enrol as members under this sub-rule, employees of Mount Isa Mines Limited covered by the Mount Isa Mines Limited Award and the Mount Isa Mines Limited Tracing Employees Industrial Agreement.

Without limiting any other rule, sub-rule (O)(i) does not make any person eligible to be a member of the union who is in a class of employees for whom, at the time of the rule being approved, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland was subject to a representation order, a State demarcation order or a demarcation undertaking or agreement (however described) in relation to that class of employees, in favour of another organisation or association.

- (ii) The Union shall consist of an unlimited number of persons employed or usually employed as Builders' Labourers throughout Queensland on or about any building or assisting any bricklayer, mason, plasterer, carpenter, plumber or any tradesperson engaged in building operations, or employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to building construction, and any labourer engaged in the construction, repair, demolition or removal of buildings, or as scaffolder, rigger, gear hand, gantry hand or crane hand or as dogperson, or as a drainer on all building contracts, any labourer excavating ground for foundations and basements of buildings, or levelling ground on a proposed building site, or doing concrete

work, tarpaving or asphalt work, or mortar or concrete mixing in connection with, or incidental to the foregoing operations, together with such other persons whether employees in the industry or not, as have been appointed officers of the Association and admitted as members thereof. Provided that, notwithstanding the foregoing provision of this rule, the union does not have any right to enrol as members under this sub-rule persons employed from time to time on Lot 42 CP905700, Locality BEOR, Parish BEOR, County Elphinstone, Title Reference 50170171 until 5 February 2000.

Without limiting any other rule, sub-rule (O)(ii) does not make any person eligible to be a member of the union who is in a class of employees for whom, at the time of the rule being approved, the Australian Building Construction Employees and Builders' Labourers' Federation (Queensland) Union of Employees was subject to a representation order, a State demarcation order or a demarcation undertaking or agreement (however described) in relation to that class of employees, in favour of another organisation or association.

(P) Additional Eligibility for Admission to Membership in the State of New South Wales

This Rule 2(P) does not apply outside the State of New South Wales.

Without limiting the generality of the foregoing rules and without being limited thereby, the following provisions of this rule provided for additional eligibility for admission to membership of the Union in the State of New South Wales:-

(A) The Union shall consist of an unlimited number of persons, whether male or female

(1) employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations and/or industrial pursuits of

and/or

(2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) carpenters or joiners (including foremen and sub-foremen) and bridge carpenters, wharf carpenters and carpenters and joiners (including foremen and sub-foremen) employed on bridges, wharves, jetties, piers or dams, or as carpenter-divers, ships carpenters or joiners (including foremen and sub-foremen) or as tilayers, including without limiting the meaning of the word tilayers, persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like, not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or as bricklayers, tuckpointers, or in a trade or calling of a slater, roof tiler, shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibro, fibrolite or cement mixtures and accessories, malthoid sisalkraft or bituminous roofing materials and all accessories made of the same materials and without limiting the meaning of the above they shall be deemed to include terra cotta, glazed, semi-glazed roofing tiles, cement tiles, slates, fibro slates, tiles, asbestos, fibro, fibrolite, fibrous mixtures, cement and any mixtures that may replace or be used in conjunction with the foregoing or any materials incidental hereto or in place thereof, stonemasons, letter cutters, carvers, machinists, sawyers, polishers, assistant quarrymen and quarry workers in and about

dimension stone quarries other than dimension stonework in other quarries and workers in terrazzo and similar materials or as apprentices or journeymen and other labour engaged in the plate, sheet and ornamental glass trade or trainees to or in any of the foregoing trades together with such other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof.

(4) Further provided that without limiting the generality of the foregoing, the Union shall also consist of:

(1) workers (other than tradesperson) on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building.

For the purpose of this sub-rule building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

(2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

(i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or

(ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsmen
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors
whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work

Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine operator, except in the mining or exploration or hydrocarbon industries

Provided that, nothing in this sub-rule (4) shall render eligible to join the Union any person employed:

(3) as a drainer or person employed as a plumber's labourer,

(4) On a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site:

(B) Without limiting the generality of the foregoing, or being limited thereby the union shall also consist of an unlimited number of persons:

who are employed together with such persons who are deemed to be employees by virtue of sub-paragraph (b) of Regulation 91A Industrial Arbitration Regulations under the *Industrial Arbitration Act 1940*, as amended in the process of trade or business as a plasterer, fixer, shophand and caster, or employed in internal and/or external plastering, and/or cementing, including rendering with all forms of plaster, asbestos fibre, finishing all kinds of plaster and plastic acoustic work, waterproofing work in cement, plaster or patent materials by manual or mechanical means, excepting employees engaged in manufacture of cement and/or concrete and/or fibrolite articles including wood, paper and metal lathing and/or top dressing of all concrete work finished in cement and/or fibrous plaster fixing work, including sackett board and similar substances, defined as being fixed and finishing of fibrous work, as done by plasterers or fibrous plaster fixers, or employed in underground sewer or tunnel plastering, granolithic floor laying, ie floors laid with material or aggregate consisting of granite chips, blue stone toppings, crushed slag, cement floors, including magnesite and/or composition floors, terrazzo and similar work including shophands' work, being defined to include the interpretation of plans and details, and to work from them in the preparation of the ground-work for the modeller, and also the cutting and mounting of moulds and casters' work, which shall include cornice and moulding and other plaster castings, and the casting of plain or ornamental plaster sheets, the laying or fixing to floors or walls of tablets of sheeting made of plastic substance or other materials in substitution thereof, excepting metal, terra-cotta or potteryware, and all persons covered by the constitution of The Federated Rubber and Allied Workers' Union of Australia, New South Wales Branch, whether employed in the process, trade or business of plastering of any description or not, together with all persons who have been appointed Officers of the Federation and admitted members thereof, registered for the industries of building operations and of plastering.

All persons employed assisting shophands, casters and/or fixers.

All junior shophands, casters and fixers and all persons apprenticed to any branch of the plastering trade.

(C) (1) Without limiting the generality of the foregoing, or being limited thereby the Union shall also consist of an unlimited number of persons employed in or usually employed in the painting and decorating industry in connection with buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise), general and ship painting, including the following:

- (a) on ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind.
 - (b) the painting of launches and boats of every kind.
 - (c) the painting of or in connection with all buildings and structures, (commercial, residential, industrial or otherwise), the painting of or in connection with prefabricated buildings and structures, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;
 - (d) glazing, glass cutting, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars
 - (e) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;
 - (f) signwriting, designing and/or lettering of price tickets and showcards, (excluding workers in retail shops carrying out the lettering of price tickets and showcards for their employers own use, but not for resale.)
 - (g) pictorial or scenic painting or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto.
 - (h) employees who mix and/or apply and/or fix paint or like matter or substitutes or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wall papers, wall hangings or coverings, coatings, or other materials used in any of the callings specified in Rule 2(P), Constitution hereof (other than mixing of paint, protective coatings and/or plastic coatings and/or finishes, putty stopping, caulking compositions or compounds, oils, varnishes, water colours, lacquers, stains, and removers, in paint and chemical factories) and/or other materials used in the painting and decorating trade with brush, spray, roller or other tool or remove paint or like matter or substitute or compositions or compounds for texture (other than employees engaged on plasterers' texture work) or plastic coatings and finishes or other decorative coatings and/or finishes, or putty, stopping or caulking compositions or compounds, oils varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings or other materials used in the painting and decorating trade, by heat, flame, water solvent, electrical, mechanical, airpowered or hand tools or by grit, shot or other abrasives or by any other means.
 - (i) the Union shall also consist of an unlimited number of persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade; together with such other persons whether engaged in any industrial pursuit or not who have been appointed officers of the Union or its branches and/or sub-Branches and admitted as members thereof but shall not include persons employed in connection with production of manufactured goods, or the preparation of any goods, packages or containers for sale or purpose of distribution.
- (2) A person who is a member of or who is eligible for membership of The Printing Industry Employees Union of Australia, New South Wales Branch, the

Amalgamated Printing Trades Employees Union of Australia New South Wales Branch, or the New South Wales Branch of the Vehicle Builders Employees Federation of Australia, shall not, by reason of anything contained in sub-rule (c) only of this rule, be eligible for membership of the Union.

- (D) Without limiting the generality of the foregoing and without being limited thereby:

The union shall consist of all persons who are employed or are usually employed in any position on or in or in connection with (a) Saws and Woodworking machines; (b) Handling and treating timber and articles manufactured therefrom; (c) Sawmills, timber yards, box and case factories, sawmakers shops, joiners workshops, car and waggon shops, coachbuilders shops; (d) preparing woodwork for joiners, carpenters, implement makers, coachbuilders, car and waggon builders; (e) Hewing, splitting and felling timber and such other persons who may from time to time be appointed to any office.

Provided that millwrights, blacksmiths and maintenance engineers employed as such elsewhere than in bush sawmills, and fitters and/or turners shall not be eligible for membership; and

Provided further than any employee covered by an award by the New South Wales Industrial Relations Commission, or its predecessors, existing at the time of the registration of rule 2(D) of the Construction, Forestry, Mining and Energy Union (New South Wales Branch) shall not be eligible for membership under this sub-rule 2(P)(D), in the event of such award being in respect of members of an existing Industrial Union registered under the Industrial Relations Act 1996 (NSW) or its predecessors.

In this rule, the words “wood and/or timber” without in any way limiting the ordinary meaning of the words, shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence, from whatever material made or manufactured or constructed, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and by similar methods and with similar machines and/or tools as in the case of wood or timber.

- (E) ~~(a) — Without limiting the generality of the foregoing and without being limited thereby, the union shall also consist of an unlimited number of persons engaged in, or in connection with the Coal, Shale or Coke Industries in the Western District and in the Metalliferous Mining Industry and any person who is a duly registered unemployed member in compliance with these rules, together with and including other persons temporarily or permanently taken from the Industry and who are employed by the members or representatives of the members appointed by them, who shall be aggregated in Lodges already established or which may be established by the authority of the Western District branch of the Australian Coal and Shale Employees Federation.~~
- ~~(b) — Without limiting the generality of the foregoing and without being limited thereby, the union shall also consist of an unlimited number of persons engaged in any capacity in connection with coal and shale mining; in connection with the coke industry, but excepting persons employed in the iron, steel and metal industries; and excepting also persons who are now members, or in the future may be eligible for membership of the United Collieries Staff Association of New South Wales; but as regards the last mentioned union, so as not to exclude lampmen and grooms.~~
- ~~(c) — Without limiting the generality of the foregoing and without being limited thereby, the union shall also be composed of an unlimited number of persons employed in and around the coal mines, shale mines and coke works in the Northern District of New South Wales~~

(F) Without limiting the generality of the foregoing and without being limited thereby the Union shall also consist of:-

- (a) An unlimited number of all classes of engine drivers, (including operators of rear side and/or bottom dumpers on construction work), firemen, crane drivers dynamo attendants, mobile crane drivers, forklift drivers, tow motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery and all operators and trainees howsoever called employed by Shell Refining (Australia) Pty Limited at its Clyde Refinery and Gore Bay terminal or any other site where these installations may be relocated in the future.

Provided that persons engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership.

Provided further, that persons employed in the steel wire netting and wire rope industries shall not be admitted to membership or retained as members. Provided further, that the union shall not admit to membership or retain as members, any manager, foreman or members of the salaried staff of any employer, excepting salaried staff employed by the Electricity Commission of New South Wales on operational duties as power plant operator, ie one engaged in the operation and control of generating plant (turbine boiler and generator) by instrumentation and assistant power plant operator, ie one engaged in assisting in the operation and control of generating plant (turbine boiler and generator) by instrumentation.

Provided further that nothing in sub-rule 2(P)(F) shall render eligible to join the Union a person engaged in the Mining, Exploration and Energy Industries:-

(i) the Coal and Shale Industry,

(ii) the Mining or Exploration Industries,

(iii) the power generation, co-generation, transmission and distribution industry;

(iv) the oil industry;

(v) the gas industry;

(vi) the nuclear industry; and

(vii) the chemical production industry.

- (b) Further, provided that, without limiting the generality of the foregoing the Union shall also consist of the following classes of workers engaged in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this proviso building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Trainee Dogman/Crane Hand
Pile Driver

Pile Driver Assistant

Rigger performing rigging work that is an integral part of, or is incidental to, crane operations

Assistant Rigger, assisting a rigger specified in the immediately preceding classification

Drilling Machine Operator

Provided that, nothing in this sub-rule shall render eligible to join the Union any person employed:

- (i) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site.
- (ii) in the mining or exploration or hydrocarbons industries.

Further provided that the union shall also consist of Elected officers and position holders of the union whether or not employed in an industry in respect of which the union is registered, and

Any person who whilst a financial member of the union is elected as a representative of a working class organisation to which the union is affiliated, or as a working class Member of Parliament and who have been admitted as members of the union.

(G) Without limiting the generality of any other sub-rule or paragraph or being limited thereby, the union also shall consist of an unlimited number of persons, whether male or female:

- a) employed in, or deemed to be employed in, usually employed in or qualified to be in desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or callings, and/or vocations, and/or industrial pursuits of; and/or
- b) who are employed in an occupation, in or in connection with the furnishing industry (as hereinafter defined) whether on salary or wages or piece-work rates, or as members of a butty-gang; and/or
- c) who, pursuant to the Industrial Arbitration Act 1940, or any Act, amending, repealing or replacing the said Act, are deemed to be employees for the purpose of the cited Act, and are engaged in the industrial pursuit or pursuits of the following industries, occupations, callings, and vocations; viz:
 - * cabinetmaking including cabinetmakers employed in retail shops;
 - * cabinetmakers and joiners manufacturing kitchen cabinets;
 - * patternmaking;
 - * chair, couch and/or seating accommodation manufacture in any material whatsoever;
 - * chair, couch and/or seating accommodation assembling, fitting up and repairing in any material whatsoever;
 - * journeymen, tradesmen and persons wholly or partially engaged in the installation of chair, couch and/or seating accommodation;
 - * wood carvers;

- * wood finishers, lacquerers, sprayers, varnishers and journeymen tradesmen and persons engaged in applying any other form of coating including, but without limiting the generality of the foregoing, powder coating and coatings applied by mechanical, electrostatic or other means;
- * wood turners, other than those engaged in saw mills, timber yards and the coachbuilding industry;
- * wood machinists other than those engaged in the saw mill departments of furniture factories;
- * wood polishers and french polishers including wood polishers and french polishers employed in retail shops and/or by contract polishers;
- * journeymen, tradesmen and persons wholly or partially engaged in the manufacture, assembly, fitting up and/or installation of new furniture or furnishings such new furniture or furnishings being manufactured of any material whatsoever;
- * journeymen, tradesmen and persons wholly or partially engaged in the repair, renovation, refurbishment and/or restoration of damaged, used or second-hand furniture or furnishings such furniture or furnishings being constructed of any material whatsoever;
- * journeymen, tradesmen and persons wholly or partially engaged in the manufacture, installation, repair, renovation, refurbishment and/or restoration of wooden mantelpieces and/or overmantels;
- * billiards, table tennis, snooker and pool table makers, repairers, restorers, fitters and installers;
- * journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in, or in connection, with the design, manufacture, alteration, repair and installation of amusement machines, poker machines, card machines, juke boxes and suchlike, roulette wheels, baccarat tables, blackjack card shoe boxes and any other form of amusement, recreational and or gaming machine, furniture or furnishings now in existence, or hereafter coming into existence, which pursuant to the principles of ejusdem generis would be classified as furniture, furnishings, decoration or ornamental background work;
- * journeymen, tradesmen and persons wholly or partially engaged in any operation or procedure incidental to, or in, or in connection with the manufacture or repair of spring units, couches, divans, lounges, sofas or similar articles whether constructed or weaved wire or of spiral springs attached to wire and/or metal framework excepting persons engaged in the metallic bedstead-making industry;
- * journeymen, tradesmen and persons wholly or partially engaged in the manufacture of bedding, baldachins, bed valances and bedding materials such bedding and bedding materials being manufactured of any material or combination of materials whatsoever;
- * journeymen, tradesmen and persons wholly or partially engaged in the manufacture, case cutting, sewing and/or repair of all forms and types of mattresses (inclusive of spring filled, wire, machine made and/or filled mattresses and water filled mattresses);

- * persons wholly or partially engaged in any operation or process, including feather processing, incidental to or in, or in connection with mattress case and bed covering filling said mattress and bed coverings including but, not limiting the generality of the foregoing, quilts, doonas, sleeping bags and bedspreads;
- * journeymen, tradesmen and persons wholly or partially engaged in any operation or process in or in connection with or incidental to the design, manufacture, alteration, repair and installation of display materials and devices, exhibition stands and show cases including but, not limiting the generality of the foregoing, point of sale materials, merchandising devices, panelling and show room stock fixtures;
- * journeymen, tradesmen and persons wholly or partially engaged in cutting, jigsaw cutting, fitting up and/or assembling, laying of carpet, carpet tiles, seagrass, linoleum, hessian, imitation grass, or any other form of floor covering in any material whatsoever, laminating and/or painting, covering, staining, spraying, polishing, rolling, moulding, vacuum forming, wire bending, machining and die cutting performed incidental to, or in or in connection with display work and exhibition work;
- * journeymen, tradesmen and persons wholly or partially engaged in the design, manufacture, alteration, repair and installation of any composition of wood, metal or other construction, in any material whatsoever, and in

any other process performed incidental to or, in or in connection with display work, exhibition work and ornamental background work;
- * persons wholly or partially engaged in teasing upholstery or bedding material;
- * journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to or in or in connection with the following industries and callings;
- * the manufacture, finishing, repair, alteration and restoration of frames of manilla type furniture;
- * the manufacture, weaving, finishing, repair, alteration and restoration of perambulators or pithcane bassinets; and
- * mottling, lacing, preparing material, lapping and fixing pre-woven sheets of reedtex, hytex or like material or machine woven pithcane to frames;
- * journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to or in connection with the manufacture of basketware said basketware being manufactured of any material whatsoever;
- * wicker workers and makers of articles of whatsoever description made of bamboo, cane, pithcane, willow, rush grasses, seagrass, reedtex, hytex or any similar or like material or any material introduced in substitution for the aforesaid materials;
- * upholsterers including upholsterers employed in retail shops;
- * journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with carpet planning, measuring, cutting, laying, repairing, fixing, sewing and/or

machining including all preparatory work performed incidental to, or in connection with the foregoing and also including, but without limiting the generality of the aforesaid the installation of protection, floor patching and/or levelling, removal and replacement of furniture, drilling, plugging and adhering, taking up and or disposal of carpet, underlay, smoothedge and such like, naplocking and the installation of smoothedge;

- * journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with tilelaying - excepting journeymen, tradesmen and persons wholly or partly engaged in any operation or process in or in connection with the laying or fixing of encaustic, ceramic and vitreous tiles, faience, mosaic and opalite not exceeding in measurement .093 square metres where the said tiles, faience, mosaic and opalite is fixed with cement composition but including journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with the laying of vinyl tiles and sheeting, rubber tiles or sheeting, cork tiles or sheeting, parquetry, floor sanding, synthetic grass laying, linoleum and any other form of floor covering material introduced in substitution for, or in addition to, the aforesaid floor covering materials;
- * journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to or in, or in or in connection with the laying or installation of any form of floor covering material not elsewhere specified in this Rule.
- * journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in or in connection with the manufacture or repair of soft furnishings, loose coverings, stuffed quilts, pillows, bolsters, cushions, blinds (other than venetian blinds), vertical drapes, curtains, tapestry and furnishing drapery, said operations or processes, including but without limiting the generality thereof, planning, designing, cutting, measuring, fixing, sewing, measuring-up on site and installation on site;
- * journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with the manufacturing or repair of window blinds including venetian blinds, wood weave blinds, blinds manufactured from holland or ticking, wire blinds, gauze blinds, gauze screens or blinds and screens manufactured from other textile material or other material introduced in substitution for, or in addition to, the aforesaid materials, said operations or processes including, but without limiting the generality thereof, planning, designing, cutting, measuring, assembling, painting fixing and installation on site;
- * journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with the manufacture or repair of cornice boxes, cornice rods and rails, pelmets and pelmet boxes, facias and the like used in or in connection with all forms of window blinds heretofore described, said operations or processes including, but without limiting the generality thereof, planning, designing, measuring, measuring on site, cutting, assembling including assembling on site, painting, fixing and installation on site;
- * cabinetmakers engaged in piano and organ manufacture or repair;
- * polishers and french polishers engaged in piano and organ manufacture or repair;

- * journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with the manufacture or repair of pianos, pianofortes, organs and general musical instruments and wood winds, said operations or processes including, but without limiting the generality thereof, planning, designing, assembling including assembly on site, iron frame fitting, key making, sound board making, action fitting, stringing, bass stringing making, chipping up, bass string fitting, tuning and regulation including tuning and regulation on site;
- * journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with, the manufacture and repair of mount and ticket boards, picture frames, photograph frames and lobby frame stands and any other manufacture of wood, metal or other construction in any material whatsoever of a like nature to the aforesaid manufactures, said operations and processes including, but without limiting the generality thereof, cutting, jigsaw cutting, fitting up, mount cutting, cardboard frame cutting, covering, shooting, coating, squeezing, applying and/or making compo, joining or finishing the said manufactures by bronzing, gilding burnishing, staining, spraying, polishing or waxing or covering the said manufactures with silk, or tapestry or other material or textiles;
- * journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with the manufacture, in any material whatsoever, or repair, of clock cases, printer cases, ice chests, camp furniture, wireless, radio, stereo-phonics and quadrophonic equipment, television equipment, video recorders, video monitors and the like, sound reproduction equipment, refrigerators, incubators, talking machines, sewing machines, lampshades and all forms of church, office, shop, commercial, domestic and residential furniture, furnishings and ornaments not specified elsewhere in the Rule 2(P);
- * journeymen, tradesmen and persons who cannot now conveniently belong to an existing registered industrial union who are performing work incidental to, or in or in connection with the industry or industries, and/or occupations, and/or callings and/or vocations and/or industrial pursuits previously specified in this Rule in factories, retail shops or other establishments manufacturing furniture, pianos, organs, table tennis, billiards, snooker and pool tables, mantelpieces, overmantels, beds, bedding, quilts, mattresses, venetian and other window blinds, picture frames and any other form of furniture, furnishings, ornaments or ornamentation not elsewhere specified in this Rule;
- * apprentices in any of the tradesmen callings previously specified in this Rule;
- * juniors engaged in any of the industries, callings, vocations and industrial pursuits previously specified in this Rule;
- * all persons appointed as foremen, sub-foremen and leading hands in any establishment in any of the industries, occupations, callings, vocations and industrial pursuits previously specified in this Rule;
- * all persons, whether engaged in or in connection with the industry or industries, and/or occupations and/or callings and/or vocations and/or industrial pursuits previously specified in this Rule or not, who have been appointed as Officers of the Society.

d) Persons who are eligible for membership of the Public Service Association of New South Wales shall not, by reason of anything contained in sub-rule (G) only of this rule, be eligible for membership of the Union.

i) In this Rule the words "wood, timber, metal and plastic" without in any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever material made or manufactured or constructed, which is or can or may be used in the place of wood, timber, metal or plastic, and which can be handled and/or treated and/or machined and/or worked in a similar way and by similar methods and with similar machines and/or tools as in the case of wood, timber, metal or plastic.

ii) In this Rule the word "furniture", in addition to its etymological, dictionary, statutory and judicial meanings shall mean and include all manner, forms and types of accoutrements, chattels, goods, items and articles now in existence, or hereafter coming into existence, which are used in the interior or exterior decoration, adornment, fitting-out, beautification, making habitable and ornamentation of any form of church, office, shop, commercial, domestic, residential or recreational premises or location and, without limiting the generality of the foregoing, shall include all manufactures and items commonly described as outdoor and/or garden furniture; and the word "furnishings" shall have a like meaning.

