

Draft Rules for a New AMWU



9 – OTHER MATTERS

9A - RULES FOR POLITICAL FUND

1. Objects

The objects of the Trade Union shall include the furtherance of political objects, that is to say, the expenditure of money;

- (a) On the payment of any expenses incurred either directly or indirectly by a candidate or prospective candidate for election to Parliament or to any public office before, during, or after the election in connection with his or her candidature or election;
 - (b) On the holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate;
 - (c) By payment of affiliation and sustentation fees to the Australian Labor Party;
 - (d) By taking an active interest in the selection of political candidates endorsed by the Australian Labor Party and by supporting their candidature when selected;
 - (e) By direct representation at A.L.P. Conferences
- Allocation
- (f) A portion of the money raised for the political fund shall be allocated to each State Council for the purposes set out in paragraph (c) in this rule.
 - (g) In connection with the registration of electors or the selection of a candidate for Parliament or any public office; or
 - (h) On the holding of political meetings of any kind, or on the distribution of political literature or political documents of any kind, unless the main purpose of the meetings or of the distribution of the literature or documents is the furtherance of statutory objects within the meaning of the Act, that is to say, the regulation of the relations between workers and employers, or between workers and workers, or between employer and employer, or the imposing of restrictive conditions on the conduct of any trade or business, and also the provision of benefits to members.
 - (i) With the approval of National Council or the National ~~Administrative and Budget~~Steering Committee, for the conducting within the Union, or the commissioning of persons or bodies outside the Union, to conduct research, undertake surveys of both Union and non-Union members, conduct seminars and meetings, provide reports to the Union and organise or participate in campaigns, for the furtherance of political objects consistent with the objects of the Union amongst the membership of the Union and the wider community.

Definition

The expression "public office" in this rule means the office of a member of any district, city council, or of any public body who have power to raise money either directly or indirectly, by means of a rate.

2. Separate Fund

Any payment in the furtherance of such political objects shall be made out of a separate fund (hereinafter called the Political Fund of the Union). Members shall contribute a separate rate of contributions to the Political Fund.

The Union must transfer into the Political Fund an amount corresponding to the rate of contribution to the Political Fund for every member of the Union less any Members who are specifically exempted from making contributions to the Political Fund.

No moneys of the Union other than the amount raised by the above paragraph shall be carried to the Political Fund of the Union.

3. Members who must contribute to the Political Fund of the Union.

Adult members of the Union, except those on superannuation, Retired Members', honorary retired or exempt in accordance with sub-rule 5 must contribute to the Political Fund of the Union the amounts set out in sub-rule 4.

4. Rate of Contribution to the Political Fund of the Union.

The rate of contribution to the Political Fund of the Union is, per quarter:

(a) \$1,202.05 until 31 December 2002~~18~~;

~~(b) during the year starting on 1 January 2003, \$1.40;~~

(c) during successive years, the amount in the previous year increased by the percentage increase (if any) in the consumer price index in the four quarters up to and including the June quarter in the preceding year, rounded to the nearest 5 cents. If there is no increase in the consumer price index in the relevant period, the amount will remain unchanged from the previous year.

Such rate shall be in addition to the contribution set out in Rule ~~437B~~.

For the purposes of this sub-rule, "consumer price index" means the all groups weighted average of eight capital cities published by the Australian Bureau of Statistics.

5. ~~Contracting-Opting~~ Out

Every member of the Union has a right to be exempt from contribution to the Political Fund. To become exempt he/she must inform the State Secretary in writing that he/she does not desire to pay the Political contribution rate. The State Secretary is then required to discontinue charging the member for this contribution from the commencement of the next ensuing quarter.

6. Where Exempt

A member who is exempt from the obligation to contribute to the Political Fund of the Union shall not be excluded from any benefits of the Union, or placed in any respect, either directly or

indirectly, under any disability or disadvantage as compared with other members of the Union (except in relation to the control or management of the Political Fund of the Union, and shall not take part in the nomination or voting relating thereto) by reason of his or her being so exempt.

7. Contribution to the Political Fund of the Union shall not be made a condition for admission to the Union.
8. Any officer or member holding a full-time position shall cease to hold such position if elected a Member of Parliament.