Further the fact that a given item, article or furniture manufacturing must, as a result of its particular construction, be wrought into or attached to any building, structure or other fixture, shall not be construed so as to eliminate the said item, article or furniture manufacture from the foregoing definition;

iii) In this Rule the word "ornament", in addition to its etymological, dictionary, statutory and judicial meanings shall mean and include all manner, forms and types of accoutrements, chattels, goods, items and articles now in existence, or hereafter coming into existence, which are used to decorate, adorn or beautify any form of church, office, shop, commercial domestic or residential premises and, without limiting the generality of the foregoing, shall include all forms of manufacture in ceramic, glass, porcelain, acrylic, metal or any other material whatsoever, such as figurines, flower vases, pottery, statues, statuettes, wall ornaments and any other form of ornament or ornamentation which pursuant to the principles of ejusden generis, would be classified as an ornament or ornamentation.

iv) In this Rule the word "employee" shall have the meaning ascribed to it within the meaning of section for the *Industrial Arbitration Act 1940*, which section, inter-alia, defines employees in terms which include deemed employees; said definition being cited as follows:

"Employee" means persons employed in any industry, whether on salary or wages or piece-work rates or as members of a butty-gang, and includes any person who is, pursuant to any provisions of this Act, deemed to be an employee for the purpose of this Act, but shall not include a member of a family in the employment of a parent, and the fact that a person is working under a contract for labour only, or substantially for labour only, or as lessee of any tools or other implements of production or an outworker, or is working as a salesman, canvasser, collector, commercial traveller, insurance agent or in any other capacity in which he is paid wholly or partly by commission, shall not in itself prevent such person being held to be an employee.

(H) Provided that nothing in this Rule 2(P) shall make any person eligible to be a member of the Union who is of a class of employees for whom, as of the date of this Rule being approved, was subject to a representation order, a State demarcation order, a demarcation order, a demarcation undertaking or agreement (however described) in relation to that class of employees, in favour of another organisation or association.

(Q) Additional Eligibility for Admission to Membership in the State of Western Australia

The provisions of this rule 2(Q) enabling workers, categories and classes of workers to be eligible for membership of the Union have no application whatsoever beyond the State of Western Australia. This proviso applies regardless of any term or provision of this rule 2(Q).

The provisions of this rule 2(Q) do not extend and are not intended to operate as extending the eligibility rules of the Union beyond those that of The Construction, Forestry, Mining and Energy Union of Workers. This proviso applies regardless of any term or other provision of this rule 2(Q).

Without limiting any other rule, this rule does not make any person eligible to be a member of the Union who is in a class of employees for whom, at the time when this rule was approved by the General Manager, was subject to a representation order, a State demarcation order or a demarcation undertaking or agreement (however described) in relation to a class of employees of which that person is a member, in favour of another organisation or association.

Further, without limiting the generality of the foregoing rules and without being limited thereby, the following provisions of this rule provide for additional eligibility for admission to membership of the Union in the State of Western Australia:-

- (1) The Union shall in the State of Western Australia consist of an unlimited number of persons who are:
 - (a) over the age of 16 years and who are employed or usually employed as builders' labourers on or about any building or assisting any bricklayer, mason, plasterer, carpenter, plumber or any trades person engaged in building operations or employed on any making or contracting job in wood, stone, brick, concrete, iron or steel or combination of those or other materials incidental to building construction, and any labourer engaged in the construction, repair, demolition or removal of buildings or as scaffolder, rigger, gear hand, gantry hand or crane hand, or as dogman, or as drainer on all building contracts, and any labourer excavating ground for foundations and basements of buildings, or levelling ground on a proposed building site, or doing concrete work, tar paving or asphalt work, or mortar or concrete mixing in connection with or incidental to the foregoing operations;
 - (b) provided that no person employed in any of the vocations or callings mentioned in subrule (1)(a) of this Rule shall be eligible for membership if he or she is eligible to be a member of the Australasian Society of Engineers, Industrial Union of Workers, Western Australian Branch, the Electrical Trades Union of Workers of Australia Western Australian Branch Perth, the Amalgamated Engineering Union Workers, Perth Branch, or the Amalgamated Engineering Union of Workers, Kalgoorlie Branch.
- (2) In addition to the foregoing, the Union in the State of Western Australia shall consist of an unlimited number of persons who are employed, or who are usually employed in the painting and decorating industry applying paint or its substitutes, or any preparation, by any means, the purpose of which is of a decorative or protective character for residential, commercial or industrial purposes (excluding the application of bitumen or like substance to roads and like surfaces), which industry shall be deemed to include the painting of buildings and structures (residential, commercial and industrial), aircraft, machinery, ships and small vessels of every description (including prefabricated work on any of the

aforementioned, wholly or in part) and general painting, together with plastic relief workers, paper hangers, wall coverers, decorators, grainers, marblers, varnishers, enamellers, gilders, lacquerers, spray workers, sign, profile, scenic, mural and pictorial artists, or persons engaged in the removing of paints and/or their substitutes and the preparation of all work and materials used in the painting trade and branches thereof, including paint mixers together with glaziers, vitrolite cutters and fixers, ticket writers, cycle enamellers, liners, writers, and sprayers, and shall include foremen and sub-foremen in the industry.

- (3) And in addition to the foregoing the Union in the State of Western Australia shall consist of an unlimited number of persons who are employed, or who are usually employed as:
- (a) Plasterers - the work of a plasterer shall mean and be deemed to be, all internal and external plastering, and cementing, including rendering with all forms of plaster, asbestos fibre, finishing all kinds of plaster and plastic acoustic work, water proofing work in cement, plaster or patent materials, by manual or mechanical means, including wood lathing and metal lathing, or any similar substitute that may be used as a ground for plaster work, such as sackett board; the affixing of plain and ornamental tiles on walls and floors, the fixing of fibrous plaster or any other kind of plaster required to be finished off with plastered joints; the top dressing of all concrete work finished in cement also cement floors, walls and ceilings, rough cast; and fixing plaster, cement, or patent plaster ornaments; and in the use of materials appertaining to the trade or calling of plasterers;
 - (b) Wall and Floor Tilers;
 - (c) Wall and Ceiling Fixers;
 - (d) Fibrous Plaster Workers - Persons engaged in:
 - (i) Architectural modelling;
 - (ii) The manufacture of architectural ornaments of plaster and fibrous plaster;
 - (iii) The manufacture of fibrous plaster goods;
 - (iv) The fixing of manufactured plaster goods and fibrous plaster columns and acoustic tiles and the fixing of fibrous plaster on the walls and/or ceilings of buildings;
 - (v) The preparation of designs and ground work and the making of models and/or moulds whether of gelatine, plaster, wax, rubber or cement, subject to the making of such models and/or moulds being incidental to the fibrous plaster industry;
 - (vi) Any phase or phases of item (i) to (v) inclusive;
 - (e) Manufactured Cement Goods Workers - Persons engaged in-
 - (i) Architectural modelling;
 - (ii) the manufacture of architectural ornaments of cement;
 - (iii) except as provided for in subrule (8) of this Rule, the manufacture of portable articles of reinforced cement or concrete, cement pressed work, baths, washtubs, troughs, sinks, pillars, ornaments and other miscellaneous goods, including floor beams, partition blocks, lintels, cornices and balusters, subject to and without limiting the generality of subrule (1) and (2) of this Rule, excluding the manufacture of cement bricks, pipes and/or

building blocks, except where such work is performed in the establishment of manufacturers of fibrous plaster, plaster and/or cement goods, and excluding workers employed by the Fremantle Harbour Trust and the Minister controlling Harbours and Rivers.

- (iv) the manufacture of cast stone and terrazzo where such work is performed in the establishments of manufacturers of fibrous plaster, plaster/or cement goods.
 - (v) any phase or phases of items (i) to (iv) inclusive;
 - (vi) plaster mill workers - persons engaged in the manufacture of plaster of paris.
- (4) The Union shall also consist of an unlimited number of persons employed, or usually employed in the State of Western Australia as carpenters and/or joiners (including ships' carpenters and joiners, carpenters employed on jetties, and wharves, dams and bridges) and joinery assemblers and roof tile fixers and bricklayers, stoneworkers, stonemasons, marble masons, stone, marble or slate polishers, stone marble or slate machinists and stone, marble or slate sawyers and labourers in the industry of monumental masonry and foreman, subforemen, or apprentices to or in any of the foregoing trades provided that no foreman tradesman or subforeman tradesman (except acting foremen tradesmen or acting subforemen tradesmen) who is eligible for membership of The Foremen (Government) Industrial Union of Workers, WA as at the 11th Day of December 1986 shall be eligible for membership of the Union.
- (5) The Union shall also admit to membership any person who is employed, or usually employed in the State of Western Australia including all islands bounding the whole coastline of the State in any of the following capacities:

Engine drivers, steam boiler and gas producer firemen, trimmers or fuelmen or tour guides in power houses, engine cleaners, greasers, boiler cleaners, crane drivers, dynamo attendants in power houses, stationary motor drivers, electric power sub-station attendants, power house switchboard attendants, electric locomotive drivers, railway shunters, locomotive observers, railway car and wagon examiners (not being tradesmen) and railway messengers. Provided that, in respect of the vocations referred to in this subrule 4.6, employees of the Western Australian Government Railways Commission and persons eligible for membership of the Coal Miners Industrial Union of Workers of Western Australia employed in the coal mining industry within the State of Western Australia shall not be eligible for membership of the Union.

~~Provided that nothing in this sub-rule 2(Q)(5) shall render eligible to join the Union a person engaged in: the Mining, Exploration and Energy Industries.~~

~~(i) the Coal and Shale Industry,~~

~~(ii) the Mining or Exploration Industries,~~

~~(iii) the power generation, co-generation, transmission and distribution industry;~~

~~(iv) the oil industry;~~

~~(v) the gas industry;~~

~~(vi) the nuclear industry; and~~

~~(vii) the chemical production industry.~~

- (6) The Union may admit to membership all other persons in the State of Western Australia whether employees in the foregoing callings or vocations or not as have been appointed or

elected officers of the Union, provided that no person shall be a member who is not an employee within the meaning of the Industrial Relations Act (WA) 1979 as amended.

- (7) The Union may admit to membership employees who are engaged in the State of Western Australia the manufacture of:
- (a) bricks and who are employed by:
 - (i) Boral Bricks Western Australia Pty Ltd trading as Midland Brick;
 - (ii) BGC (Australia) Pty Ltd trading as Brikmakers;
 - (iii) Austral Bricks (WA) Pty Ltd trading as Austral Bricks; and
 - (iv) Geraldton Brickworks Pty Ltd trading as Geraldton Brick Co;
 - (b) cement roof tiles and who are employed by:
 - (i) Austral Bricks (WA) Pty Ltd trading as Bristile Roofing; and
 - (ii) Monier Prime Pty Ltd trading as Monier Prime Roofing.
- (8) This rule 2(Q) does not allow the union to cover in the State of Western Australia or elsewhere any person who, as of the date of this rule 2(Q) being approved, is of a class of employees in respect to which the Construction, Forestry, Mining and Energy Union of Workers was subject to a representation order, a State demarcation order, a demarcation order, or a demarcation undertaking or agreement (however described) in regards to that class of employees in favour of another organisation or association.
- (R) Without limiting the generality of Sub Rules (A) to (Q) and (S) herein or being limited thereby:
- The Union shall consist of:
- (a) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the following industries, mills, factories, places of work, products or processes in Australia:-

textile, woollen (other than wool scouring), worsted, wool tops, spinning, weaving, dyeing, finishing, waste-breaking, flock, wadding, felt and feltex, flax, cotton, carpets, silk and artificial silk, rayon and/or any vegetable or synthetic fibre or non woven substance, technical textile, textile backing, textile coating, textile services, hosiery, half-hose, knitting, textile printing, textile furnishings, tapestry, braids and tassels;
 - (b) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the designing, preparing, patternmaking, manufacturing, making including the treatment or conversion of any vegetable or synthetic fibre or non-woven substance, processing, repairing, altering, trimming, blocking, pressing, finishing or selling from factory outlets of:
 - (i) infants' nappies;
 - (ii) table and sanitary napkins;
 - (iii) facial and toilet tissue;
 - (iv) tampons;
 - (v) mats, towels and absorbent cloths, pads and wipers;

- (vi) substitutes for the products of any of the industries, mills, factories, places of work, products or processes listed in paragraph (a) above;
- (c) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the Felt Hatting Industry, and the designing, preparing, patternmaking, manufacturing, making, processing, repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets the whole or any part of all articles of headwear and/or millinery including but not limited to hats, caps, berets, hoods and helmets.
- (d) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the designing, preparing, patternmaking, manufacturing, making, processing, repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets the whole or any part of footwear of every description including but not limited to boots, shoes, slippers and wood lasts.
- (e) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with designing, preparing, patternmaking, manufacturing, making, processing, repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets the whole or any part of:
 - (i) any male or female garment;
 - (ii) any article of wearing apparel whatsoever, made from material of any description;
 - (iii) any article of neckwear;
 - (iv) handkerchiefs;
 - (v) any fashion accessory whatsoever.
- (f) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with designing, preparing, patternmaking, manufacturing, making, processing, repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets of the whole or any part of any description of textile furnishings including but not limited to any description of serviettes, pillowslips, pillowshams, sheets, blankets, bedspreads, tablecloths, towels, quilts, aprons, mosquito nets, bed valances, cot covers, blinds, carpets, cushions, curtains or bed curtains and automotive textile furnishings including but not limited to motor vehicle and other seat covers, mats and dash covers.
- (g) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the laundry industry, or the dyeing and/or cleaning and/or repairing and/or pressing and/or ironing any garment or any article of any description whatsoever.
- (h) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with designing, preparing, patternmaking, manufacturing, making, processing repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets of the whole or any part of any description of umbrella;
- (i) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the embroidering and/or ornamenting of:
 - (i) any of the articles referred to in any other part of this rule;
 - (ii) artificial flowers.

- (j) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the industry of a furrier.
- (k) Without limiting the generality of any other subrule of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the making of chenille and the designing, preparing, patternmaking, manufacturing, making, processing, repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets of articles of all descriptions made of chenille;
- (l) Without limiting the generality of any other part of this rule, all persons other than electrical workers, and fitters (including persons performing the job of fitters where these persons are described as mechanical and fabrication tradespersons, and including howsoever 'fitters' are termed in the future), wholly or partly engaged or usually engaged in or in connection with:
 - (i) the maintenance or repair of machinery used at any premises referred to in any other part of this rule, or at any premises where any of the processes or activities referred to in any other part of this rule occurs, or in relation to a product referred to in any other part of this rule, including but not limited to mechanics engaged in the maintenance or repair of machinery used in the production of boots, shoes and slippers.
 - (ii) cleaning at any premises referred to in any other part of this rule, or at any premises where any of the processes or activities referred to in any other part of this rule occurs, or in relation to a product referred to in any other part of this rule.
 - (iii) receiving, dispatching, packing, unpacking, storing and/or otherwise handling goods at any premises referred to in any other part of this rule, or at any premises where any of the processes or activities referred to in any other part of this rule occurs.
- (m) such other persons as have been elected or appointed officers or organisers or employees (other than clerical employees) of the Union or a Branch and who have been continuously employed in any one or more of the industries of the Union for at least three years.
- (n) Such other persons who are independent contractors who, if they were employees performing the work of the kind that they usually perform as independent contractors, would be eligible for membership of the union.
- (S) Without limiting the generality of Sub-Rules (A) to (R) herein or being limited thereby:

1. PART S

- (a) The Union shall be composed of any number of:
 - (i) bosuns, bosuns' mates, quartermasters, storekeepers, able seamen, chief integrated ratings, bosun integrated ratings, integrated ratings, provisional integrated ratings, trainee integrated ratings, general purpose ratings, sailors, deckhands, ordinary seamen, deck boys, pumpmen, donkeymen, water tenders, engineroom attendants, oilers, greasers, motormen, boiler attendants, firemen, wipers, trimmers, crew attendants, catering attendants and trainee catering attendants, employees engaged on working on dredges, lighters, hulks, barges, punts, employees working on river and harbour vessels, including ferries, employees working on tugboats and tenders, employees working in the pilot services; and
 - (ii) Marine Cooks, Bakers and Butchers, trainee cooks and other employees employed, or competent to be employed in the galley of Australasian vessels; and

- (iii) seafaring stewards, pantrymen and stewardesses, catering attendants and trainee catering attendants; and
- (iv) persons temporarily, permanently or usually employed within the Commonwealth of Australia, or in any place in which the Industrial Relations Act, 1988 applies on a full time or part time basis in the Industry defined in Rule 2(b) of the Rules;
- (v) all employees who are employed in or in connection with the recreational diving industry throughout the Commonwealth of Australia, including those employees who are in command and control of small vessels which are operated in or in connection with a port or adjacent to an offshore facility and who are required to possess and use a Coxswain's Certificate or equivalent in such operation; other than those employees who are:-
 - (1) in command, control or who supervise or operate vessels including employees described as masters, mates, deck officers and skippers;
 - (2) marine engineers, however described;
 - (3) employed in the State of Queensland in or in connection with the sale or supply of recreational diving equipment or facilities the provision of recreational diving services or related underwater services by an employer whose sole or predominant business activity consists of the operation of one or more tourist resorts or hospitality facilities of a similar nature, and where such sale, supply or services are provided in association with the operation of that tourist facility;
 - (4) solely or predominantly engaged in the sale, reception or delivery of merchandise in a retail outlet operating separately and distinct from the provision of recreational diving services;
 - (5) solely or predominantly engaged in clerical duties in a retail outlet operating separately and distinct from the provision of recreational diving services;

together with officers of the Union.

For the purposes of (v) herein an employee shall be regarded as employed in or in connection with the recreational diving industry only if the employee is employed by an employer whose sole or predominant business activity consists of either the sale or supply of recreational diving equipment or facilities, the provision of recreational diving services or related underwater services.

- (b) Without limiting in any way whatsoever the operation of the provisions of Sub-Rule (a) of this Part S, in the State of Western Australia, the Union shall, in the State of Western Australia, consist of an unlimited number of members in addition to those referred to in Sub-Rule (a) of this Part S who follow in that State the occupation of:-
 - (i) Painting (excepting those provided for in Part 1 of Reference No. 32 of 1945 Demarcation Board Decision if the word "enamelling" in sub-paragraph (ii) and the words "done in enamel" in sub-paragraph (ix) of paragraph 5 of part 1 of that Decision were deleted therefrom), chipping, sandblasting, shotblasting (subject to the abovementioned Decision), scraping, scrubbing, cleaning, limewashing, cementing and cement washing, on any vessel or sectional part thereof, or on any vessel during construction; boiler scalers, shipwrights' assistant, carpenters' assistant, and joiners' assistant in the shipping trade; workers employed cleaning ships' holds and dunnaging, excepting such cleaning and dunnaging as is normally performed by waterside workers or shipwrights; riggers, wire splicers, sailmakers, sailor gangs or general labourers (other than those engaged in structural

maintenance) working about docks, dockyards, slips, vessels (including any sectional part of a vessel or on any vessel during construction) and shipyards; painters of ironwork, machinery, sheds, sheerlegs, cranes and smokestacks in established dockyards and shipyards in which members of the Union have from time to time been employed for work on ships; workers engaged in the making, repairing and/or maintaining of rope, wire, chain or canvas gear used in connection with cargo handling, insulation and lagging workers; workers engaged in the mooring and unmooring of vessels; deckhands of floating cranes and such like vessels.

Provided that a worker who, pursuant to the foregoing provisions of this Sub-Rule (b), is eligible for membership of the Union shall remain eligible for such membership when in the course of employment in any of the occupations referred to in the said provisions and included in the Constitution of the Union, such worker is required to paint ironwork, machinery, sheds, sheerlegs, cranes and smokestacks in established dockyards and shipyards.

- (ii) Mates and engineers of whaling vessels, lamp trimmers, boatswains, boatswains' mates, sailors, quartermasters, donkeymen, storekeepers, greasers, oilers, firemen, trimmers, watertenders, wipers, deckhands, ordinary seamen, deck boys, deckhands and sailors' attendants, stokehold staff attendants, laddermen, pipe-winchmen, winchmen, hoppermen, and boatmen engaged working on ships and vessels including dredges, lighters, hulks, barges, ferries, tugboats, tenders and pilot vessels;
- (iii) Boatbuilder or shipwright in the maintenance, manufacture, construction or repair of iron, steel, wooden, fibre glass, plastic or concrete ships and vessels of any description and (without limiting the generality of the term) of boats, punts, pontoons, floating stages, targets, preventors, torpedo netting booms, rafts, dock gates, caisson and coffer dam gates, aircraft or seaplanes (where work on such aircraft or seaplanes is done in an establishment, the principal business of which is work of the other class hereinbefore mentioned) or on any other floating structure;
- (iv) Cargo, jetty, ship, or wharf (including wharf entrance gates) watchmen;
- (v) The secretary for the time being of the Seamen's Union of Australia, West Australian Branch and persons whether included or not included in the occupations referred to in paragraphs (i) (ii) and (iii) hereof as have been appointed officers of the organisation, and admitted as members thereof.

Provided that a person (other than a crewman of a self-propelled dredge, hopper barge or tender) who is employed under an agreement (whether registered or not) to which the Australian Workers' Union, West Australian Branch, Industrial Union of Workers was a party and in force on the eighth day of December, 1967 or under an Award to which that Union is a party at any time shall not be eligible to be a member of this Union.

Provided further that a person who is eligible for membership of the Australasian Society of Engineers Industrial Union of Workers, Western Australian Branch shall not be eligible to be a member of this Union.

Provided further that no person employed in connection with river improvements or employed or serving in any naval, military or police force in Western Australia or is under fourteen years of age shall be eligible to become a member of this Union. Provided further that no person shall be eligible to become a member except in the capacity of an honorary member who or whose personal representative is entitled to some financial benefit or financial assistance under the rules of the Union while not being a worker within the meaning of the Industrial Arbitration Act, 1912.

- (c) Without limiting in any way whatsoever the operation of the provisions of Sub-Rule (a) of this Part S in the State of New South Wales, the Union shall, in the State of New South Wales, consist of an unlimited number of members in addition to those referred in Sub-Rule (a) of this Part S and shall be composed of:
- (i) Any number of sailors, lamp-trimmers, boatswains, boatswain's mates, quarter masters, donkeymen, storekeepers, greasers, oilers, firemen, trimmers, watertenders, wipers, deckhands, ordinary seamen, deckboys, employees engaged working on dredges, lighters, hulks, barges, punts, employees working on river and harbour vessels, including ferries, deckhands and sailors' attendants and stokehold staff attendants, employees working on tugboats and tenders, and employees working in the pilot services;
 - (ii) persons employed in the Dredge Service of the Department of Public Works of New South Wales and the Maritime Services Board of New South Wales, including Signal Masters, Assistant Signal Masters, Signalmen, Tide Signalmen, Light Keepers, Motor Drivers, Coxswains, Firemen, Greasers, Seamen, Watchmen, Diesel Engine Drivers, Cooks and Stewards, Wharfingers, Officers in Charge of Out Stations (not Pilots) Patrolmen and Communication Attendants and others employed in lighters, and Rockchoppers in the service of the Maritime Services Board of New South Wales;
 - (iii) any person or persons who may be elected an Officer of the Union;
- (d) Without limiting in any way whatsoever the operation of the provisions of Sub-Rule (a) of this Part S in the State of New South Wales, the Union shall, in the State of New South Wales, consist of an unlimited number of members in addition to those referred in Sub-Rule (a) of this Part S and shall be composed of:
- (i) an unlimited number of employees in the manipulation and navigation of motor boats in the State of New South Wales;
 - (ii) all persons engaged in the mooring and unmooring of interstate, intrastate and overseas vessels;
- with the exception of
- (a) colliers,
 - (b) members of ships' crews,
 - (c) any vessel berthing at Cockatoo Dock, Woolwich Dock, and Garden Island;
- (iii) competent deckhands, engine room attendants, fishermen, shipkeepers, wharfhands, passage hands, turnstile hands, change hands, collectors, steersmen, motor hands and all persons employed on or usually employed in connection with ferry boats, tug boats, lighters, punts, hoppers, barges, launches, motor boats, trawlers and harbour and river craft.

Provided that nothing in this Sub-Rule (d) shall apply to persons employed in or in connection with private or pleasure craft as watchmen, caretakers or cleaners or employees of the Maritime Services Board of the Department of Public Works Dredge Service.

2. PART W

Without limiting the generality of Part S, or being limited thereby, the Union shall also consist of:

- (a) Any person who intends to follow the occupation of a waterside worker, including without limiting the foregoing any employee referred to in Sub-Rule (b) of this Part W.

(b)(i) For the purpose of this Sub-Rules (b) (c) and (d) the following definitions shall apply:

- (1) "Administrative clerk" means any clerk employed in budgeting, costing, accounting and allied functions, preparation of payrolls, clerical work associated with purchasing, banking of monies, typing or secretarial work, stenography, and in the performance of those functions shall include the operation of telex, facsimile, accounting or calculating machines, computers, and other equipment used in connection with electronic data processing and operators of switchboards, and persons employed in a clerical capacity for the keeping and maintenance of general administrative records.
- (2) "Container depot" means an area and building authorised by Customs Authorities for the examination of goods on landing at which containers, pallets and flats are unpacked, the contents sorted and prepared for delivery or stored, and for the receipt, delivery and storage of containers, and at which loose goods or packages are received and stored into containers or onto pallets and flats, or otherwise handled or stored.
- (3) "Employees" means that class or group of employees being:
 - (I) employees engaged or assisting in the work of handling, storing, preparing, packing or dispatching goods or merchandise, or work on or in connection with the loading or unloading, stacking, moving or sorting of such goods and merchandise in or about container depots, including the operation of equipment necessary to move containers or goods and any equipment required to clean the premises or containers, and including clerical work, but excluding the work of an administrative clerk and work of a supervisory nature;
 - (II) employees engaged in watching, guarding or protection duties in or about container depots;
 - (III) employees performing the work of a qualified trades person;

or any combination of work specified in sub-paragraphs (I), (II) and (III).

(ii) For the purpose of this Sub-Rule (b) the employers and the specified container depots operated by the employers are as follows:

EMPLOYER

CONTAINER DEPOT

National Terminals Aust.
Ltd

East Swanston
Dock Victoria
Port Botany NSW

Conaust Limited

McKenzie Road West
Swanston Dock, Vic
Rozelle NSW
Gillman SA

F.G. Strang Pty Ltd
trading as Strangtainers

Footscray Vic

Western Packing Pty Ltd

trading as Cargo Distributors	Footscray Vic
Port Botany Container Depot Pty Ltd	Banksmeadow NSW
Seatons Container Freight Station Pty Ltd	Camellia NSW
Brisbane Cargo Services Pty Ltd operating as Brisbane Amalgamated Terminals Limited	Fishermans Island
Macpak Pty Ltd	Hemmant Qld
Rivers Trading Company Cargo Pty Ltd trading as Rivers Trading Company	Nudgee Qld
Interport (Brisbane) Pty Ltd	Hamilton Qld
Charlick Operators Pty Ltd trading as Austainer Services	Gillman SA
Terminal Properties of Australia Pty Ltd trading as Freight Bases	Gillman SA
Fremantle Port Authority	North Quay Fremantle WA
Fremantle Terminals Limited	North Quay Fremantle WA

- (iii) For the purpose of this Rule the employees, as defined in sub-paragraph (b)(i)(3) above, of each of the employers specified in paragraph (b)(ii), where those employees are employed at the specified container depots in respect of each employer, shall be eligible for membership of the Union.
- (c) All employees employed by "TT Line Company Pty Limited" as administrative clerks, as defined in sub-paragraph (b)(i)(1) above, but not including employees performing work of a supervisory nature, provided that such employees are employed or usually employed in or in connection with stevedoring operations and/or passenger and/or cargo booking where such passenger and/or cargo booking is related to intrastate and/or interstate travel where those persons are employed in performing those duties solely on or immediately adjacent to a wharf, a wharf office or on a ship.
- (d) The following named persons, whilst those persons remain employed as administrative clerks, as defined in sub-paragraph (b)(i)(1) above, but not including employees performing work of a supervisory nature, and are employed or usually employed in or in connection with stevedoring operations and/or passenger and/or cargo booking where such passenger and/or cargo booking is related to intrastate and/or interstate travel where those

persons are employed in performing those duties solely on or immediately adjacent to a wharf, a wharf office or an a ship.

- (i) For the purpose of this sub-rule (d), the employees are those listed in Schedule I to these rules.
3. (a) Without limiting the generality of 1. PART S and 2. PART W, or being limited thereby, the Union shall also consist of:

All employees as defined in subrule (b) other than those employees who are employed in supervisory duties of any nature (excepting employees performing duties of forepersons or leading hands or otherwise who exercise similar and direct supervisory powers over other employees), and other than employees who possess a Maritime Certificate of Competency where the possession of the certificate is part of the requirements of a classification, and other than those employees who are employed as harbourmasters, port managers, marine pilots, marine surveyors, maintenance technicians, masters and deck officers of vessels, officers of pilot cutters, port control officers, signal station officers, radio officers, superintendents, stevedoring supervisors or who are employed in managerial or professional occupations;

provided that employees who perform clerical and administrative, supervisory or technical duties shall not be eligible to be members of the Union by virtue of this subrule until:

- (i) 1 December 1995 if employed by the Port of Brisbane Corporation or Fremantle Port Authority;
 - (ii) 1 January 1996 if employed by the Townsville Port Authority;
 - (iii) 1 June 1996 if employed by the Sydney Ports Corporation, the Newcastle Port Corporation, the Port Kembla Port Corporation, the Waterways Authority in NSW, or the Port of Melbourne Authority.
- (b) For the purposes of subrule (a) "employees" means all those persons employed by the employers identified in subrule (c) other than those persons who are employed in the office of public servant in accordance with relevant State Government legislation in the States of South Australia and Western Australia.
- (c) For the purposes of subrule 3 of this rule the employers are:

Albany Port Authority
Bunbury Port Authority
Bundaberg Port Authority
Burnie Port Authority
Dampier Port Authority
Darwin Port Authority
Department of Transport, Marine & Harbours Agency (in the State of South Australia)
Department of Transport (in the State of Western Australia in relation to the Department of Marine and Harbours)
Esperance Port Authority
Fremantle Port Authority
Geraldton Port Authority
Kimberley Port Authority
Marine Board of Circular Head
Marine Board of Flinders
Marine Board of Hobart
Marine Board of King Island

Newcastle Port Corporation
Port Hedland Port Authority
Port of Brisbane Corporation
Port of Devonport Authority
Port of Geelong Authority
Port Kembla Port Corporation
Port of Launceston Authority
Port of Melbourne Authority
Port of Portland Authority
Rockhampton Port Authority
Sydney Ports Corporation
Townsville Port Authority
Waterways Authority

3 - DESCRIPTION OF INDUSTRY

(A) The employment of persons:

- (1) employed or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations, and/or industrial pursuits of:

and/or

- (2) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of:

and/or

- (3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

- (i) the industries in connection with which the Union is formed are the carpentry, joinery, ship carpentry, ship joinery, bricklaying, tuckpointing, tilelaying and stonemasonry industries, including the industries of persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or, as stone masons, marble masons, polishers, machinists, sawyers and other persons engaged in the dressing, preparation and/or erection of stone marble, or slate, and other persons engaged in the preparation and/or erection of terrazzo or similar compositions, and/or slating, rooftiling, ridging, shingling and cement tiling industries, plate, sheet and ornamental glass trade industries in New South Wales.
- (ii) the industries in connection with which the Union is formed are building operations and of plastering and tile laying.

(B) And an unlimited number of persons employed or usually employed as workers, other than tradespersons, engaged in or in connection with any of the following work, occupations or callings:

- (1) workers (other than tradespersons), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.
- (2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:

- (i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or
- (ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as

Bricklayers Labourer
Plasterers Labourer
Concrete Finisher
Dump Cart Operator
Scaffolder
Powder Monkey
Foundation Shaftsmen
Steel Fixer (including Tack Welder)
Assistant Powder Monkey
Demolition Worker
Gear Hand
Jackhammerman
Mixer Driver (Concrete)
Steel Erector
Aluminium Alloy Worker Structural Erectors
(whether prefabricated or otherwise)
Cement Gun Operator
Concrete Cutting and Sawing Machine Operator
Concrete Gang worker (including Concrete Floater)
Roof Layer (Malthoid or similar material)
Underpinner
Concrete Formwork Stripper
Builders Labourer
Tackle Hand
Floor Sanding and/or Smoothing Machine Operators
Leading Hand Labourer
Labourer on Refractory work
Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
Assistant Rigger assisting a rigger specified in immediate preceding classifications
Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

(C) The industry of any person employed in any position on or in or in connection with:

- (1) (a) saws and woodworking machines; (b) handling and treating timber and articles manufactured therefrom;

- (2) (a) sawmills; (b) timber yards; (c) box and case factories; (d) sawmakers shops; (e) joiners workshops; (f) car and waggon shops; (g) coach builders shops; (h) coopers workshops; (i) furniture factories; (j) wooden sporting goods factories; (k) veneer and plywood factories;
- (3) without limiting the generality of the foregoing, the industry of any person employed in any position in or in connection with the preparing of wood work for (i) joiners; (ii) carpenters; (iii) implement makers; (iv) coachbuilders; (v) car and waggon builders; (vi) builders; (vii) furniture factories; (viii) box and case factories; (ix) wooden sporting goods factories; (x) veneer and plywood factories; (xi) coopers shops;
- (4) The industry of any person employed in or in connection with hewing splitting and falling timber; and
- (5) without limiting the generality of the foregoing the industry of wood working machinists. In the Industry, the words "Wood and/or Timber" without in any way limiting the ordinary meaning of the words shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and
- (D) The Industry of paper-making, strawboard making, paper-bag making or the making of any similar commodity.

(E) ~~Deleted. And an unlimited number of persons employed or usually employed as workers engaged in or in connection with the Coal Mining industry.~~

(F)(a) The group of industries comprised with in the calling, service, employment, occupation, or avocation of persons employed on land or any harbour, lake or river, as drivers of or attendants to any engine, winch, crane, mobile crane, fork lift, tow motor, pile driver, excavator, pump, boiler, generator, or motor used in or in connection with the generation, production, distribution, or utilisation of power, and persons assisting in or about any work incidental thereto.

~~Provided that, nothing in this sub-rule 3(F) shall render eligible to join the Union any person employed in the Mining, Exploration and Energy Industries.~~

- (1) Further, without limiting the foregoing, the group of industries comprised within the calling, service, employment, occupation, or avocation of persons employed in a classification in (2) hereunder in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (1) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil mechanical engineering site.
- (2) Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, crange operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

- (3) Provided that, nothing in sub-rule (1) shall render eligible to join the Union any person employed:
- (a) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on civil or mechanical engineering site.
 - (b) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.
 - (c) in the mining or exploration or hydro-carbons industries.

(b) Provided that Rule 3 (F)(a) excludes:

(i) the Coal and Shale Industry;

(ii) the Mining or Exploration Industries;

(iii) the power generation, co-generation, transmission and distribution industry;

(iv) the oil industry;

(v) the gas industry;

(vi) the nuclear industry; and

(vii) the chemical production industry.

- (G) The industry in or in connexion with which the Union is registered is the industry of the employment of persons employed or seeking to be employed in or in connexion with the industries and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings, and structures, plant, machinery and equipment, fences and posts (commercial, residential, industrial or otherwise), general and ship painting, including the following:-
- (a) the painting of ships including naval ships, and the painting of prefabricated ships and prefabricated parts of ships of every kind;
 - (b) the painting of launches and/or boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;
 - (c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;
 - (d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;

- (e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars;
- (f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;
- (g) signwriting, designing and/or lettering of price tickets and showcards;
- (h) pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto, including cut-out displays of all descriptions, pictorial, scenic or lettering;
- (i) the work of enamelling, lining, spraying and writing on cycles;
- (j) leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;
- (k) mixing and/or applying and/or fixing paint or like matter or substitutes or mixtures or compositions, or compounds, for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, or mixtures, varnishes, varnish mixtures, water colours, water-colour mixtures, lacquers, lacquer mixtures, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating industry with a brush, spray, roller or other tool or removing paint or like matter or substitutes or mixtures or compositions or compounds, for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating industry, by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools or by grit, shot or other abrasives or by any other means, (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration);
- (l) the preparing of the work and materials required in any of the afore-mentioned branches of the industry, and all work in connexion therewith and incidental thereto.

Provided that the industry above written shall be read and construed to exclude the registered industry of The Printing and Kindred Industries Union or any part of that industry.

- (H) The furnishing and wood working industries, including coffin making and the industry of making musical instruments of which wood forms a part.
- (I) Without limiting the generality of Sub-Rules (A) to (H) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.
- (J) Without limiting the generality of the foregoing and without being limited thereby, the industry in connection with which this Union is formed is the Brick, Tile and Pottery Industry.

(K) Without limiting the generality of Sub Rules (A) to (J) and (L) herein or being limited thereby:

The industries in or in connection with which the Union is registered are the textile, clothing and footwear industries, including but not limited to those parts of the industries referred to in Rule 2(R).

(L) Without limiting the generality of Sub-Rules (A) to (K) herein or being limited thereby, the Union is registered in or in connection with:-

- (a) The shipping industry; and
- (b) The industry of diving in the provision of underwater services.

4 - OBJECTS

- (a) To uphold the right of combination of labour, and to improve, protect, and foster the best interests of the Union and its members, and to assist them to obtain their rights under industrial and social legislation.
- (b) To regulate and protect the wages and conditions under which all members or other persons entitled to become members of the Union may be employed, to achieve compulsory unionism and control the supply of labour, to take such steps as may be necessary for the efficient operation of the industries in or in connection with which the organisation is registered, to regulate relations between the members and their employers and between the members and other employees in or in ~~connections~~connection with the Industries of the Union and to foster the best interests of the members of the Union.
- (c) To improve industrial relations in the industries in or in connection with which the Union is registered and undertakings where members are employed, and to exercise all the powers, privileges and advantages of employees under the Act and any legislation replacing that Act and under any Commonwealth or State legislation, or any other legislation in any way relating to the Industries of the Union either directly or indirectly affecting the members.
- (d) To do all things conducive to the welfare and organisation of the working class.
- (e) To provide legal assistance to the Union and its members to protect the interests of the Union in all its Divisions and Divisional Branches, and to assist other trade unions by any legal method.
- (f) To secure preference in employment, retrenchment, promotion, demotion and transfer of employment for members.
- (g) To protect members from any infringement of their rights.
- (h) To organise the education of members.
- (i) To secure or assist in securing legislation for safety in or in connection with the Industries of the Union and for the general and material well being of members.
- (j) To establish funeral, sick, accident, unemployment or other funds, including insurance or assurance funds, for the assistance, support and benefit of members, or other trade unionists, and to establish a fund from which to provide retiring allowances to full time officers and employees of the Union, its Branches, Divisions or Divisional Branches.
- (k) To establish Branches, Divisions, Divisional Branches, Sub – Branches, Districts, Sectors, Sections, Associations or Committees of the Union, including but not limited to Port, Ship and Area Committees, throughout Australia and its Territories.

- (l) To effect unity between the Branches, Divisions, Divisional Branches and other bodies of a similar character.
- (m) To work as far as is lawful in harmony with other labour unions.
- (n) To establish and maintain a Union journal or journals for the publication of matters directly or indirectly relating to the affairs of the Union or its members, and to assist to establish or maintain labour and trade union journals, radio and television broadcasting stations and other means of mass communication, information or education, and to invest in such ventures.
- (o) To promote the interchange of membership between the Union and other unions throughout the world.
- (p) To assist members by loan or otherwise.
- (q) To constitute, conduct, carry on and manage clubs for the benefits of members.
- (r) To co – operate or otherwise combine with, affiliate to or amalgamate with, pay affiliation fees to and assist financially or otherwise, or join or absorb, any organisation, union or association which has objects similar to the objects of the Union, and to be represented on other bodies and trade union organisations.
- (s) To render financial assistance to Branches, Divisions, Divisional Branches or other union or labor organisations for any charitable purpose.
- (t) To take part in any or all questions of matters affecting or involving the wages and conditions of labour.
- (u) To grant assistance to members who are shipwrecked.
- (v) To establish and/or support co-operative ventures generally and to do such other things which may be deemed necessary in connection therewith.
- (w) To hold, purchase, lease, transfer, rent, sell, mortgage or otherwise deal in property and to enter into contracts and agreements in connection with same and to do all such other things as may be deemed necessary in connection therewith for the purpose of furthering directly or indirectly any one or more objects, provided that where such property is in the care, custody and control of a Division, it shall be subject to governance in accordance with the Divisional Rules and the National Rules.
- (x) To raise funds by levies and/or other means for the furtherance of any one or more objects.
- (y) To raise political levies, donate to and/or affiliate with political parties and to partake in conciliation and/or arbitration systems in the States and for that purpose to have branches, divisions or divisional branches registered in the States.
- (z) To obtain such other objects as the National Conference or National Executive shall from time to time determine or as may be lawfully adopted by any Division of the Union.
- (aa) To do all such other acts and things as are incidental or in any way related to the carrying out of any one or more of the above objects.

5 - DEFINITIONS

In these rules, unless the contrary intention appears:

“ACT” means the Fair Work Act 2009 (Cth) or any Act replacing that Act.

“BCI(IP) ACT” means the Building and Construction Industry (Improving Productivity) Act 2016.

"BOARD" means a group of persons who supervise a corporation, organisation, association or other like body including a Board of Directors.

"DECLARED PERSON OR BODY" - a person or body is a declared person or body of the Union or a Branch of the Union for the purpose of rule 24D (and 50D) if:

- (i) an officer of the Union or the Branch (as the case may be) has disclosed a material personal interest under rule 24C/50C; and
- (ii) the interest relates to, or is in, the person or body; and
- (iii) the officer has not notified the Union or the Branch (as the case may be) that the officer no longer has the interest.