9B - DELEGATES OF REPRESENTATIVE BODIES

1. A.C.T.U. Congress

Recognising the diversity of men and women and the occupations and industries covered by our Union, ~~the~~ National Council shall arrange for the appointment of the Union's delegates to the ACTU Congress on the basis of four delegates each from Queensland, New South Wales and Victoria and two from each of the other States, plus one from the Northern Territory, and in addition to those so appointed may appoint delegates from its number together with the President and Secretary. The remainder of the delegates shall be appointed by the State Council of the State in which the Congress is to be held. Provided that during the transitional period from 1 July, 2019 to 30 June, 2023, a proportion of delegates to the ACTU Congress shall be drawn from the Manufacturing, Vehicle, Food and Confectionery and Printing Membership Areas in such a manner as shall be determined by the National Steering Committee. ~~Provided always that a proportion of delegates from the Union to the A.C.T.U. Congress shall be drawn, from the Vehicle Division, the Food and Confectionery Division and the Printing Division in such manner as shall be determined provided always that there shall be proportional representation of delegates representing the Divisions and that the delegates shall be nominated—~~

~~— (a) — in the case of the Vehicle Division — by the Vehicle Division National Conference;~~

~~— (b) — in the case of the Food and Confectionery Division — by the Food and Confectionery Division National Conference;~~

~~— (c) — in the case of the Printing Division — by the Printing Division National Conference.~~

2. A.L.P. and Labor Councils

Recognising the diversity of men and women and the occupations and industries covered by our Union, the State Councils may from time to time appoint and remove delegates to representative bodies to which the Union is affiliated in the manner decided by the appropriate State Council. Such delegateship is not an office and such delegates shall not thereby become Officers of the Union. Provided that during the transitional period from 1 July, 2019 to 30 June, 2023, a proportion of delegates to the A.L.P and Labor Councils shall be drawn from the Manufacturing, Vehicle, Food and Confectionery and Printing Membership Areas in such manner as shall be determined by the

State Council. ~~Provided always that there shall be proportional representation of delegates representing the Divisions to any such representative body and, subject to the requirements of the rules of that body, the delegates shall be drawn from financial members of the Union in the Vehicle Division, the Food and Confectionery Division and the Printing Division in the state in such manner as may be decided—~~

~~(a) in the case of the Vehicle Division by the Regional Council;~~

~~(b) in the case of the Food and Confectionery Division by the Regional Council; and~~

~~(c) in the case of the Printing Division by the Regional Council.~~

3. Members appointed to a position referred to in paragraphs one and two of this Rule must have at least two years' continuous membership of the Union and be financial in accordance with these Rules. Members shall not be appointed for a period longer than three years but may be eligible for re-appointment.

9C - PROTECTION OF UNION FROM LEGAL ACTION

- (A) Each State Secretary, ~~Assistant National Secretary and Assistant State Secretary, National Divisional Secretary or Regional Secretary of a Division~~ must notify the National Secretary in writing as soon as practicable after, and in any event no later than 48 hours after, they become aware that legal proceedings have been commenced or are likely to be commenced as the result of an alleged breach by the Union, or members, officials or salaried officers of the Union, of an order or direction of a Court or industrial tribunal.
- (B) Each State Secretary, ~~Assistant National Secretary and Assistant State Secretary, National Divisional Secretary or Regional Secretary of a Division~~ must notify the National Secretary in writing as soon as practicable after, and in any event no later than 48 hours after, they become aware that legal proceedings have been commenced in which the Union is a party being proceeded against and in which a penalty is being sought and/or in which damages and costs of \$5,000 or more have been sought.
- (C) The notifications under sub-rules (A) and (B) of this rule must include the alleged facts and legal claims made in the legal proceedings or likely legal proceedings.
- (D) When the National Secretary is on leave or otherwise not able to receive or act upon a notification under this rule, the notification must be given to the National President, or in the event that another member of the National Administrative and Budgetary Committee is nominated by the National Secretary, the member so nominated.
- (E) Nothing in this rule will affect the rights under the rules for legal representatives of the Union to be engaged.
- (F) The persons required to notify the National Secretary under sub-rules (A) and (B) or other person under sub-rule (D), must ensure that legal representatives engaged on behalf of the Union are instructed to provide the National Secretary, or that other person, any information relevant to the Union's interests in the legal proceedings or likely legal proceedings, that the National Secretary, or that other person, requests.
- (G) National Council shall have the power to make, alter or rescind any policies or procedures to give effect to this rule, including matters related to the provision of information to those officials