"DISCLOSURE PERIOD" means the financial year of the Union as referred to in Rule 24.

"DIVISION" shall mean a division of the Union established under these Rules or by the National Executive or National Conference and shall, as far as practicable, be on industry or occupational lines.

"BRANCH" shall mean a Branch of the Union established in accordance with these rules or by the National Conference or National Executive of the Union and shall cover a geographic area.

"DIVISIONAL BRANCH" shall mean a geographic branch established under Divisional Rules by a Division established in accordance with these rules. Provided that some such divisional branches may be on occupational and geographic bases.

“DIVISIONAL EXECUTIVE” shall mean, in the case of The Maritime Union of Australia Division, the Divisional National Council of that Division.

“DIVISIONAL CONFERENCE” shall mean, in the case of The Maritime Union of Australia Division, the Divisional National Council of that Division.

"FINANCIAL DUTIES" includes duties that relate to the financial management of the Union or a Branch of the Union.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the Rules of the Union.

"FINANCIAL YEAR" means the financial year of the Union as referred to in Rule 24.

"GENERAL MANAGER" means the General Manager of the Fair Work Commission.

"MEMBER" shall mean a member of this union, male or female.

"NATIONAL COLLEGIATE" shall mean the totality of delegates from all Divisions to each Divisional Conference.

1 - NAME

"NON-CASH BENEFIT" means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes.

"OFFICE" has the same meaning as defined by Section 9 of the RO Act.

"PEAK COUNCIL" means a national or State council or federation that is effectively representative of a significant number of organisations (within the ordinary meaning of the term) representing employers or employees in a range of industries.

"PROPORTIONAL REPRESENTATION" shall mean a system of representation at Committees, Conferences, Executives or the like which, as far as practicable, will provide for voting on a basis which reflects the number or percentage of financial members, as calculated in accordance with these rules, that each person on such Committee, Conference, Executive or the like, represents.

"DISTRICT" AND "SUB-BRANCH" AND "ZONE" where used in the Rules of the Union shall mean sectors of a Divisional Branch of the Union and in the case of the Manufacturing Division, of the Division.

"RELATED PARTY" has the same meaning as defined by section 9B of the RO Act.

"RELATIVE" in relation to a person means:

- (i) parent, step-parent, child, step-child, grandparent, grandchild, brother or sister or the person; or
- (ii) the spouse of the first mentioned person.

"RELEVANT NON-CASH BENEFITS" in relation to an officer of the Union/Branch for a disclosure period means the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer's duties as an officer, by the Union/Branch or by a related party of the Union/Branch.

"RELEVANT REMUNERATION" in relation to an officer of the Union/Branch for a disclosure period is the sum of the following:

- (i) any remuneration disclosed to the Union/Branch by the officer under Rules 24B/50B during the disclosure period;
- (ii) any remuneration paid during the disclosure period, to the officer by the Union/Branch.

"RO ACT" means the Fair Work (Registered Organisations) Act 2009 (Cth) or any Act replacing that Act.

"RO REGULATIONS" mean the Fair Work (Registered Organisations) Regulations 2009 or any regulations replacing those Regulations.

"RULES OF THE UNION" means all of the Rules of the Union as read and construed in totality while "NATIONAL RULES" shall refer to these rules, "BRANCH RULES" shall refer to the Rules of any Branch of the Union established under the Rules of the Union, "DIVISIONAL RULES" shall refer to the Rules of any Division established in accordance with the Rules of the union, and "DIVISIONAL BRANCH RULES" or "DIVISIONAL DISTRICT BRANCH RULES" shall refer to the rules of Divisional Branches, being a branch of a Division, established in accordance with the Rules of the union.

"MANAGEMENT COMMITTEE" and/or "EXECUTIVE" shall be synonymous and shall mean the controlling and administrative body of the organ so referred to, ie Division or Branch or Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom they vote as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of preference for them.

1 - NAME

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast then that candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes then that candidate shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the vote preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"GENERAL ELECTIONS" shall mean the elections held every four years commencing in 1996 office to be taken on 2 January 1997 in accordance with the Rules of the Union, ~~with the exception of the Mining and Energy Division, where office will be taken 1 July 1996.~~

"PLURAL/SINGULAR" every reference in these rules to the singular shall include the plural and vice versa.

"UNION" shall mean the Construction, ~~Forestry and~~, Maritime ~~and Manufacturing, Employees Mining and Energy~~ Union.

6 - SEAL

- (i) The Seal of the Union shall be oval in shape inscribed on the outer edge "Construction, ~~Forestry and~~, Maritime ~~and Manufacturing, Employees Mining and Energy~~ Union".
- (ii) The Seal shall be kept in the custody of the National Secretary.
- (iii) Any document required or permitted by the Act to be under seal shall be executed on behalf of the Union by affixing the Seal of the Union thereto and by being signed by the National Secretary or in the absence of the National Secretary, either the National President or National Assistant Secretary.
- (iv) Any document otherwise required by law to be under seal shall be executed by affixing the Seal of the Union thereto and by being signed by the National Secretary and either the National President or National Assistant Secretary.

7 - MEMBERSHIP

- (i) A candidate for membership of the Union may make application to the National Secretary, the Division covering the occupation or industry in which the person is employed, the Branch covering the area in which the person is employed or resides, or the Divisional Branch covering the industry or occupation in which the person is employed, usually employed or desirous of being employed and the area in which the person resides or is employed, and such application shall be made and

dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Division. Any application shall be forwarded to the office in the appropriate division which under the rules of that division deals with such applications. The decision to accept or reject that application shall be made in accordance with the Rules of that division by that office. Provided that where a person makes application to any officer of the Union that application shall be a valid application for membership of the Union and the Union shall, treat the member as a member of the Division to which the officer is attached, until transferred in accordance with the rules.

- (ii) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Rules of the Union may require, and shall, when requested, fill in and sign such application form as may be provided.
- (iii)
 - (a) Any application for membership may be referred to the National Executive by the Division, or Divisional Branch to whom application is made or by the member.
 - (b) Where in any case the admission to membership of the person applying is rejected, such person shall have the right to appeal to the National Executive, whose decision shall be final.
- (iv) A member shall be attached to the Division of the Union covering the industry or employment of the member and shall be in only one such Division. Each member shall be notified of the Division to which such member is attached or any other classification relevant to the Rules of the Union and such Division or classification shall be entered on the record of the Union in relation to that member which record shall be conclusive proof of the Division and/or classification to which that member is assigned.
- (v)
 - (a) Notwithstanding anything elsewhere contained in the Rules of the Union no application for membership of the union shall be void or irregular only for the reason that the form of application is not fully completed or completed at all, or that some other form of application is used, or any other procedure under the Rules has not been complied with provided that the person intended to, and did in fact, in some way or other, apply for membership and the Union treated the person as a member. A member may be transferred to another Division, Branch or Divisional Branch without loss of continuity of membership. Without limiting the generality of the foregoing, a person who, at the time of application for membership was not eligible to be or become a member, shall be and become a member as soon as the person is eligible to be and become a member or earlier if by any Act, law or other Rule the membership is otherwise validated provided that the person performs an act which evidences an intention to be or become a member. For all purposes the payment of union dues in whole or in part shall be taken to be, without limiting the generality of the foregoing, a method by which a person intended to, and did in fact, in some way or other, apply for membership and/or evidences an intention to be or become a member.
 - (b) Without affecting or detracting from the requirements of sub-rules 42(iii) and 42(xii) and without limiting the rights of the member or a Division, Divisional Branch or authorised officer thereof, to seek or obtain a transfer of Division or Divisional Branch in accordance with the rules, no membership of the Union and no membership or attachment to a Division, Branch or Divisional Branch of the Union shall be invalidated, void or otherwise treated as irregular on account of the member being attached to a Division, Branch or Divisional Branch which, in accordance with the Rules, may not be the correct Division, Branch or Divisional Branch provided that the member was eligible for membership of the Union and the member was aware of the Division, Branch or Divisional Branch to which the member was attached. Every member of the Union who, on the records of the Union, is financial and is, on those records, attached to a Division, Branch or Divisional Branch shall be treated for all purposes as a financial member thereof and shall be entitled to all rights and required to comply with all obligations which attach thereto until transferred in accordance with the Rules.

- (vi) Any Division or Branch or Divisional Branch may utilise for the purposes of application form for membership of this Union, an application form used for any previously registered organisation of employees which has become, upon amalgamation, part of this Union or any application form utilised jointly or otherwise with any trade union of employees registered under any legislation of a State or Territory.
- (vii) A member shall, when applying for membership be informed of the financial obligations arising from membership and the circumstances, and the manner, in which a member may resign from the organisation and shall be informed of such in writing.
- (viii)
 - (a) Where a Divisional Secretary or Divisional Branch Secretary is of the view that a person in the Division or Divisional Branch of which she/he is an officer should be attached to another Division or Divisional Branch the Divisional Secretary or Divisional Branch Secretary shall contact the Divisional Secretary or Divisional Branch Secretary of the Division or Divisional Branch to which, in the view formed, the member should be attached, and seek to obtain agreement on the transfer of the said member. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.
 - (b) Further provided that where a Divisional Secretary or a Divisional Branch Secretary forms the view that a member of another Division or Divisional Branch ought to be a member of the Division or Divisional Branch to which the Divisional Secretary or Divisional Branch Secretary is attached, the Divisional Secretary or Divisional Branch Secretary shall contact the the Divisional Branch Secretary of the Divisional Branch to which the member is now attached and seek agreement that the member be transferred. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.
 - (c) In relation to the two immediately foregoing paragraphs contact between Divisions and/or Divisional Branches in relation to these issues may, by custom and practice or by agreement, be dealt with by an officer other than the Divisional Secretary or Divisional Branch Secretary or may be dealt with by members of staff. Where a member is transferred or determined to be transferred in accordance with either of the immediately preceding paragraphs the member shall be notified accordingly and the transfer shall be effective 14 days after the notification to the member. Within that period the member may object to said transfer and such objection will be determined by the National Executive. Pending such objection the member shall nevertheless be transferred in accordance with any of the aforesaid agreements and/or determinations.
 - (d) Any determination by the National Executive or officer designated by the National Executive shall use the principles established in and by sub-rules 42(i) and 42(iii) hereof.

Nothing in these paragraphs shall affect or detract from the provisions of subrule(s) 42(i), (iii) and (xii) and membership of a Division or a Divisional Branch shall be valid notwithstanding an irregularity in, breach of or failure to comply with the procedures in either one or both paragraphs (a) or (b) herein.

8 - ENTRANCE FEES AND CONTRIBUTIONS

- (i) Entrance fees and contributions payable by any person on application to join the union and/or for membership or continuous membership of the Union shall be in accordance with the Rules of the division to which, in accordance with the Rules of the Union, the person or member is to be or is assigned.
- (ii) Any member who has failed to pay the entrance fees, or contributions, levies and fines imposed in accordance with the rules of the union on or before the date specified in such rules, shall be

deemed to be unfinancial, and shall not be eligible to receive any benefits, participate in any deliberations, propose or second any new applicant for admission or exercise any authority or any membership rights, provided that the rules may provide that some members or some class or classes of members may vote in a ballot and/or may differentiate between classes of members as to the amount of any contribution and/or entrance fee.

- (iii) A member shall be deemed to be financial immediately upon payment of all arrears outstanding.
- (iv)
 - (a) Notwithstanding anything contained in Rules 7 and 8 of these National Rules or any Divisional Rules to the contrary, the Union may reach agreement with any organisation of employees, trade union, industrial union or organisation, whether incorporated or otherwise or whether registered under a law of the Commonwealth, State or Territory or unregistered (herein referred to as an "association"), which agreement may provide for automatic membership of this Union for members of any such association and may provide for the receipt and holding of moneys jointly or in common by the aforementioned association and this Union and conversely the automatic membership of members of this Union in such an association.
 - (b) The Union may, by agreement or unilaterally, grant to any class of members, who are members of another association of a kind referred to in paragraph (a) hereof, membership and waive the requirement to pay an entrance fee and/or contributions in whole or in part.
 - (c) Nothing in this Sub-Rule shall render eligible for membership any person not otherwise eligible for membership of the Union under the eligibility Rules or pursuant to S.151 of the RO Act, or any other provision of that Act or any Act amending or replacing same. Further, "automatic membership" when used in this Sub-Rule shall mean membership granted to a member free of the payment of any entrance fee and contribution in circumstances where the person applying for membership has signified an intention to become a member or having been notified that membership would be granted unless objected to, has not signified objection to that membership.

9 - CLEARANCES

- (i) A member desiring to transfer to any other union covering their calling shall make application to the Divisional Branch Secretary, or where the rules of the union so provide, Divisional Sub-Branch, in writing, and shall pay all dues owing to the union, and the transfer will be forwarded to the Secretary of the union to which the member desires to transfer. Such member shall cease to be a member of this Union as from the date on which the transfer is forwarded to the Secretary of such other union.
- (ii) Any member of a kindred trade union, or any union whose Awards cover workers specified in Rule 2 of the rules of the union, may be admitted to membership on production to the Divisional Branch Secretary, or where the rules of the Division so provide, the Divisional Sub-Branch or Divisional District Secretary, of a clearance from such union showing that all dues, contributions and levies payable to such union have been paid. The membership of a person so admitted shall commence as from the date of the production of their clearance. The rules of the Union may provide for persons who had been members of any Division or Divisional Branch of this Union to be admitted without entrance fees or other special conditions.
- (iii) A clearance shall not be granted to any member unless all moneys owing have first been paid.

10 - TRANSFERS

- (1) A member attached to any Divisional Branch of any Division who is working within the area covered by another Divisional Branch may be transferred to the latter Divisional Branch. The member shall apply to the Divisional Branch Secretary of the Divisional Branch, or where the

Divisional Branch rules so provide, of the Divisional Sub-Branch or Divisional District to which the member was attached for a clearance, and provided the member is financial, the Divisional Branch or Divisional Sub-Branch or Divisional District Secretary shall forward to the Divisional Branch Secretary of the Divisional Branch to which the member desires to be transferred, the clearance. A member shall be deemed to be attached to the new Divisional Branch as from the date of the receipt of the clearance by the Divisional Branch Secretary of such Divisional Branch, or where the Divisional Branch rules so provide, by the secretary of the Divisional Sub-Branch or Divisional District, and the member's length of membership of the new Divisional Branch shall be the length of the latest period of membership of the Union.

11 - RESIGNATION OF MEMBERS

- (1) A member may resign from membership of the Union by a written notice addressed and delivered to the Divisional Branch Secretary or other officer of the Divisional Branch authorised to receive such correspondence.
- (2) The notice of resignation will take effect where that member,
 - (a) ceases to be eligible to become a member of the Union:
 - (i) on the day on which the notice is received by the Union; or
 - (ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to be a member;whichever is later; or
 - (b) in any other case:
 - (i) at the end of 2 weeks after the notice is received by the Union; or
 - (ii) on the day specified in the notice;whichever is later.
- (3) All contributions and or levies due in relation to the period before the members resignation took effect are to be paid. Where the member fails to do so the Union may prosecute such member in the appropriate court for the recovery of that amount.
- (4) A notice delivered to the person mentioned in sub-rule (1) shall be taken to have been received by the Union when it was delivered.
- (5) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with sub-rule (1).
- (6) A resignation from membership of the union is valid even if it is not effected in accordance with this rule if the member is informed in writing by or on behalf of the union that the resignation has been accepted.

12 - REGISTER OF MEMBERS

A register of members and any other records of the Union required to be kept by the RO Act and the Regulations made thereunder shall be kept at the registered office of the Union and so far as such records relate to a Division or Divisional Branch at the registered office of that Division or Divisional Branch.

13 - SUPREME GOVERNING BODY IN UNION

- (i) The supreme governing body of the union shall be the National Conference convened every two (2) years or specially in accordance with these National Rules.
- (ii) (a) The National Conference shall consist of all of the members of each and every Divisional Executive for every Division of the Union. Provided that existing elected officers of the National Executive who are retiring from office and who have not been re-elected as members of their Divisional Executive shall be entitled to attend the National Conference until their successors are elected and shall be entitled to all rights of a conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to National Conference by virtue of this sub-clause, members of the National Executive entitled to attend and vote thereat shall, ipso facto, be delegates to the National Conference and treated, in all respects, as delegates in the same way as a member of the Divisional Executive and for the purposes of sub-rule (iii) of this Rule be treated as a member of the Divisional Executive from the Division of which such person is a member. Further provided that any person not entitled to attend and/or vote at their Divisional Executive by virtue of the Rules of the Division shall not be entitled, notwithstanding any of the foregoing in this sub-rule, to attend and/or vote at National Conference.
- (b) The National Conference shall also consist of the two National Women's Committee members elected by each Division in accordance with Rule 17, regardless of whether those women are otherwise members of their Divisional Executive.
- (iii) Persons elected as members of a Divisional Executive shall be elected in accordance with the rules of the Division. Nothing in this sub-rule shall prevent the filling of a vacancy between ordinary elections or interfere with the transitional provisions which shall take effect on and from amalgamation. Each such member of a Divisional Executive shall exercise a vote on the National Conference equal to the percentage of financial members of the Union in the Division from which the member derives divided by the number of members of the Divisional Executive entitled to vote. Provided that nothing in this sub-rule prevents proxy voting or multiple voting.
- (iv) The percentage of financial members belonging to any Division shall be the sum of the percentages of financial members of the Divisional Branches within that Division.

For the purposes of this rule, the percentage of financial members of any Divisional Branch shall be calculated by dividing the total income received by the Divisional Branch from contributions only, by the amount of contributions fixed for ordinary members for that Divisional Branch and determining that number as a percentage of total membership of the Union calculated in the same way. This calculation shall be performed for the first six month period of the financial year preceding the year in which the National Conference is held.

- (v) Members of Divisional Executives and National Conference shall remain in office until the election of their successors.
- (vi) Should any member of a Divisional Executive die or resign or should there be, for any other reason whatsoever, a vacant position as delegate or member to Divisional Executive and/or National Conference, the Divisional Branch Executive of the Divisional Branch in which the vacancy would otherwise be filled may forthwith cause an election for another member or, where the unexpired part of the term for that office until the next general elections does not exceed three quarters of the ordinary term of office, the Divisional Branch Executive may appoint a delegate to such Divisional Conference to be the member or delegate from or of the Divisional Branch in place of the member or delegate who is deceased or has resigned or to fill the position otherwise left vacant. Provided a person appointed by a Divisional Branch Executive in the manner mentioned herein shall hold office only for the residue of the period until the next general elections.

The method of such election or appointment shall be the same, the necessary changes being made, as the method of election or appointment (as the case may be) of the Divisional Branch Secretary

of the Divisional Branch from which the vacancy is to be filled in accordance with the rules of the Divisional Branch.

- (vii) Divisions or Divisional Branches may, where elected Divisional Branch delegates or members to or of National Conference agree, arrange multiple voting representation at a National Conference by notifying the National Conference of the number of divisional delegates or members to be credentialed and of the arrangements for proxy voting to be adopted by that Division or Divisional Branch at the National Conference.
- (viii) Where a delegate is unable to attend a meeting of the National Conference or any part thereof that delegate may where the Divisional Executive agrees appoint another elected delegate to National Conference from the same Division as proxy to act in that delegate's stead. Where the Divisional Executive agrees, a delegate may appoint as the proxy to National Conference an elected delegate from another Division. Each member of the Divisional Executive shall be a delegate to the National Conference.
- (ix) Six delegates, representing not less than two Divisions, shall form a quorum of the National Conference.
- (x) The National Conference shall have power, unless any rule deprives the National Conference of power or grants to another body within the Union exclusive power over a subject matter, to:
 - (a) take such steps as it shall think fit to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects;
 - (b) decide the general policy of the Union and to take steps to enforce the carrying out of such policy;
 - (c) subject to the rules prescribing the procedure to be followed, impose penalties being fines not exceeding the sum of \$100, suspension, expulsion or dismissal from office, on officers, members, representatives, committee members or delegates, for knowingly refusing to comply with the rules of the Union or decisions of the National Conference or the National Executive.

Provided that:

- * a copy of the rules of the Union of which there is an alleged breach, and/or the decisions of National Conference or National Executive of which there is an alleged breach are available to members at each Branch office;
- * no penalties shall be imposed unless the officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting; particulars are given in the summons of the offence alleged (including the time and places alleged that the offence was committed); and that person charged is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross examine and to give and call evidence. Nothing in the preceding rule requires the procedures of court. A period of suspension imposed under this rule shall not exceed six (6) months;
- (d) hear and decide any appeal from the National Executive or any Divisional Branch, or Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard;
- (e) settle disputes between Divisions;
- (f) deal with and decide any matter submitted to it by any Division or Branch of the Union;
- (g) confirm, overrule or otherwise deal with decisions of the National Executive;

- (h) establish Divisions of the Union;
 - (j) exercise all or any of the powers of the National Executive;
 - (k) subject to Rule 25, make alter and rescind any of the Rules of the union, including Branch Rules, Divisional Rules and Divisional Branch Rules;
 - (l) confer life membership on a member of the Union.
- (xi) A National Conference shall be held not later than twenty four (24) months after each general election of the Divisional Branch delegates to National Conference and at such place and time as the National Executive shall decide.
- (xii) The business to be dealt with by National Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by a majority of delegates at the National Conference. Any matter appearing on the agenda paper may be amended by the National Conference.
- (xiii) Notice of every National Conference, together with a copy of the agenda paper therefore shall be posted by the National Secretaries to each Divisional Secretary and each Branch Secretary one calendar month before the date of such meeting, or where agenda items have not been finalised one calendar month before the meeting then they shall be sent at the earliest practicable time.

Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.

- (xiv) A copy of the Minutes containing all decisions and business of the National Conference shall be forwarded to each Divisional Secretary and to each Divisional Branch Secretary within two (2) months of the conclusion of each National Conference. Any member of the Union may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each National Conference at the Divisional Branch Office or Divisional Office during the ordinary hours in which the Divisional Branch or Division is open.
- (xv) The National Secretary on receipt of resolutions from a majority of Divisions or from Divisional Branches representing a majority of members or on receipt of a petition signed by not less than 10% of the financial members of the Union calling for a special Conference shall call such Conference within thirty (30) days. Each Division, Divisional Branch and delegate to National Conference shall be advised by letter of National Conference business fourteen (14) days prior to the date of the Conference so fixed. The National Executive may direct the National Secretary to call a special conference at any time. Divisions, Divisional Branches and delegates to National Conference shall be given seven (7) days' notice if practicable. Notice shall be given by letter, facsimile, telephone, email, in writing, by computer link and/or by any other means of communication.

Notwithstanding anything contained in any other rule, the National Executive may direct the National Secretaries to conduct a postal, facsimile, telephonic, email, in writing, by computer link and/or by any other means of communication (or combination thereof) of delegates to National Conference to obtain a decision on any matter.

13A - NATIONAL WOMEN'S CONFERENCE

- (a) There shall be a National Women's Conference at least once every two years. The role of the National Women's Conference shall be to provide advice and recommendations to the Union on matters affecting women members of the Union.

- (b) The National Women's Conference shall include the elected National Women's Committee members from each Division. The number of participants shall be no more than 15 members per division.
- (c) Delegates to the National Women's Conference shall be nominated by the Divisional Executive of each Division.
- (d) Notwithstanding the number of observers nominated by any Division to attend the National Women's Conference, only the nominated delegates from each Division shall have voting rights at the National Women's Conference.
- (e) Resolutions of the National Women's Conference shall be referred to the National Conference for consideration by that Conference.

13B - NATIONAL WOMEN'S COMMITTEE

- (a) There shall be a National Women's Committee.
- (b) The National Women's Committee shall be made up of two female members from each Division. Only one National Women's Committee member from each Division may be a Full Time Paid officer of that Division.
- (c) The members of the National Women's Committee are to be elected by each Division in accordance with Rule 17, or otherwise in accordance with the rules for general quadrennial elections applicable to each Division.
- (d) Members of the National Women's Committee shall be, ex officio, members of the National Women's Conference and members of the National Conference.
- (e) The National Women's Committee will operate in accordance with a set of rules that have been adopted by either the National Conference or Executive after consultation with the Committee.

14 - NATIONAL EXECUTIVE COMMITTEE

- (i) The National Executive Committee shall consist of the National Officers, being the National Secretary, National President, National Assistant Secretary, International President and five (5) National Vice Presidents of the Union together with such of the following elected officers of each Division at a National level namely:-
- in the case of the Construction and General Division, eleven (11) additional National Executive Committee members elected by and from the Construction and General Division Divisional Conference.
 - in the case of the Manufacturing Division, the Divisional Secretary, the Divisional Senior Assistant Secretary, the Divisional President and the Divisional Assistant Secretary who is also the District Secretary of the PPW District of the Division and the TCF National Secretary.
 - ~~(Deleted)in the case of the Mining and Energy Division, four (4) additional National Executive Committee members elected by and from the Mining and Energy Divisional Conference.~~
- in the case of The Maritime Union of Australia Division, the Divisional Deputy National Secretary, the two (2) Divisional Assistant National Secretaries and the Divisional Deputy National Presiding Officer.
- Provided that in the year preceding the quadrennial elections, it shall be open to the National Conference or the National Executive, upon review, to abolish the National Executive Committee.
- (ii) The National Executive Committee shall, subject to the review of its actions by the National Executive, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds of the Union and without limiting the generality of the foregoing it may:
- (a) interpret and enforce the general policy of the Union as decided by National Executive and/or National Conference.
 - (b) decide questions of policy not covered by the National Executive and/or National Conference decisions.
 - (c) control and conduct the business and affairs of the Union while the National Executive or National Conference is not in session.
 - (d) Expend such moneys by way of ordinary expenditure as may be necessary.
 - (e) Submit any matter to the National Executive for decision.
 - (f) Control and supervise the work of the National Officers of the Union.
 - (g) All decisions of the National Executive Committee shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

- (iii) Meetings of the National Executive and National Executive Committee shall be held at such time and place as shall be decided by the National President and the National Secretary, provided that a majority of the members of the National Executive may demand a meeting of such National Executive which shall be held at such time and place as stipulated by such members of the National Executive. The quorum for any meeting shall be six (6). A majority of the National Officers may demand a meeting of the National Executive Committee which shall be held at such time and place as stipulated by such National Officers. The quorum for any meeting of the National Executive Committee shall be four (4).
- (iv) The National Secretary may take a facsimile, telephonic, email, written and/or postal vote of members of the National Executive or National Executive Committee at any time. Members of the National Executive or National Executive Committee shall be advised of the details of the voting. Such vote shall have the same effect as a decision of such body made in meetings assembled.
- (v) Notice of meetings may be given by letter or facsimile or email or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or email.
- (vi) All decisions of the National Executive Committee shall be made by a majority of the votes cast at the meeting unless otherwise provided by these Rules. The votes cast by members of the National Executive Committee shall be on a card system and the value of the vote cast by any member of the National Executive Committee, including National Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the National Conference with National Officers being included in the Division from which they derive. Provided that in the calculation of votes cast by members of the National Executive Committee herein, no member of the National Executive Committee who is not entitled to attend and/or vote at the National Executive Committee meeting shall be included as a member for the purposes of the aforesaid calculations.

15 - NATIONAL EXECUTIVE

- (i) (a) There shall be a National Executive composed of the National Executive Committee, as defined in these rules, and the principal officer of each Divisional Branch of the Union that is not otherwise a member of the National Executive Committee. Provided that any such Principal Officer of a Divisional Branch shall not be entitled to attend and/or vote at any meeting of the National Executive or vote on any issue before the National Executive if such Principal Officer is not entitled to attend and/or vote, in that capacity, the Divisional Executive of the Division to which the Divisional Branch is attached.
- (b) Provided that in the case of the Manufacturing Division for purposes of this sub-rule a reference to the Principal Officer of a Divisional Branch shall be a reference to the District Secretary of a District of that Division, the Senior Vice President (TCF) and the additional Divisional Assistant Secretary established pursuant to Rule 44 of the Manufacturing Divisional Rules.
- (c) Where a Division has at least one woman who is a Full Time Elected Officer who is not otherwise entitled, under these Rules, to be a member of the National Executive, that Division is entitled to one National Executive (Female Affirmative Action) position on the National Executive.
 - (i) The National Executive (Female Affirmative Action) position for each Division may only be filled by a woman from that Division who is a Full Time Elected Officer who is not otherwise entitled to be a member of the National Executive;

- (ii) Where there is more than one woman from a Division who is a Full Time Elected Officer who is not otherwise entitled under these Rules to be a member of the National Executive, and who is therefore eligible to fill the National Executive (Female Affirmative Action) position, the Divisional Executive of that Division shall determine which eligible officer shall fill the position.
 - (iii) Provided that, once nominated by the Divisional Executive, the Branch or District Executive (if the woman is a Branch or District Officer) must endorse the nomination of that Officer to the National Executive.
- (ii) The National Officers (other than the office of National Vice President held by the TCF National Secretary and the office of National Vice President held by the Divisional National Presiding Officer of The Maritime Union of Australia Division) shall be elected, except in the case of any vacancy occurring or arising between general elections, by and from the National Collegiate in 1994 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.
- (iii) Following the Divisional Conferences in 1993 and the Divisional Conferences following the general elections every four years thereafter the National Executive shall appoint a person as Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or any section of the Union. Such Returning Officer shall have the conduct of the election of the National Officers in accordance with these Rules.
- (iv) The National Executive shall, unless its actions are overturned by the National Conference, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds and property of the Union and shall have and may exercise no more and no less than all of the powers of the National Conference and, without limiting the generality of the foregoing may:
 - (a) Interpret and enforce the general policy of the union as decided by National Conference.
 - (b) Control and conduct the business and affairs of the union while National Conference is not in session.
 - (c) Appoint the editor of any national union journal and manage and control the policy of such journal.
 - (d) Hear and decide any appeal from any Division or Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.
 - (e) Settle disputes between Divisions or Branches. Any Division or Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.
 - (f) Expend such moneys by way of ordinary expenditure as may be necessary.
 - (g) Submit any matter to the members for decision by ballot.
 - (h) Ensure that officers, committee members, delegates or members and Divisions and Branches carry out the rules and decisions of the Union and subject to Rule 19 impose penalties [i.e. fines not exceeding the sum of one hundred dollars], suspension, expulsion or dismissal from office, upon any officers, members, representatives, committee members or delegates for knowingly refusing to comply with the rules or the decisions of the National Conference or the National Executive.

Provided that the rules, the decisions of National Conference or the National Executive are available to members in the minutes of the National Conference or the National Executive and the registered rules of the Union at each Branch office. No penalty shall be imposed unless -

- * The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;
- * Particulars are given in the summons of the offence alleged, including the time and place it was alleged the offence was committed;
- * The member is afforded an opportunity of being present at the hearing and of being heard in the member's own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

- (j) Subject to rules relating to the autonomy of divisions, take such action as may be necessary to secure the satisfactory working of any Division or Branch or Divisional Branch in the event of the affairs of that Division, Branch or Divisional Branch being so conducted as to affect the proper functioning of the Union, as a registered organisation, or as to make the Union liable for a breach or breaches of the Act or the RO Act. Subject to Rule 19 herein, such action may include the suspension or dismissal of all or any members holding positions in, or for, a Division or Branch and the appointment of a member of the National Executive or any other member or members of the Union to conduct the affairs of the such Division, Branch or Divisional Branch.
- (k) Control and supervise the work of the National Officers of the union.
- (l) All decisions of the National Executive shall be made by a majority of the votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the National Executive shall be on a card system and the value of the vote cast by any member of the National Executive, including National Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the National Conference with National Officers being included in the Division from which they derive. Provided that in the calculation of votes cast by members of the National Executive herein, no member of the National Executive who is not entitled to attend and/or vote at the National Executive meeting shall be included as a member for the purposes of the aforesaid calculations.
- (m) A loan, grant or donation of an amount exceeding \$1,000 shall not be made by this Union unless the National Executive -
 - (a) has satisfied itself -
 - * that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and
 - * in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and
 - (b) has approved the making of the loan, grant or donation.
- (n) Subject to Rule 25, make, alter and rescind any of the rules of the Union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

- (o) Affiliate to any body on behalf of the Union, or, if any Division objects to any affiliation to affiliate on behalf of those Divisions which do not so object;
- (p) appoint representatives of the Union to any body;
- (q) to affiliate to the Australian Council of Trade Unions and appoint representatives thereto on the basis of proportional representation of each Division.
- (r) confer life membership on a member of the Union.
- (v) All acts and decisions of the National Executive shall have full force and effect and full validity unless and until such acts or decisions are reversed or amended by the National Executive or the National Conference.

16 - ELECTION OF NATIONAL OFFICERS AND NATIONAL EXECUTIVE COMMITTEE MEMBERS

- (i) The National Officers (other than the office of National Vice President held by the TCF National Secretary and the office of National Vice President held by the Divisional National Presiding Officer of The Maritime Union of Australia Division) shall be elected by and from the National Collegiate, namely the delegates to all of the Divisional Conferences of the Union (howsoever described in the Divisional Rules) and the ballot for such positions shall be a secret postal ballot of delegates to all Divisional Conferences conducted, the necessary changes being made, in accordance with Rule 17 of these rules.

Provided that, the Divisional Secretary of the Construction and General Division, the Divisional Secretary of the Manufacturing Division, ~~the General President of the Mining and Energy Division~~ and the Divisional National Secretary of The Maritime Union of Australia Division shall between them hold at least one of the positions of National Secretary, National Assistant Secretary, National President and International President or if the position of International President is abolished, the additional position of National Assistant Secretary.

Should the office of International President become vacant at any time due to death, resignation from office or removal from office in accordance with the Rules of the Union, it shall be open to the National Executive to abolish the office of International President. If at any time, the National Executive abolishes the office of International President, it shall forthwith create an additional office of National Assistant Secretary.

Further provided that, there shall be one National Vice President from each Division who shall be nominated by and from their own Divisional Conference except in the case of The Maritime Union of Australia Division, where the National Vice President from that Division shall be the Divisional National Presiding Officer. Provided further that there shall be one (1) additional National Vice President from the Manufacturing Division the office of which shall be held by the TCF National Secretary.

Should the additional office of National Vice President held by the TCF National Secretary become vacant at any time due to death, resignation from office or removal from office in accordance with the Rules of the Union, it shall be open to the National Executive to abolish the additional office of National Vice President.

- (ii) If the nominations are equal to the number of positions to be filled the Returning Officer shall forthwith declare candidates elected. An officer shall not hold more than one position on the National Executive or National Executive Committee.

- (iii) If there are more candidates than the number required for filling the office/s the Returning Officer shall prepare voting papers and conduct the ballot.
- (iv) The Returning Officer shall declare the result of the ballot as soon as the count is completed. In the event of a tie, the Returning Officer shall determine the result by declaring a candidate who currently holds the office being contested being elected, should no candidate currently hold the office the Returning Officer shall declare the result by casting lots.
- (v) Except in so far as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of a ballot shall be recognised as validly holding such office.
- (vi) A National Executive member and National Executive Committee member and National Officer shall hold office until a successor to such person is elected.
- (vii) (a) Where a vacancy occurs in any office under these rules for any reason whatsoever including but not limited to the death, resignation, retirement or dismissal of any officer, such vacancy may be filled by appointment by the Divisional Executive to which the office or officer relates provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed the greater of twelve months or three quarters of the term of the office. Further provided that in the case of a vacancy in one or more of the National Officer positions, the National Executive may fill such office by appointment from those members of the National Executive Committee who are otherwise eligible to hold the vacant office.

Provided however that any such appointment/s shall ensure that each Division maintains its representation of two (2) officers amongst the National Officers.
- (b) Where the unexpired part of the term of office exceeds that specified in this sub-rule, the Returning Officer shall conduct an election of delegates to all Divisional Conferences to fill the vacancy and the person elected shall hold office for the remainder of the term of office.
- (c) Such election shall, the necessary changes being made, be in accordance with Rule 17 (iii) hereof.
- (viii) The Returning Officer in any election shall declare the result to members of the National Executive and may do so by email, post, letter, telephone, facsimile, verbally or by any other electronic means as soon as the count is completed.
- (ix) In any ballot of the National Collegiate for the election of National Officers, the representatives of each of the Divisions shall cast votes proportionate to the membership of their respective Divisions determined in the same way, the necessary changes being made, as votes cast by delegates to the National Conference in accordance with Rule 13(iii) and (iv) herein.
- (x) In conjunction with the conduct of the election of the National Officers, the Returning Officer shall also conduct an election in the Divisional Conferences of the Union, where necessary, for the National Executive Committee members to be elected by and from the relevant Divisional Conference having regard to Rule 14(i).
- (xi) The elections held in accordance with sub-rule (x) shall be conducted in accordance with sub-rules (ii) to (v) and (viii) with the necessary changes.

17 - ELECTION OF DELEGATES TO DIVISIONAL CONFERENCES

- (i) This Rule shall not apply to The Maritime Union of Australia Division.
- (ii) The method of electing Divisional Branch delegates to Divisional Conference shall be in accordance with the Rules of the Division every four (4) years in conjunction with the Divisional Branch elections. Such election shall be by direct ballot of the financial members of each Divisional Branch.
- (iii) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.
- (iv) Except in the case of ~~the Mining & Energy Division and~~ the Manufacturing Division elections for Divisional Branch Delegates to Divisional Conference shall be in accordance with the following provisions:
 - (a) The method of electing Divisional Branch delegates to Divisional Conference shall be by secret postal ballot of the whole Divisional Branch financial members entitled to vote in such elections, which shall be held every four (4) years in conjunction with the Divisional Branch elections.
 - (b) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.
 - (c) The Divisional Branch Returning Officer shall have the conduct of such elections in accordance with these rules. Where practicable such election to be conducted in conjunction with Divisional Branch election of Officers.
 - (d) A Divisional Branch Returning Officer may, at any time in writing, resign his or her position and shall resign if they desire to become a candidate at any elections held under the rules of the Union.

Any casual vacancy of a Divisional Branch Returning Officer shall be filled by the Divisional Branch Executive.

- (e) That nominations are called in accordance with the rules of the Division.
- (f) Any member of the Divisional Branch who is financial at the time nominations are called and has had not less than three years financial membership of the Union may nominate for the position of Divisional Branch delegate to Divisional Conference.

For the purpose of this rule and for the purpose of all provisions of the rules of the union relating to financial membership and the length of financial membership or length of membership, membership of an organization amalgamating with the union or which has amalgamated with the union shall be counted for all purposes as membership of the union and financial membership of this union or a union amalgamating with this union for all purposes. This provision relates to all rules of the Union relating to the membership, or length of financial membership, or length of continuous membership in the Union or in any Division thereof.

- (g) That the nominations process, closure and receiving of, are in accordance with the rules of the Division.

- (h) Candidates may include with their nomination form a statement or joint statement not exceeding 200 words containing only the candidate's personal history and only the candidate's policy statement or joint statement.
- (i) (deleted)
- (j) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Divisional Branch Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven (7) days after being so notified.
- (k) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Conference and candidates by submitting a Divisional Branch Returning Officers report to the National, Divisional, Divisional Branch, and Branch Secretaries.
- (l) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or their nominee to attend the draw; such attendance shall be at the candidate's own cost and expense.
- (m) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable them to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.
- (n) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.
- (o) Where a ballot is required, the Divisional Branch Secretary of the Divisional Branch concerned shall provide, within thirty five (35) days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.
- (p) The Divisional Branch Returning Officer shall, in accordance with the Rules of the Division, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only:-
 - (i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.
 - (ii) a declaration envelope in such form as is prescribed by Regulation 5 of the RO Regulations.
 - (iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

- (iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.
- (v) The candidate's statement provided for in accordance with sub-rule (h) of this rule.
- (vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by mail all ballot papers, in accordance with the Rules of the Division.
- (q) For the purpose of the election the books of the Divisional Branches shall be deemed closed in accordance with the rules of the Division.
- (r) That the opening and closing of the ballot shall be in accordance with the rules of the Division.
- (s) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office or at the office of the Australian Electoral Commission until the commencement of the count of the ballot.
- (t) At the conclusion of the ballot the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the Scrutineers and taken to the Divisional Branch rooms or to the office of the Australian Electoral Commission and be opened in the presence of the Scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a Scrutineer.
- (u) Any candidate at their own expense, may appoint a financial member of the union to act as their Scrutineer by notification in writing to the Divisional Branch Returning Officer. Any Scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.
- (v) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in this rule, and the candidate or candidates receiving the necessary quota shall be declared elected. The counting of the ballot shall commence no later than on the first working day after the closing of the ballot and shall be completed as soon as is practicable.
- (w) In the case of an equality of votes for any two or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected, by declaring the candidate who currently holds the office being contested being elected, should no candidate hold the current office the Returning Officer shall declare the result by casting lots.
- (x) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the National, Divisional and Divisional Branch Executive of the result of the ballot. The Divisional Branch Executive shall issue instructions for the publication of same in their minutes and in the journal or newspaper of the Divisional Branch. The Divisional Branch Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Branch area. The date of completion of the ballot shall be the date of the declaration thereof.
- (y) The successful candidate/s shall become the Divisional Branch delegate to the Divisional Conference.
- (z) Should a vacancy occur of a Divisional Branch delegate to Divisional Conference Rule 13 sub-rule (vi) shall apply.

- (aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.
- (bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be given the opportunity to be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.
- (cc) Definitions:
- "Preferential Voting" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the voter gives as their first preference, and shall place the number 2, 3, 4 (and so on as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the preference for them. In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate. If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.
- If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference. If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes. In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preference shall be the same as is above prescribed where a ballot is for a single position. The candidates or candidate, as the case may be, who has received an absolute majority of votes shall be elected.
- (dd) Those elected shall take office from 2 January in the year following the election.
- (ee) This election rule shall apply to all divisions (except ~~the Mining and Energy Division and Manufacturing Division~~) from 1996 and 1996 shall be the first year of such general elections.

18 - DIVISIONAL EXECUTIVE ELECTION

- (i) This Rule shall not apply to The Maritime Union of Australia Division and the Manufacturing Division.
- (ii) There shall be a Divisional Executive composed in accordance with Divisional Rules and elected in accordance with such Divisional Rules.
- (iii) Every Divisional Executive shall be elected either:
- (a) by and from the Divisional Conference; or
- (b) by direct ballot of the financial members of the Division.

- (iv) The Divisional Officers at a national level shall be members of that Divisional Executive.
- (v) The position of delegate to National Conference is to be held by the same person as is holding the position as Divisional Branch member of the Divisional Executive and the election to one position is to be an election to the other position, a removal from one position shall be a removal from the other and they are, for all purposes under these rules to be one and the same person and/or position.

19 - REMOVAL OF OFFICERS

Any Officer may be removed from office by majority decision of the National Executive, provided that such officer shall not be dismissed from office unless found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

Any officer so removed from office shall have the right of appeal to the National Conference. In the event of the appeal being upheld the National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary the officer would have received had the officer not been removed from office and the amount of salary the officer received during the period the officer was removed from office.

20 - REFERENDA

1. On a decision of a majority of Divisions or Branches or Branches whose membership constitutes a majority of the members or on receipt of a petition signed by not less than 10 per cent of the financial members of the Union, the National Executive shall take a referendum of the whole of the members of the Union upon the matter or matters in the decision of the Divisions or Branches or in the petition. A decision reached by a majority of the actual votes recorded shall be binding on the Union and the members of the Union provided that the decision shall not affect the autonomy of any Division.
2. National Executive or National Conference may at any time of its own motion take a referendum of the whole of the members of the Union upon any matter it thinks fit.
3. The referendum referred to in this rule shall be conducted as follows:

National Executive shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a National Returning Officer and National Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

No material other than that authorised by the National Conference or National Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch delegates to Divisional Conference as set out in Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

21 - VACANCIES IN OFFICE

Where in accordance with the Rules of the Union, a National Officer ceases to hold office as the Divisional Officer entitled to hold a position as National Officer under Rule 16(i) hereof, such officer shall on and from the same time cease to hold office as a National Officer. Provided that the member who replaces such a person in the Divisional Officer's position shall also fill the vacancy created in the position of National Officer until such time as the National Officer's position can be filled in accordance with the rules governing casual vacancy.

22 - DUTIES OF OFFICERS/MEMBERS

1. The following sets out the duties of the National Officers outlined herein. The National Secretary shall be a full time position. The wages and costs relating to the office of the full time officer shall be borne by the Union.

2. National President:

The National President shall preside at meetings of National Conference, National Executive and meetings convened by National Conference or National Executive if it is possible to be present.

The National President shall have a deliberative vote only.

The National President shall perform all duties assigned to him/her by the National Conference or National Executive and shall be responsible with the National Secretary for the allocation of duties and responsibilities arising from decisions of the National Conference or the National Executive.

3. National Secretary:

The National Secretary shall be responsible for the general correspondence of the Union, National finance, filing of documents, industrial returns and the carrying out of decisions made by National Conference or National Executive.

The National Secretary shall have the power, subject to decisions of the National Executive and/or National Conference, to appoint, control and dismiss the clerical, industrial, research and accountancy staff of the National Office and allocate duties and responsibilities within the National Office.

The National Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the National Office, together with a statement of the assets and liabilities of the National Office for the year ending 31st December in each year.

Such financial statement shall be presented to the National Executive for its approval and be published within the journal of the National Union.

The National Secretary shall carry out such other functions as shall be determined from time to time by the National Conference or National Executive.

1 - NAME

The National Secretary shall be a member of each and every Divisional Executive and shall be for all purposes a full member of any Divisional Executive but shall not exercise a vote at any Divisional Executive of which such National Secretary is not, otherwise than under this Rule, a member.

4. National Assistant Secretaries:

National Assistant Secretaries shall perform all duties assigned to them by National Conference and National Executive. They shall attend all meetings of National Conference and National Executive.

5. International President

The International President shall assist the National Secretary especially in relation to international matters. The International President shall otherwise perform all duties assigned to him/her by the National Conference or the National Executive.

6. National Vice-Presidents:

The National Vice-Presidents shall assist the National President in the conduct of meetings and in the absence of the National President, shall act as President.

He/she shall carry out such other duties as shall be determined from time to time by the National Conference or National Executive.

7. Members of National Executive and Delegates to National Conference:

Members of National Executive and delegates to National Conference shall attend meetings of those bodies when summoned so to do.

8. Within the National Executive Committee and, subject to the Rules relating to card voting on certain committees, for all internal Union purposes, the National Principal Officers shall have, as between each and all of them, the same status. Each may perform different functions and may have different responsibilities in accordance with these Rules and/or decisions of the National Executive/National Conference not inconsistent with these Rules.

9. No officers, employees, delegates or members shall be required to do, or required to omit to do, any act in breach of legislation applicable to the Union.

10. Except as provided for by resolution of a committee of management of the Union (including any committee of management of a Division, Branch, Divisional or District Branch thereof), it shall not be part of the duties of any delegate/steward, officer or employee, including organisers, whether temporary or not, to threaten, initiate, counsel, procure, induce, be involved in, engage in or be party to industrial action as defined by the Act or the BCI(IP) Act or unlawful picketing within the meaning of the BCI(IP) Act.

22A - TRAINING OF OFFICERS

(a) Each person holding an office in the Union, including its Branches, Divisions and Divisional/District Branches whose duties include duties that relate to the financial management of the Union, including its Branches, Divisions and Divisional/District Branches shall undertake training:

(i) approved by the General Manager under the provisions of the RO Act or an Act replacing that Act; and

- (ii) that covers each of the officer's financial duties.
- (b) An officer shall complete the training required by sub-rule (a) within six (6) months after the person begins to hold office.

23 - FUNDS AND PROPERTY

- (i) Each Division shall pay to the National Office and/or National Conference of the Union, on a basis which is proportionate to the respective financial membership of each Division, an amount that is determined by the National Conference or National Executive to enable it to fulfil its functions.

Provided that each Division/Divisional Branch is responsible to meet all costs associated with the operation of its Division/Divisional Branch, including all costs associated with the attendance and participation by their representatives at meetings, including National Conference, National Executive Committee unless decided otherwise by the National Executive Committee.

- (ii) A capitation fee or sustentation fee shall be paid by each Divisional Branch to the Division in accordance with Divisional rules.
- (iii) Each Divisional Branch shall pay to the Branch of the Union for the geographic area covered by the Divisional Branch, a pro rata amount calculated on the basis of the proportion of financial members of the Branch in that Divisional Branch, an amount determined by the State Executive to enable it to fulfil its functions.
- (iv) All moneys received by the National Office shall be paid to the credit of the Union on current account with a Bank or financial institution. All cheques shall be signed by two (2) persons who are a National Secretary, National Assistant Secretary, National President, International President or two (2) National Executive members as nominated by National Executive resolution. All authorisations for the transfer and/or disbursement of funds shall be approved by two (2) persons who are a National Secretary, National Assistant Secretary, National President, International President or two (2) National Executive members as nominated by National Executive resolution.
- (v) All expenditure for ordinary purposes, namely, incurred in directly furthering the objects of the Union or in the expenses of management, may be disbursed by decision of the National Secretary and either the National President, National Assistant Secretary or International President. Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the National Conference or National Executive.
- (vi) The funds of the Union shall be under the control of the body which receives such funds pursuant to the Rules of the Union and such bodies shall deal with the funds on behalf of the Union. The funds and property of the Union shall be invested wherever possible in the name of the Union. Any moneys may have the name of the body controlling the funds added to the name of the Union. In the case of Divisions, money received by the Divisions shall be under the control of the body in that Division which, by the rules of that Division is given control and shall be invested in the name of the Union, subject to the last immediately preceding sentence hereof. Where it is not possible or convenient to hold property in the name of the Union the property shall be held in the name of trustees under the Rules of such bodies.

The funds of the Union may be invested in such securities as are permitted by the laws of any State of the Commonwealth for the investment of funds by trustees. Nothing in this sub-rule prevents the Union, a Division, a Branch or a Divisional Branch from entering into an agreement with a trade or industrial union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or a basis on which the funds are held in common so long as the funds are treated, for all purposes, at least as funds of this Union or such of the funds as represent pro rata membership are so treated.

- (vii) The funds or property of the Union, under the control of the National Office or Branch or Division or Divisional Branch in accordance with the rules of the Union, shall be under the control of the National Executive, or Branch or Division or Divisional Branch Committee of Management and/or Executive respectively.
- (viii) Any fines, penalties, damages, costs or other sum(s) ordered by a court against the Union is, if the conduct of a Division's officers, employees, agents or members made the Union liable for such amount(s), to be funded by that Division.

24 - AUDITOR

The National Conference or National Executive shall appoint as auditor a competent person resident in the city in which the National Office is located who shall each year for the period ending 31 December audit the books and accounts of the Union and draw up a correct report on same.

The Auditor shall, in the report, draw attention of the National Executive to any deficiencies or other matters which the Auditor may think proper. The Auditor shall have full and complete access to all the books and documents of the Union.

For the purpose of this Rule a competent person shall have the same meaning as in the RO Act and the RO Regulations made thereunder.

Upon receipt by the National Secretary of a petition, signed by not less than 5% of the members of the Union, requesting that a general meeting of members of the Union be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the National Office, the National Secretary shall convene such meeting as soon as is practicable.

24A - POLICIES AND PROCEDURES - EXPENDITURE

- (a) The Union shall develop and implement internal control policies and procedures relating to the expenditure of the Union, to ensure that the Union is conducted in accordance with the principles of good governance and to ensure accountability to members of the Union.
- (b) Such policies and procedures shall be adopted by the National Executive and once adopted, shall be binding on all officers and members of the Union. Such policies and procedures must be identified in the resolutions of the National Executive as Rule 24A policies and procedures.
- (c) Rule 24A policies and procedures must be published on the website of the Union with fourteen (14) days of their adoption.
- (d) The provisions of sub-rules (a) to (c) herein shall apply, mutatis mutandis, to each Branch, Division and Divisional/District Branch of the Union.

24B - DISCLOSURE BY OFFICERS OF REMUNERATION AND NON-CASH BENEFITS

- (a) Each person holding office in the Union shall disclose to the Union any remuneration paid to the officer:
 - (i) because the officer is a member of a board if:
 - (A) the officer is a member of the board only because the officer is an officer of the Union; or

- (B) the officer was nominated for the position by the Union, a Branch of the Union or a peak council; or
 - (ii) by a related party of the Union, in connection with the performance of the officer's duties as an officer.
- (b) The disclosure required by sub-rule (a) shall be made to the National Executive and the Divisional Executive of the Division from which the officer derives:
 - (i) as soon as practicable after the remuneration is paid to the officer; and
 - (ii) in writing.
- (c) The Union shall disclose to the members of the Union:
 - (i) the identity of each officer of the Union who, when all officers of the Union are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than fifth;
 - (ii) the identity of each officer of each Division and Divisional/District Branch who, when all officers of the Division and Divisional/District Branches are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than second; and
 - (iii) for each of those officers
 - (A) the actual amount of the officer's relevant remuneration for the disclosure period; and
 - (B) the form of the officer's relevant non-cash benefits for the disclosure period.
- (d) For the purposes of sub-rules (c), the disclosure shall be made:
 - (i) in relation to each financial year;
 - (ii) within six (6) months after the end of the financial year; and
 - (iii) in writing and published in the annual financial returns.

24C - DISCLOSURE BY OFFICERS OF MATERIAL PERSONAL INTEREST

- (a) Each person holding an office in the Union shall disclose to the Union any material personal interest in a matter that:
 - (i) the officer has or acquires; or
 - (ii) a relative of the officer has or acquires;that relates to the affairs of the Union including any Branch, Division or Divisional/District Branch thereof.

- (b) The disclosure required by sub-rule (a) shall be made to the National Executive and the Divisional Executive of the Division from which the officer derives:
 - (i) as soon as practicable after the interest is acquired; and
 - (ii) in writing.
- (c) The National Executive shall disclose to the members of the Union the interests disclosed to the Union pursuant to sub-rule (a).
- (d) For the purposes of sub-rule (c), the disclosures shall be made:
 - (i) in relation to each financial year:
 - (ii) within six (6) months after the end of the financial year; and
 - (iii) in writing and published in the annual financial returns.

24D - DISCLOSURE BY UNION OF PAYMENTS

- (a) The Union shall disclose to the members of the Union including its Branches, Divisions and Divisional/District Branches either of the following
 - (i) each payment made by the Union, during the disclosure period:
 - (A) to a related party of the Union or Branch; or
 - (B) to a declared person or body of the Union including its Branches, Divisions and Divisional/District Branches; or
 - (ii) the total of the payments made by the Union including its Branches, Divisions and Divisional/District Branches, during the disclosure period:
 - (A) to each related party of the Union or Branch; or
 - (B) to each declared person or body of the Union including its Branches, Divisions and Divisional/District Branches.
- (b) Sub-rule (a) does not apply to a payment made to a related party if the payment consists of amounts deducted by the Union including its Branches, Divisions and Divisional/District Branches from remuneration payable to officers or employees of the Union including its Branches, Divisions and Divisional/District Branches.
- (c) Sub-rule (a) does not apply to a payment made to a related party if:
 - (i) the related party is an officer of the union; and
 - (ii) the payment:
 - (A) consists of remuneration paid to the officer by the union; or
 - (B) is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.

- (d) For the purposes of sub-rule (a), the disclosures shall be made:
 - (i) in relation to each financial year;
 - (ii) within six (6) months after the end of the financial year; and
 - (iii) in writing and published in the annual financial returns.

25 - ALTERATION OF RULES

- (a) The rules of the Union, or any of them, may be altered, rescinded, varied or made by the National Conference and/or National Executive. Proposals for alterations of rules may be forwarded by Divisions, Branches or any member of the National Executive or delegate to the National Conference and shall be forwarded to members and/or delegates with the notice calling the National Conference or National Executive, as the case may be, or so soon thereafter as is practicable. Provided that National Conference or National Executive may, in session, alter rules of which previous notice has not been given.
- (b) Alterations to rules may be made, at the discretion of the National Secretary, by postal, telephonic, facsimile, email, written and/or any other means of communication as a ballot of National Conference or National Executive. Such a rule change will have the same effect as a change made in a session of the National Conference or National Executive.
- (c) Notwithstanding the foregoing provisions of this rule, the rules of the Union and/or any of them may be repealed, altered and added to by the National Executive Committee on its own initiative and without any reference to National Conference or National Executive for the purpose of bringing rules into compliance with the Act, the RO Act or the Regulations thereto or to facilitate, assist in or give effect to an amalgamation decided upon by National Executive or National Conference or to overcome objections taken to an application by the Union for an alteration to its rules, for amalgamation or for registration under the RO Act.
- (d) Provided that no rule change shall be effected without the approval of a Division, by either the National Conference, National Executive or National Executive Committee which affects the existence of that Division or interferes with its autonomy under these rules, including the internal structures of a Division.

26 - RULES BINDING ON MEMBERS, BRANCHES AND DIVISIONS

These National Rules and all the rules of the Union, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisions, Branches, and Divisional Branches and all sections of the Union and on all members who now, or who may hereafter, belong to the Union until they are made or become null and void according to the law.

26A - COMPLAINTS BY MEMBERS

1. Any financial member of the Union may raise a complaint over the actions of another member or members (including officers).
2. The complaint may be about a member or members:
 - a. refusing to obey the rules of the Union;
 - b. refusing to obey a policy of the Union;

- c. refusing to abide by a resolution carried at a properly constituted meeting of a management committee which has relevant control or management over the member;
 - d. obstructing any properly constituted meeting of a management committee;
 - e. obstructing any officer or employee of the union in the course of his/her duties;
 - f. Misappropriation of the funds of the Union;
 - g. engaging in gross misbehaviour;
 - h. engaging in gross neglect of duty;
 - i. wrongfully and unreasonably holding out that he or she holds an office or position in the Union;
 - j. making a false charge or complaint against a fellow member, including a complaint under this rule; or
 - k. aiding or encouraging any other member or members in any of the matters referred to above.
3. Members shall not subject a member who has made a complaint under this rule to adverse treatment.
 4. The complaint must be raised in writing to the National Secretary. The complaint must clearly identify the member or members the subject of the complaint and the relevant action or actions that gave rise to the complaint. If the complaint is about the conduct of the National Secretary then the complaint may be raised with another National Officer.
 5. The National Secretary (or if another National Officer receives the complaint, that National Officer) and at least one of the National Assistant Secretary, National President or International President may refuse to accept a complaint if he or she considers the complaint to be trivial.
 6. The National Secretary must refer the complaint to the National Executive Committee for the purpose of appointing an Investigator.
 7. The National Executive Committee shall appoint an Investigator. The Investigator must be a member of the National Executive. The Investigator must not be an officer from the same Division as the member or members the subject of the complaint.
 8. The Investigator shall investigate the complaint and provide a report to the National Executive Committee.
 9. During the course of the investigation the Investigator may:
 - a. interview members or officers for the purpose of the investigation, and
 - b. require members or officers to provide documents relevant to the investigation.
 10. Members will cooperate with the Investigator by attending interviews and providing all documents requested.
 11. No one is entitled to legal representation during the investigation.

1 - NAME

12. In the report the Investigator shall include his or her findings on the matters the subject of the complaint and include recommendations for action to be taken by the National Executive Committee. The Investigator may conclude that no action is necessary.
13. A copy of the Investigator's report shall be provided to the member who raised the complaint and to the member or members the subject of the complaint. Where the report recommends action against any member or members the member or members shall be given the opportunity to respond to the Report before the National Executive Committee considers any action.
14. Upon receipt of the Investigator's report the National Executive Committee may take action in accordance with the recommendations of the Investigator's or take other action, as it considers appropriate.
15. Any decision of the National Executive Committee to take action against a member or members may be appealed to the National Executive.
16. The procedure in this rule shall apply in addition to any other procedure in the rules dealing with complaints about the conduct of members

27 - DIVISIONS

- (i) There shall be Divisions of the Union established, in accordance with the Rules of the Union. Such Divisions shall be established on a basis of industry or occupation.

~~Provided that upon the amalgamation of The Maritime Union of Australia and the Textile, Footwear and Clothing Union of Australia with the Union T~~ there shall be ~~threefour~~ (34) Divisions of the Union as follows:

- (a) the Construction and General Division;
 - (b) the Manufacturing Division; ~~and~~
 - (c) ~~(Deleted);the Mining and Energy Division; and~~
 - (d) The Maritime Union of Australia Division.
- (ii) Each Division shall have autonomy to decide matters which do not directly affect the members of another Division without any interference by any other body within the Union, including but not limited to:
 - (a) The industrial interests of its members.
 - (b) The election of officers within the Division.
 - (c) Matters arising from the Objects of the Division.
 - (d) Structure of the Division.
 - (iii) Each Division shall have autonomy in relation to its funds and property.
 - (iv) Each Division shall have rules and have power to make, alter or rescind such rules, to be called Divisional Rules. Without limiting the generality of the foregoing paragraph, each Division shall have power to determine policy for that Division, not inconsistent with the rules and policy of the Union as decided by National Conference or National Executive.
 - (v) If there is any environmental matter that directly affects the employment of members of one Division only, then that Division whose members are so affected shall have the power to determine the policy of the Union on that matter.

- (vi) Divisions, other than the Manufacturing Division, shall, in accordance with their rules, have Branches along a geographic, occupational or area basis which branches of a Division will be called Divisional Branches and may have more than one divisional branch in a State or Territory divided on a geographic or occupational basis.
- (vii) Any Division may, in accordance with their rules, allocate any Branch of the Union or any other Divisional Branch of any Division of the Union the responsibility for a Divisional Branch or part of a Divisional Branch where it is, in the opinion of the Division not appropriate or economic to establish and/or maintain a separate Divisional Branch in that area.
- (viii) Where any Division allocates any of its Divisional Branches to a Divisional Branch of another Division, the latter Divisional branch shall pay capitation fees to and be represented by the first mentioned Division on the basis of the number of members so allocated.

28 - BRANCHES

- (i) There shall be branches of the Union in the States of Queensland (including the Northern Territory), New South Wales, Victoria, Tasmania, Western Australia, South Australia, and in the Australian Capital Territory, and in such other States or places as may be decided.

Provided that it shall be open to the National Conference or the National Executive to abolish any Branch.

Such Branches shall have the function of co-ordinating Divisional Branches at a State or Territory level, dealing with matters affecting only that State and more than one Division and any other matter that Divisions or Divisional Branches agree should be dealt with by such Branch.

- (ii) Branches may make alter or rescind By-laws, not inconsistent with the Rules of the Union.

- (iii) A Branch shall be bound by

- (a) the decisions of the National Conference,
- (b) National Executive and,
- (c) in relation to any matter affecting one Division only, a Divisional Executive;

and Branch Officers shall be bound by directions of the National Executive Committee.

- (iv) Provided that in the case of a decision of one Division affecting in any way the operation of a Branch, the Branch may appeal to the National Executive.

29 - AGREEMENTS WITH STATE UNIONS

- (i) The Union, any Branch thereof may make agreements under s.151 of the RO Act with any State Union to the effect that members of the State Union shall be eligible for membership of this union.
- (ii) The Union, any Division thereof, any Divisional Branch thereof, may take all and any step which, as a matter of practice or law, may overcome the separation of State Unions from any section of this Union with the same or substantially the same members and may take all or any step, including amalgamation to effect one union in the industry or industries covered by this Union.

30 - AGREEMENTS

- (a) Subject to these Rules, any agreement may be executed by a National Secretary and either a National President, the National Assistant Secretary, International President or a National Vice-President.
- (b) Any agreement which directly affects the employment or conditions of employment of members of only one Division shall be executed by that Division in accordance with its rules.
- (c) Any agreement which directly affects the employment or conditions of employment of members of only one Divisional Branch may be executed by the Divisional Branch in accordance with its rules.
- (d) Any agreement which directly affects the employment of members of only one Branch may be executed by the Branch in accordance with its rules.

31 - CLAIMS AND INDUSTRIAL DISPUTES AND PROCEEDINGS

- (a) Claims, logs of claim, demands and/or requests of the Union or any part thereof may be compiled, made, served and/or otherwise propagated by a National Secretary or National President or National Assistant Secretary or International President or any person authorised by a National Secretary or National President or National Assistant Secretary or International President so to do.
- (b) A Divisional Secretary or Divisional Assistant Secretary (including the TCF National Secretary) or any person authorised by a Divisional Secretary or Divisional Assistant Secretary (including the TCF National Secretary) may make, compile, serve and/or otherwise propagate a claim, logs of claim, demands and/or requests of the Union in so far as it affects members of the Division of which the Divisional Secretary or Divisional Assistant Secretary (including the TCF National Secretary) is an officer. To avoid any doubt, such claims, logs of claim, demands and/or requests may affect, directly or indirectly, members of another Division so long as they are persons who are eligible to be members of the Division from which the Divisional Secretary or Divisional Assistant Secretary (including the TCF National Secretary) emanates.
- (c) Any of the officers referred to in paragraph (a) or, subject to the limitations contained in paragraph (b) and the necessary changes being made, any of the officers referred to in paragraph (b), may submit, on behalf of the Union for conciliation or arbitration or both, or authorise the submission or institution on behalf of the Union, any claims, logs of claim, demands and/or requests or any industrial dispute arising therefrom or any other industrial dispute howsoever arising on behalf of the Union or otherwise institute any proceedings whatsoever on behalf of the Union.
- (d) This Rule has effect notwithstanding any other Rule of the Union or any Division thereof and no claims, logs of claim, demands and/or requests, shall be invalidated, rendered void or otherwise treated as void or unauthorised if issued by a National President, National Secretary, National Assistant Secretary, International President, Divisional Secretary or Divisional Assistant Secretary (including the TCF National Secretary), or any person authorised by any such officers and shall be taken for all purposes and at all times to be claims, logs of claim, demands and/or requests of the Union for all purposes. Provided that, the National Executive, National Conference or, in the case of a claim, logs of claim, demands and/or requests issued by a Divisional Secretary or Divisional Assistant Secretary (including the TCF National Secretary) or on such officer's authorisation, the relevant Divisional Conference or Divisional Executive may rescind and/or withdraw such claims, logs of claim, demands and/or requests and upon such decision of the National Conference, National Executive, Divisional Conference or Divisional Executive, as the case may be, the claims, logs of claim, demands and/or requests shall be withdrawn and thereafter treated as if it were null and void.

1 - NAME

- (e) The National Secretary, National Assistant Secretary, National President, International President, Divisional Secretary and/or Divisional Assistant Secretary (including the TCF National Secretary) shall have full power to transact all business and do or authorise all acts and things in connection with any dispute arising from any claims, logs of claim, demands and/or requests, howsoever made and by whomsoever made and such officer may delegate such functions either generally or specifically.
- (f) ~~(Deleted) For the purpose of the above provisions, in the case of the Mining & Energy Division, any reference to Divisional Secretary shall be taken to be a reference to Divisional President or Divisional Secretary, any reference to Divisional Assistant Secretary be taken to be a reference to Divisional Senior Vice President and any reference to Divisional Executive be taken to be a reference to Central Council.~~
- (g) The taking of industrial action (within the meaning of the Act) or picketing or unlawful industrial action or unlawful picketing within the meaning of the BCI(IP) Act by members is not authorised by the Union without the consent of a committee of management of the Union (including any committee of management of a Division, Branch, Divisional or District Branch thereof).

Provided however that the preceding paragraph shall not restrict the right of a person or body duly authorised by such a committee of management to authorise industrial action in accordance with the Act.

32 - REGISTERED OFFICE

The registered office of the Union shall be the Office of the National Secretary and shall be at 500 Swanston Street, Carlton in the State of Victoria, or such place as National Conference or National Executive shall decide.

33 - REGISTERED OFFICER

- (i) Without limiting the powers conferred by any State or Commonwealth law, the Union shall, while it remains corporate, sue and be sued by its corporate name and style.
- (ii) The proper officer of the Union shall, for all purposes, be the National Secretary.
- (iii) Nothing in this rule affects the operation of any other rule relating to the powers of a Division or Divisional Branch Secretary.

34 - DISSOLUTION

The Union shall not be dissolved unless all of the existing Divisions agree. Provided that a Division shall cease to exist wherever the number of financial members of that Division is reduced to less than one thousand (1,000) members.

Where a Division ceases to exist and the Union continues, the property of that defunct Division shall be vested in the Division to which the members of the defunct Division are allocated.

Where the Union is dissolved the property of the Union shall be vested in the trustees of each existing Division at the time of dissolution for the benefit of the members thereof on the basis that each such Division will continue to hold its own property and funds and any property or funds not vested at the time of dissolution in a Division shall be divided between the existing Divisions on a basis proportionate to the membership of each such Division.

35 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members may be sued for in the name of the Union by the National Secretary or by the Divisional Secretary, or Divisional Branch Secretary to which the member is attached, or by any other person or body authorised by the rules of the Union including the rules of any Divisional Branch or the Rules of any Division.

36 - LEVIES

- (i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.
- (ii) The amount of any levy shall be decided by a majority of the National Conference or National Executive and shall not exceed \$50.00 and when so decided shall be binding on all members or sections of members as National Conference or National Executive may decide.
- (iii) A Division or Divisional Branch may impose a levy on its members.
- (iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

37 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

- (a) If the National Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration or rescission of a rule, to a vote of National Conference or National Executive at any time when it is inconvenient to call National Executive or National Conference together, the National Secretary may submit a resolution dealing with the matter to the delegates or members, by letter, facsimile, telephone, email, in writing, by computer link and/or by any other means of communication.
- (b) A copy of such resolution shall, as soon as practicable thereafter, be sent to each Branch Secretary and each Divisional Secretary. The votes on such resolution shall be returnable to the National Secretary at such time as the National Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meetings assembled.
- (c) Provided that where no record can be kept of the vote and/or decision, such a record shall be created and a copy of that record sent to each person entitled to vote or, in the case of computer linkages, the record is such that it can be viewed and/or copied by the person entitled to vote.
- (d) No amendment shall be allowed on any such resolution, but if it is negative any delegate may request the National Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the National Secretary being requested to submit more than one such resolution, the order in which same shall be submitted shall be in the absolute discretion of the National Secretary.

- (e) The National Secretary shall keep a register of names and addresses of members of the National Executive and delegates to National Conference from the names submitted by Divisional Branch Returning Officers, Divisional Returning Officers and the National Returning Officer and such register shall be conclusive evidence of the correct name and address of such members and/or delegates.
- (f) Divisional Secretaries and Divisional Branch Secretaries (as the case may be) shall within fourteen (14) days of the election of delegates to National Conference and members of the National Executive and/or National Executive Committee notify the National Secretary of their names and addresses.

38 - STANDING ORDERS

Motions - How Dealt With:

1. All motions shall be of an affirmative character and must be moved and seconded by delegates or members. Such motions become the property of Conference or Executive and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates or members present agree to an extension of time.
2. Unless a delegate or member rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.
3. A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.
4. A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.
5. Any number of amendments may be proposed and discussed with the motion. For the purpose of the 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.
6. All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chairperson's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

7. A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates or members present agree to an extension of time.
8. Right of Speaker: Any delegate desiring to speak shall rise and address the chairperson. If two or more delegates or members rise at the same time the chairperson shall call upon the one who, in the Chairperson's opinion, first rose. Provided that no delegates or members can speak more than once upon any question (which shall include the original motion and all amendments thereto) before Conference or Executive, 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 the debate.
 - (d) Upon a resolution being carried "that the delegate now be heard".

9. A delegate or member will not be held to have spoken who simply used 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 that delegate or member.
10. No more than two delegates or members shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.
11. Any delegate or member 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 resume their speech until the point of order is decided.
12. No delegate or member may speak to any question after it has been put by the chairman or during the taking of the vote.

REPORTS

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 Conference or Executive thereon.

If the report contains any recommendation it shall be competent for a delegate or member to move a resolution arising out of and relative to the report to obtain the opinion of Conference or Executive on the matter.

ADJOURNMENT OF CONFERENCE OR DEBATE

A motion for the adjournment of Conference or Executive may be proposed at any time during the meeting thereof or for the adjournment of the 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 apply thereto.

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 be abrogated unless with the consent of Conference.

CHAIRPERSON'S RULINGS

The chairperson's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. 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 Conference or Executive. 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.

SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the delegates or members present for Conference or Executive to suspend the order of business.

SITTING AS A COMMITTEE

Conference or Executive may at any time, by a resolution agreed to by a majority of delegates or members present, resolve itself into a committee of the whole. The rules governing the business of Conference or Executive shall be observed when in Committee.

39 - ABSENTEE VOTING

If a member who is entitled to vote at any election held under these rules or any other rules of the Union will be absent from their usual address during a ballot such member may apply to the Returning Officer for a ballot paper to be sent to them at an address which they nominate.

40 - MANNER OF SUMMONING MEETINGS

The National Executive, the State Executive, a Divisional Executive or a Divisional Branch Management/Executive Committee may, in their absolute discretion, summon meetings of members over which they have authority and/or responsibility from time to time.

If such meeting is called notice shall be given in a union journal circulating in the area covering the members to which the meeting relates or in a mass circulation daily newspaper circulating in the area in which the meeting is to be held and such publication shall be issued at least fourteen days before the date of the meeting. The notice of such meeting shall specify the day, the date, the time and the place of such meeting.

41 - SPECIAL RULE AND AMALGAMATIONS

For all the purposes of the RO Act, as amended, and, without limiting the generality thereof, for the purposes of amalgamation of this organization with other organizations, the National Executive shall, notwithstanding any other rule to the contrary, be the Management Committee and shall be authorised to take all steps to effect an amalgamation and alter any rules for that purpose.

A vote of the National Executive for the above or any other purpose may be taken by the National Secretary by telephone, facsimile, post or other means of delivery of written text, or orally, or any combination thereof and such vote shall be an effective and binding decision of the National Executive.

The National Executive is empowered to delegate to any officer the task of implementing such amalgamation.

42 - TRANSITIONAL PROVISIONS – ORIGINAL AMALGAMATION

(i) **Upon Amalgamation**

On and from the date of amalgamation there shall be five (5) Divisions of the Union, being the Building Unions Division, the ATAIU Division, the UMW Division, the FEDFA Division and the FFTS Union Division. The Building Unions division shall be the former BWIU/Plasterers Division together with members and officers of the OPDU.

The Building Unions Division shall consist of those persons eligible and continuing to be eligible for membership of the union under Rule 2 (A) and (B), the ATAIU Division shall consist of those persons eligible and continuing to be eligible for membership of the Union under Rule 2 (C), the UMW Division shall be those persons eligible for membership and continuing to be eligible for membership of the union under Rule 2 (D) and the FEDFA Division shall be those persons eligible for membership and continuing to be eligible for membership of the Union under Rule 2 (E). The FFTS Union Division shall consist of all persons eligible and continuing to be eligible for membership of the Union under Rule 2(F) including all former members of the previously registered FFTS.

While the FFTS Union Division continues its separate existence, the demarcation between the FFTS Union Division and the other Divisions of the CFMEU shall be in accordance with the above demarcation on the basis of the status quo and custom and practice of coverage as it existed between the previously registered The Federated Furnishing Trade Society of Australasia and the CFMEU including therein demarcation disputes which have been determined by either State or Federal industrial authorities. Where any disagreement occurs between the FFTS Union Division and any other Division of the Union the matter shall be referred to the National Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph.

(ii) Upon amalgamation no person who was previously a member of either the CFMEU or OPDU or FFTS shall be liable for any entrance fee over and above the entrance fee already paid by such financial members.

(iii) **After Amalgamation**

Subject to any changes made by unanimous decision of the National Executive Committee following amalgamation, there shall be a restructuring of the Divisions on the following basis:

(a) There shall be created a restructured Mining and Energy Division which shall consist of all members of the union eligible to be members under Rule 2 (D) and all members, including members eligible under Sub-Rules 2 (A), (B), (C) and (E) employed in the Mining, Exploration and Energy Industries and all members employed in the County of Yancowinna:

(b) There shall be created a Forestry and Forest, Building Products Manufacturing Division (herein after referred to as the Forestry Division) which shall consist of all members of the union eligible to be members under Rule 2 (C) and all members, including members eligible under Sub-rules 2 (A), (B) and (E) employed in the following sectors of the industry (or occupations within them):

Forest and forest products industry,

Pulp and paper industry,

Timber and building related manufacturing industry including joinery, wall frame/roof trusses, furniture, aluminium windows, glass window manufacturing and any other sectors of manufacturing activity as agreed to between the ATAIU and the Building Unions and FEDFA Divisions of the union.

This sub-rule up until April 3rd 2000 shall be read subject to the agreement entitled CFMEU Forestry Division and CFMEU Construction & General Division Translation Agreement dated September 2nd 1998.

(c) There will be a Construction and General Division which shall consist of all members of the union employed in or in connection with the Construction industry (including shopfitting) and all other members of the Union not referred to in sub-rules (iii) (a) (b) and (d) herein.

(d) deleted

(iv) The transfer of members from any Division to any other Division in accordance with the restructuring proposals in sub-rule (iii) herein, shall be on terms as agreed to by the Divisions concerned in the transfer and sub-rule (iii) shall be used as the basis of an agreement.

(v) In the event of further amalgamations other Divisions may be established.

1 - NAME

- (vi) deleted
- (vii) deleted
- (viii) deleted
- (ix) deleted
- (x) Upon restructuring in accordance with this rule and on the transfer of members from one Division to any other Division an agreed number of officers of the Division from which the members are from shall transfer with such members, such officers to be agreed between the respective Divisions prior to transfer.
- (xi) In any restructuring of any Division within the union the principle to be applied shall be that any officer or officers who, by agreement, are transferred to a Division from another Division as representative of or in conjunction with members so transferred shall be allocated positions on the appropriate decision making bodies of the Division of which such transferred Officer becomes a member. The determination of a position or positions referred to in this sub-rule shall have regard to the classifications and number of members transferred to a Division and the structure of the decision making bodies of the Division established in accordance with these Rules.
- (xii) deleted
- (xiii) deleted
- (xiv) In this rule the CFMEU shall, where the context permits, mean the new CFMEU being the amalgamated organisation the Construction, Forestry, Mining and Energy Union and where not otherwise permitting shall mean the old CFMEU being the Construction Forestry and Mining Employees Union prior to amalgamation.

FEDFA where it is not referring to a division of the amalgamated organisation shall mean The Federated Engine Drivers' and Firemens' Association of Australasia.

OPPF shall mean The Operative Plasterers' and Plaster Workers' Federation of Australia.

UMFA shall mean the formerly registered United Mineworkers' Federation of Australia.

ATAIU where not referring to a division shall mean the formerly registered Australian Timber and Allied Industries Union.

Qld shall mean Queensland.

BWIU where not referring to a division shall mean the formerly registered The Building Workers' Industrial Union of Australia.

NSW where appearing shall mean New South Wales.

WA where appearing shall mean Western Australian.

SA where appearing shall mean South Australian or South Australia as the context permits.

FFTS means, where it is not accompanied by the term "Union Division", The Federated Furnishing Trade Society of Australasia.

OPDU shall mean "The Operative Painters and Decorators Union of Australia".

BLF shall mean "The Australian Building Construction Employees and Builders Labourers' Federation".

- (xv) (a) Where an amalgamation has occurred, on or after the amalgamation day, all assets and liabilities of the deregistered organisation or of an association with which a merger takes place shall cease to be assets and liabilities of that organisation or association and become assets and liabilities of this Union.
- (b) For all purposes and in all proceedings, an asset or liability of a deregistered organisation or association existing immediately before the date upon which the amalgamation took effect is taken to have become an asset or liability of this Union on that day.
- (c) All agreements existing at the respective dates of amalgamation and/or merger of all unions which have amalgamated to form the CFMEU shall be binding on the CFMEU on the basis that the CFMEU shall, to the extent possible, fulfil the obligations and obtain the benefits through the Division of the Union corresponding to the Union that entered the agreement, or, where there is no corresponding Division, corresponding to the Division into which the amalgamated union has merged. Any reference to any such agreement to any union which has or shall amalgamate and/or merge with this Union shall be taken to be a reference to this Union operating through the Division or Divisional Branch corresponding to the former union or into which the former union has merged. Any reference to any officer or body in the former union shall be taken to be a reference to the same officer or body in the Division corresponding to the former union or into which the former union has merged. Any reference herein to the term "agreement" shall include, and be deemed always to have included, any instrument as defined in the Industrial Relations Act, 1988.
- (d) For the purposes of the above and in accordance with the scheme of amalgamation in relation to each past amalgamation, the following shall be the rights and obligations of the Divisions and shall be deemed always to have been the case:
- * The United Mineworkers Federation of Australia shall be and be deemed always to have been a union that corresponds to the UMW Division and/or the Mining and Energy Division;
 - * The Australian Timber and Allied Industries Union (ATAIU) shall be and be deemed always to have been a union that corresponds to the ATAIU Division and/or Forestry Division;
 - * The Federated Engine Drivers and Firemen's Association of Australasia shall be and be deemed always to have been a union that corresponds to the FEDFA Division;
 - * The Operative Plasterers and Plaster Workers Federation of Australia shall be and be deemed to be a union which has merged into what is now called the Building Unions Division of the CFMEU and any reference to an officer of the OPPWF shall be and be deemed always to have been always a reference to the corresponding office in the Building Unions Division, i.e. Federal Secretary shall be read Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary in each case of the Divisional Branch of the Building Unions Division relevant thereto, etc.;
 - * The Federated Furnishing Trades Society of Australasia shall be and be deemed always to have been a union which corresponds to the FFTS Division of the CFMEU;

- * The Operative Painters and Decorators Union of Australia shall be and be deemed to be a union which has merged into the Division now called the Building Unions Division of the CFMEU and any reference to the Operative Painters and Decorators Union of Australia shall be deemed to have been and be a reference to the CFMEU, Building Unions Division. Any reference to an officer or body of the OPDU shall be read as a reference to the office or body of the Building Unions Division of the CFMEU equivalent thereto, e.g. Federal Secretary shall be read as Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary, Branch Assistant Secretary shall be read as Divisional Branch Assistant Secretary, etc.

 - * The Builders Labourers Federation shall be and be deemed to be a Union which has merged into the Division now called The Construction and General Division of the CFMEU and any reference to the Builders Labourers' Federation shall be deemed to have been and be a reference to the CFMEU, Construction and General Division.
- (e) Where, after amalgamation there is more than one officer holding a position to which a reference is made in any instrument, as defined in the Industrial Relations Act 1988, the body or bodies within the Union to which the officer answers shall, unless the context of the instrument otherwise necessitates, decide which of the number of officers shall exercise the functions, rights and/or responsibilities referred to in the instrument. For example, where the reference is by virtue of the foregoing provisions to a Divisional Officer at the national level, the Divisional Executive shall decide which of the number of officers filling the positions shall exercise those functions, rights and/or responsibilities. Where the officer is, in accordance with the above, a Divisional Branch officer, the Divisional Branch Management Committee (or its equivalent) shall decide which of the number of officers shall exercise the functions, rights and/or responsibilities given to that officer in any such instrument.
- (xvi) (i) Any reference in this Rule to BWIU/Plasterers Division or Building Unions Division shall, where the context permits, be taken to be a reference to the Construction and General Division;
- (ii) Any reference in this Rule to ATAIU Division shall, where the context permits, be taken to be a reference to the Forestry Division;
- (iii) Any reference in this Rule to UMW Division shall, where the context permits, be taken to be a reference to the Mining & Energy Division.

42A - DELETED

42B - Merger with ABCE & BLF

- (i) On and from 31 March 1994 the Australian Building Construction Employees and Builders Labourers Federation and, to the extent legally possible, the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch, the Australian Building and Construction Workers' Federation, the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees shall merge with and/or amalgamate with and/or into the CFMEU and become an integral, inseparable and inseverable part of the CFMEU and the Building Unions Division thereof.

- (ii) On and from the day fixed for the amalgamation and/or merger in paragraph (i) herein, all assets and liabilities of the Australian Building Construction Employees and Builders' Labourers' Federation (the BLF) shall merge with the assets and liabilities of the CFMEU to be held and controlled in accordance with the rules of the CFMEU, by the Building Unions Division and/or

Divisional Branches created by the Rules of the Union and shall be treated as if such assets and liabilities were, at all times, the assets and liabilities of the CFMEU. Such funds shall to the extent that prior to 31 March 1994 they were funds under the control of a BLF Branch, except in the case of the BLF Victorian Branch, be and become funds under the control of the respective Construction Labourers' Divisional Branch established consequent upon these Rules and, otherwise held by the Building Unions Division as Divisional Funds.

- (iii) For all purposes and in all proceedings, an asset or liability of the BLF existing immediately before the day fixed for the amalgamation and/or merger is taken to have become and to have become and to have been at all times an asset or liability of the CFMEU on and from the day fixed for the amalgamation and/or merger. Provided that any liability of BLF Federal Fund to any Branch Fund or vice versa shall continue to be a liability of the Division or Divisional Branch Funds respectively.
- (iv) On and from the day fixed for the amalgamation and/or merger an instrument in which the BLF is mentioned (other than the Builders' Labourers' Federation Cancellation of Registration Act, 1986 and the Builders' Labourers' Federation (Cancellation of Registration - Consequential Provisions) Act, 1986) continues in full force and effect. The instrument has effect, in relation to acts, omissions, transactions and matters done, entered into or occurring on or after the day fixed for the amalgamation and/or merger as if a reference in the instrument to the BLF were a reference to the amalgamated organisation. Provided that any instrument which is inconsistent with the Rules of the CFMEU shall have no force and effect except in so far as it prejudices the rights of a bona fide purchaser for value without notice.
- (v) All officers of the CFMEU and BLF shall take all such steps as are necessary and/or desirable to ensure that the amalgamation and/or merger is fully effective including that holding of all necessary meetings, the passage of all necessary resolutions, the making of all necessary applications and the execution of all necessary documents to give effect to this agreement.
- (vi) On and from the day fixed for the amalgamation and/or merger any and all members of the remaining branches of the BLF, if not already members of the CFMEU, shall be and become members of the CFMEU and be treated in the CFMEU as if all of the period of their membership in the BLF was membership in the CFMEU (except as otherwise provided for in the specific rules dealing with the merger in the rules of the Building Unions Division).
- (vii) On and from the day fixed for the amalgamation and/or merger there shall be a National Senior Vice-President (Builders Labourers) with the same status and standing as any other Senior Vice-President and whomsoever occupies the position of Divisional Senior Vice-President (Builders Labourers) shall be the National Senior Vice-President (Builders Labourers).

42C - AMALGAMATION WITH FBTPU

- (i) On and from the date of amalgamation with the Federated Brick Tile and Pottery Industrial Union of Australia ("the FBTPU"), and notwithstanding the provisions of Rule 13(ii) herein, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to National Conference, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President.
- (ii) On and from the date of amalgamation with the FBTPU, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the National Executive of the CFMEU.
- (iii) Delegates to the National Conference and National Executive of the Union from the Clay and Ceramics Industry Divisional Branch shall, for the purposes of determining the vote which they are entitled to exercise on those bodies in accordance with Rule 13(iii) herein, be taken to have derived from the Construction and General Division and shall be counted as members of the Divisional Executive of that Division.

- (iv) On and from the date of amalgamation, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (Honorary) of the Clay and Ceramics Industry Divisional Branch.
- (v) On and from the date of amalgamation, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.
- (vi) The provisions of this rule shall not be altered or amended by the National Conference or National Executive or the Construction and General Division, Divisional Conference or Divisional Executive, whilst ever the Clay and Ceramics Industry Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

42D - DELETED

42E - TRANSITIONAL RULE – MUA AND TCFUA

- (i) The provisions of this Rule shall apply notwithstanding anything elsewhere contained in the Rules of the Union.
- (ii) This Rule is intended to enable the amalgamation of the Union with The Maritime Union of Australia (“MUA”) and the Textile, Clothing and Footwear Union of Australia (“TCFUA”).
- (iii) For the purposes of this Rule, “amalgamation date” shall mean the date fixed in accordance with section 73 of the RO Act as the day on which the amalgamation of the Union, the MUA and the TCFUA takes effect.
- (iv) This Rule shall take effect on the amalgamation date.
- (v) On and from the amalgamation date, the Forestry, Furnishing, Building Products and Manufacturing Division shall be known as the Manufacturing Division.
- (vi) This Rule shall be read in conjunction with Rule 68 of the Rules of The Maritime Union of Australia Division and Rule 44 of the Rules of the Manufacturing Division.
- (vii)
 - (a) On the amalgamation date, the National Officers of the Union shall be those National Officers holding office on the date preceding the amalgamation date together with one (1) International President the office of which shall be held by the Divisional National Secretary of The Maritime Union of Australia Division and two (2) additional National Vice Presidents. The office of one (1) additional National Vice President shall be held by the Divisional National Presiding Officer of The Maritime Union of Australia Division and the office of the other additional National Vice President shall be held by the TCF National Secretary.
 - (b) Provided that (other than the office of National Vice President referred to in paragraph (a) above held by the Divisional National Presiding Officer of The Maritime Union of Australia Division and the additional office of National Vice President referred to in paragraph (a) above held by the TCF National Secretary), the National Officers shall, unless they resign or are removed from office in accordance with the Rules of the Union, continue to hold office until 31 December 2018.
 - (c) The National Officers (other than the office of National Vice President referred to in paragraph (a) above held by the Divisional National Presiding Officer of The Maritime Union of Australia Division and the office of the additional National Vice President referred

1 - NAME

to in paragraph (a) above held by the TCF National Secretary) elected in 2018 shall commence office on 1 January 2019.

- (viii) On the amalgamation date, the National Executive Committee shall consist of the National Officers referred to in sub-rule (vii)(a) above, those members of the National Executive Committee who were members of the National Executive Committee on the day preceding the amalgamation date and four (4) additional National Executive Committee members of The Maritime Union of Australia Division being the Divisional Deputy National Secretary, the two (2) Divisional Assistant National Secretaries and the Divisional Deputy National Presiding Officer.
- (ix) On the amalgamation date, the National Executive shall consist of the National Officers referred to in sub-rule (vii)(a) above; the other members of the National Executive Committee referred to in sub-rule (viii) above, the other members of the National Executive who were members of the National Executive on the day preceding the amalgamation date together with the principal officers of each Divisional Branch of The Maritime Union of Australia Division that is not otherwise a member of the National Executive Committee and, in the case of Manufacturing Division, the Senior Vice President (TCF) and the additional Divisional Assistant Secretary established pursuant to Rule 44 the Rules of the Manufacturing Division.

- (x) Casual vacancy

Any casual vacancy arising in respect of any office referred to in sub-rules (vii), (viii) and (ix) above shall be dealt with in accordance with Rule 16 (vii).

- (xi) MUA Membership

On the amalgamation date, any period of membership and/or financial membership in the MUA in accordance with that Union's Rules prior to the amalgamation date, shall be deemed to be for all purposes a period of membership and/or financial membership of the Union. Any period of unfinancial membership in the MUA in accordance with that Union's Rules prior to the amalgamation date shall be deemed to be for all purposes a period of unfinancial membership of the Union.

- (xii) TCFUA Membership

On the amalgamation date, any period of membership and/or financial membership in the TCFUA in accordance with that Union's Rules prior to the amalgamation date, shall be deemed to be for all purposes a period of membership and/or financial membership of the Union. Any period of unfinancial membership in the TCFUA in accordance with that Union's Rules prior to the amalgamation date shall be deemed to be for all purposes a period of unfinancial membership of the Union.

BRANCH RULES

43 - NAME

The name of the branch shall be the "Construction, ~~Forestry and~~, Maritime ~~and Manufacturing Employees, Mining and Energy~~ Union, X Branch" where X is the State or Territory for which the Branch has been established.

44 - MEMBERSHIP AND CONSTITUTION

All members of all Divisional Branches within the State or Territory shall be members of the Branch with the same status of membership as is held in the Divisional Branch.

45 - SEAL

The seal of the Branch shall be oval in shape, inscribed on the outer edge "Construction, ~~Forestry and Maritime~~ and Manufacturing, Employees Mining and Energy Union" and the name of the Branch on the inside.

46 - STATE CONFERENCE

- (i) The supreme governing body of the Branch shall, subject to the autonomy of the Divisional Branches, be the State Conference convened every two (2) years and especially in accordance with these Rules.

The State Conference shall meet no later than 30 December in the year following the elections in the Divisional Branches, being the general election and at least every two (2) years thereafter.

- (ii) The State Conference shall consist of all of the members of each and every Divisional Branch Management Committee for every Divisional Branch of the Union within the State or Territory covered by the Branch.

- (iii) Persons elected as members of a Divisional Branch Management Committee shall be elected in accordance with the Rules of the Union applicable to the particular Divisional Branch.

Nothing in this sub-rule shall interfere with the transitional provisions which shall take effect on and from amalgamation.

Each member of a Divisional Branch Management Committee shall exercise a vote on the State Conference equal to the percentage of financial members of the Union in the Divisional Branch from which the member derives divided by the number of members of the Divisional Branch Management Committee entitled to vote.

Provided that nothing in this sub-rule shall prevent proxy voting or multiple voting.

- (iv) The method of calculation of financial members of any Divisional Branch shall be in accordance with Rule 13 of the National Rules of the Union, the necessary changes, if any, being made.
- (v) Members of the Divisional Branch Management Committees or State Conference shall remain in office until the election of their successors.
- (vi) Divisional Branches may, where elected Divisional Branch Delegates to State Conference agree, arrange multiple voting representation at a State Conference by notifying the State Conference of the number of Divisional Branch Delegates to be credentialed and the arrangements for proxy voting to be adopted by that Divisional Branch at the State Conference.
- (vii) Where a delegate is unable to attend a meeting of the State Conference or any part thereof, that delegate may where the Divisional Branch Executive agrees appoint another elected delegate to State Conference from the same Divisional Branch as proxy to act in that delegate's stead.

Where the Divisional Branch Management Committee agrees, a delegate may appoint as the proxy to State Conference an elected delegate from another Divisional Branch within the State Territory covered by the Branch. Each member of the Divisional Branch Management Committee shall be a delegate to the State Conference.

- (viii) A majority of delegates to State Conference, representing not less than two Divisions, shall form a quorum of the State Conference.
- (ix)
 - (a) The State Conference shall have power, unless any rule deprives the State Conference of power or grants to another body within the area covered by the Branch exclusive power over a subject matter, to do all things necessary and/or desirable for the furtherance of the objects of Union, to co-ordinate Divisional Branches within the branch area and for the care, control and management of the Branch.
 - (b) The function of the State Conference shall be to coordinate the Divisional Branches in the area concerned and shall have the powers, subject to these Rules, necessary for that purpose and shall, without limiting the generality of the foregoing:
 - (A) perform such functions referred to it by the Divisional Branches.
 - (B) affiliate to any body for and on behalf of any Divisional Branch, or with the agreement of each Divisional Branch for and behalf of the Branch as a whole;
 - (C) Supervise the funds, if any, paid to the Branch office by Divisional Branches;
 - (D) Subject to the review of its actions by Divisional Executives and National Executive, settle disputes between Divisional Branches.
 - (c) Provided that the State Conference shall not have power over any matter which concerns the members of one Divisional Branch only unless that Divisional Branch consents thereto.
- (x) Meetings of the State Conference and State Executive shall be held at such time and place as shall be decided by at least one State President and one State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members in such demand. The quorum for any meeting shall be three (3) a majority of the State Officers may demand a meeting of the State Executive which shall be held at such time and place as stipulated by such State Officers.

47 - STATE EXECUTIVE

- (i) There shall be a State Executive composed of the full time elected officers, (other than organisers except where otherwise provided for in these rules), of each Divisional Branch within the Branch area, one of whom shall be the State President, another of whom shall be a State Senior Vice President, another of whom shall be the State Secretary and another of whom shall be State Assistant Secretary, provided that where a Division has more than one Divisional Branch in an area, the Division will determine its representation. The President of each Divisional Branch shall, if not otherwise a member of the State Executive, be such a member.
- (ii) The State Executive shall have and exercise all of the powers of the State Conference, subject to the review thereof by the State Conference, but shall have no more powers than State Conference.

Any decision of the State Executive may be overturned by the State Conference and all decisions of the State Conference shall be binding on the State Executive.
- (iii) The State Secretary may take a telegraphic, telex, facsimile, telephonic, written and/or postal vote of members of the State Executive or State Conference at any time.

Members of the State Executive or State Conference shall be advised of the details of the voting. Such votes shall have the same effect as a decision of such body made in meetings assembled.

- (iv) The State Executive shall be held at such time and place as shall be decided by the State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members of the State Executive. The quorum for any meeting shall be a majority of the members entitled to vote thereat.

There shall be a State Executive meeting held before the meeting of State Conference in the year following the general elections of the Union.

- (v) All decisions of the State Executive shall be made by a majority of votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the State Executive shall be on a card system and the value of the vote cast by any member of the State Executive, including State Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the State Conference with State Officers being included in the Division from which they derive.

48 - ELECTION OF STATE OFFICERS – OTHER THAN NSW STATE BRANCH

- (i) The State Officers, being the State Secretary, the State Assistant Secretary (except in the State of Victoria, where there shall be two State Assistant Secretaries), the State President and the State Senior Vice-President shall be elected by and from the State Conference. The election shall be held, the necessary changes being made, in the same way as Divisional Officers are elected from the Divisional Conference under Rule 9 of the Construction & General Division Rules, provided that each Division shall be represented by at least one State Officer.

Provided that for the A.C.T. Branch (while that Branch has only one Divisional Branch) Officers elected to the Construction & General Division A.C.T. Branch, shall hold the equivalent position within the A.C.T. State Branch.

Further provided that, each Division shall hold at least one position of Joint Vice-President.

Further provided that, each Division, prior to the calling for nominations, shall decide its nominees for the above positions, by resolution from that Division's Divisional Branch Management Committee.

- (ii) Where, in accordance with the Rules of the Union, an officer of a Divisional Branch within a Branch area ceases to hold office as an officer of the Divisional Branch such officer shall at the same time cease to hold office as a State officer in accordance with this rule. Provided that the member who replaces such a Divisional Branch officer in the office in the Divisional Branch shall also fill the vacancy created in the position of State officer only until such time as the State officer's position can be filled in accordance with the rules governing casual vacancy, or, if the vacancy occurs within 12 months of an ordinary election, by the ordinary election.
- (iii) The term of office of officers of a Branch of the union shall be four (4) years.
- (iv) This rule does not apply to the NSW Branch upon commencement of rule 48A.

48A – ELECTION OF STATE OFFICERS NSW STATE BRANCH

- (i) From the time of the commencement of this rule, the State Officers in the New South Wales Branch will be as contained in the table below and will be filled on an ex officio basis by the holders of the corresponding Divisional Office.

STATE OFFICER	DIVISIONAL OFFICE

1 - NAME

State Secretary	Divisional Branch Secretary – Construction & General Division (NSW)
State Assistant Secretary (MNF)	<i>NSW District Secretary Manufacturing Division</i>
State Assistant Secretary (MUA)	<i>Sydney Divisional Branch Secretary (Sydney Divisional Branch - MUA)</i>
State President	<i>District President of the Northern Mining & NSW Energy District Branch, Mining & Energy Division</i>
State Senior Vice President	<i>Divisional Branch President – Construction & General Division (NSW)</i>
State Joint Vice President (<i>M&E</i>)	<i>District President of the South West District Branch, Mining & Energy Division</i>
State Joint Vice President (<i>C&G</i>)	<i>Divisional Branch Assistant Secretary – Construction & General Division (NSW)</i>
State Joint Vice President (<i>MNF</i>)	<i>NSW District President Manufacturing Division</i>
State Joint Vice President (<i>MUA</i>)	<i>Newcastle Divisional Branch Secretary (MUA)</i>
State Assistant Joint Vice President (<i>MUA</i>)	<i>Southern New South Wales Divisional Branch Secretary (MUA)</i>

- (ii) As the above offices for State Officer are held on an ex-officio basis, where a person commences or ceases to hold the Divisional Office position referred to in the second column, they also commence or cease, as the case may be, to hold office as a State Officer in the State Branch.
- (iii) For the avoidance of doubt, the terms of office for the above State Branch Offices are determined by the term of office of the Divisional Office referred to in the second column, however, such terms of office may be for no longer four (4) years.

49 - FUNDS OF THE BRANCH

- (i) Each Divisional Branch in the area covered by the Branch of the Union shall pay to the Branch on a basis which is proportionate to the respective financial membership of each Divisional Branch, an amount that is determined by the State Executive as sufficient to enable it to fulfil its functions.
- (ii) All moneys received by the Branch shall be paid to the credit of the Branch on current account with a bank. No funds shall be drawn from the Bank except by cheques signed by two (2) persons who are the State Secretary, State Assistant Secretary or State President and not from the same Divisional Branch.
- (iii) All expenditure for ordinary purposes, namely incurred in directly furthering the objects of the Branch or in the expenses of management, may be dispersed by decision of the State Secretary and either the State President or State Assistant Secretary, provided that both signatories shall not be officers from the one Division.

Expenditure for other purposes authorised by the Rules may be disbursed by a majority decision of the State Conference or the State Executive.

- (iv) The funds of the Branch shall be invested where possible in the name of the Branch. Where it is not possible to invest money or funds in such name, the investment shall be made in the name of Trustees under these Rules.

Nothing in this Rule prevents the Branch from entering into an agreement with a Trade or Industrial Union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or on a basis on which the funds are held in common or jointly so long as the funds are treated, for all purposes, insofar as they relate to members of the Branch, as funds of the Branch.

1 - NAME

- (v) The property of the Branch, vested in the Branch in accordance with these rules and the other rules of the Union, shall be under the control of the State Executive.
- (vi) In Western Australia no decision of the WA Branch shall adversely affect the Building Unions Division WA Plasterers Divisional Branch in relation to funds or any other matter without the consent of that Divisional Branch.

50 - AUDIT

The State Executive shall appoint as Auditor a competent person resident in the city in which the State Office is located who shall each year for the period ending 31 December audit the books and accounts of the Branch and draw up a correct report on same.

The Auditor shall, in the aforesaid report, draw attention of the State Executive to any deficiencies or other matters which the Auditor may think proper. The Auditor shall have full and complete access to all the books and documents of the Branch.

For the purpose of this Rule a competent person shall have the same meaning as in the RO Act and the Regulations made pursuant thereto.

Upon receipt by the State Branch Secretary of a petition, signed by not less than 5% of the members of the State Branch, requesting that a general meeting of members of the State Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the State Branch, the State Branch Secretary shall convene such meeting as soon as is practicable.

50A - POLICIES AND PROCEDURES - EXPENDITURE

- (a) Each Branch shall develop and implement internal control policies and procedures relating to the expenditure of the Branch, to ensure that the Branch is conducted in accordance with the principles of good governance and to ensure accountability to members of the Branch.
- (b) Such policies and procedures shall be adopted by the State Executive and once adopted, shall be binding on all officers and members of the Branch. Such policies and procedures must be identified in the resolutions of the State Executive as Rule 50A policies and procedures.
- (c) Rule 50A policies and procedures must be published on the website of the Branch with fourteen (14) days of their adoption.
- (d) The provisions of sub-rules (a) to (c) herein shall apply, mutatis mutandis, to each Division and Divisional/District Branch of the Union.

50B - DISCLOSURE BY BRANCH OFFICERS OF REMUNERATION AND NON-CASH BENEFITS

- (a) Each person holding office in a Branch shall disclose to the Branch any remuneration paid of the officer:
 - (i) because the officer is a member of a board if:
 - (A) the officer is a member of the board only because the officer is an officer of the Branch; or
 - (B) the officer was nominated for the position by the Union, a Branch of the Union or a peak council; or

- (ii) by a related party of the Branch, in connection with the performance of the officer's duties as an officer.
- (b) The disclosure required by sub-rule (a) shall be made to the State Executive and the Divisional Executive of the Division from which the officer derives:
 - (i) as soon as practicable after the remuneration is paid to the officer; and
 - (ii) in writing.
- (c) The Branch shall disclose to the members of the Branch:
 - (i) the identity of each officer of the Branch who, when all officers of the Branch are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than second;
 - (ii) for each of those officers
 - (A) the actual amount of the officer's relevant remuneration for the disclosure period; and
 - (B) the form of the officer's relevant non-cash benefits for the disclosure period.
- (d) For the purposes of sub-rules (c), the disclosure shall be made:
 - (i) in relation to each financial year;
 - (ii) within six (6) months after the end of the financial year; and
 - (iii) in writing and published in the annual financial returns or any application for exemption therefrom.

50C - DISCLOSURE BY BRANCH OFFICERS OF MATERIAL PERSONAL INTEREST

- (a) Each person holding an office in the Branch shall disclose to the Branch any material personal interest in a matter that:
 - (i) the officer has or acquires; or
 - (ii) a relative of the officer has or acquires;that relates to the affairs of the Union or Branch.
- (b) The disclosure required by sub-rule (a) shall be made to the State Executive and the Divisional Executive of the Division from which the officer derives:
 - (i) as soon as practicable after the interest is acquired; and
 - (ii) in writing.
- (c) The State Executive shall disclose to the members of the Branch the interests disclosed to the Branch pursuant to sub-rule (a).
- (d) For the purposes of sub-rule (c), the disclosures shall be made:
 - (i) in relation to each financial year:

- (ii) within six (6) months after the end of the financial year; and
- (iii) in writing and published in the annual financial returns or any application for exemption therefrom.

50D - DISCLOSURE BY BRANCH OF PAYMENTS

- (a) The Branch shall disclose to the members of the Branch either of the following
 - (i) each payment made by the Branch, during the disclosure period:
 - (A) to a related party of the Branch; or
 - (B) to a declared person or body of the Branch; or
 - (ii) the total of the payments made by the Branch during the disclosure period:
 - (A) to each related party of the Branch; or
 - (B) to each declared person or body of the Branch.
- (b) Sub-rule (a) does not apply to a payment made to a related party if the payment consists of amounts deducted by the Branch from remuneration payable to officers or employees of the Branch.
- (c) Sub-rule (a) does not apply to a payment made to a related party if:
 - (i) the related party is an officer of the Branch; and
 - (ii) the payment:
 - (A) consists of remuneration paid to the officer by the Branch; or
 - (B) is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.
- (d) For the purposes of sub-rule (a), the disclosures shall be made:
 - (i) in relation to each financial year;
 - (ii) within six (6) months after the end of the financial year; and
 - (iii) in writing and published in the annual financial returns or any application for exemption therefrom.

51 - OFFICERS

- (i) The Officers of the Branch shall be the State President/s, the State Secretary, the State Senior Vice President, the State Vice President/s, the State Assistant Secretary/s and members of the State Executive.
- (ii) And such rights and duties shall, the necessary changes being made, be the same in relation to the Branch concerned as the rights and duties of National Officers and National Executive Members are in relation to the Union as a whole.

52 - REFERENDA

- (i) On a decision of a majority of Divisional Branches in the Branch area or Divisional Branches in a Branch area whose membership constitutes a majority of the members of that Branch, or on receipt of a petition signed by not less than 10% of the financial members of the Branch, the State Executive shall take a referendum of the whole of the members of the Branch upon a matter or matters submitted by the Divisional Branches or by the petition.

A decision reached by the majority of the actual votes recorded at such referendum shall be binding on the Branch, including the State Conference and State Executive thereof, and the members thereof provided that the decision shall not affect the autonomy of any Division.

- (ii) The State Executive or State Conference may at any time of its own motion take a referendum of the whole of the members of the Branch or of the whole of the financial members of the Branch upon any matter it thinks fit.
- (iii) The referendum referred to in this Rule shall be conducted on the basis that the State Executive shall determine the question to be submitted to the members entitled to vote and the form of the ballot paper, fix the time for the dispatch and return of the ballot paper and give the necessary instructions for printing the same, appoint a State Returning Officer and State Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot, no material other than that authorised by the State Conference or State Executive shall be enclosed in the envelope in which the ballot paper is posted to the member and in all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of election of Divisional Branch Delegates to Divisional Conference in accordance with Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

53 - RULES OF THE BRANCH

- (a) The Rules of the Branch contained herein shall be binding on all Divisions and all members thereof. Such Rules may be altered, rescinded, varied or made by the National Conference and/or National Executive in accordance with Rule 25 of the National Rules.
- (b) The State Conference and State Executive shall have power to make alter and rescind by laws for the working of the Branches, any Sub-Branches and any other matter over which such Branch has control under these or any other rules.

Provided that no such by laws shall be inconsistent with any other rule of the union and shall, to the extent of any such inconsistency, be void and inoperative.

54 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

Rule 37 of the National Rules of the Union shall apply, the necessary changes being made, to the Branch and the State Secretary shall in the same way as provided for the National Secretary under Rule 37 of the National Rules, take a vote of the State Executive or the State Conference in any manner whatsoever.

Such vote shall have the same effect in relation to the Branch as a vote taken under Rule 37 of the National Rules has in relation to the Union.

END OF RULES

Rules of the CFMEU Construction and General Division and Construction and General Divisional Branches

It is proposed that these Divisional Rules be amended to reflect a name change of the amalgamated organisation to the Construction, Maritime and Manufacturing Union

Rules of the CFMMEU, The Manufacturing Division

It is proposed that these Divisional Rules be amended to reflect a name change of the amalgamated organisation to the Construction, Maritime and Manufacturing Union

Rules of the CFMMEU, Mining and Energy Division and its District Branches

Deleted.

Rules of the CFMMEU, The Maritime Union of Australia Division

It is proposed that these Divisional Rules be amended to reflect a name change of the amalgamated organisation to the Construction, Maritime and Manufacturing Union