required to provide notifications under sub-rules (A) and (B), and those policies or procedures in force from time to time shall be complied with by all officials, salaried officers, employees and members of the Union.

9D - INDUSTRIAL AGREEMENTS

1. Subject to the provision of this Rule, the Union may enter an industrial agreement with
 - (i) an employer or employers;
 - (ii) an organisation or organisations of employees; or
 - (iii) an organisation or organisations of employers.
2. (a) Where a proposed agreement ~~other than an agreement applicable only to members in the Vehicle Division, the Food and Confectionery Division or the Printing Division~~ will affect members of the Union employed in more than one State, the National Council (or a person, or persons authorised by it **to** do so) may enter into the agreement after consulting the State Council (or a person or persons authorised by the State Council to do so) in each State where members are employed who will be affected by the proposed agreement.
 - (b) The National Secretary or person authorised by the National Council to do so shall sign an agreement entered into in accordance with the provisions of this sub-rule.
- ~~3. (a) Where a proposed agreement will affect members of the Union employed in more than one State but only in one of the following Divisions:
 - (i) Vehicle Division;
 - (ii) Food and Confectionery Division;
 - (iii) Printing Division;the relevant National Divisional Secretary (or a person or persons authorised by it to do so) may enter into the agreement provided that it is consistent with the National Policy of the Union and there have been consultations with the relevant Divisional Regional Councils affected (or a person or persons authorised by the relevant Division Regional Councils to do so).~~
 - ~~(b) The relevant National Divisional Secretary of the relevant Division or a person authorised by the Division National Conference shall sign an agreement entered into in accordance with the provisions of this sub-rule.~~
 - ~~(c) Where an agreement is entered into in accordance with this sub-rule, the relevant National Divisional Secretary shall cause a copy of the agreement to be sent to the National Secretary within 7 days of entering into the agreement.~~
43. (a) **Subject to sub-rule 2, ¶** The State Council (or person or persons authorised by it to do so) may enter an industrial agreement not inconsistent with the National policies of the Union ~~other than an agreement affecting Vehicle Division members, the Food and Confectionery Division members or Printing Division members in that State~~ only after consulting members of the Union employed in the State affected by the proposed agreement.

- (b) The State Secretary (or a person or persons authorised by the State Council to do so) shall sign an agreement entered into in accordance with the provisions of the sub-rule.

~~5. (a) Division Regional Councils of the:~~

~~(i) Vehicle Division;~~

~~(ii) Food and Confectionery Division;~~

~~(iii) Printing Division;~~

~~or a person or persons authorised by the relevant Division Regional Council to do so, may enter into an agreement which affects members of the Union in the relevant Division employed in the Region provided it is consistent with the National Policy of the Union.~~

~~(b) The relevant Division Regional Secretary (or a person or persons authorised by the Regional Council to do so) shall sign an agreement entered into in accordance with the provisions of this sub-rule.~~

~~(c) Where an agreement is entered into in accordance with this sub-rule, the relevant Division Regional Secretary shall cause a copy of the agreement to be sent to the State Secretary within 7 days of entering into the agreement.~~

Transitional Provisions from 1 July, 2019 to 30 June, 2023

4. (a) Where a proposed agreement will affect members of the Union employed in more than one State but only in one of the following Divisions membership areas:

(i) Vehicle membership area Division;

(ii) Food and Confectionery membership area Division;

(iii) Printing membership area Division;

the relevant National Divisional Assistant National Secretary (or a person or persons authorised by it the National Council to do so) may enter into the agreement provided that it is consistent with the National Policy of the Union and there have been consultations with the relevant Divisional Regional Councils State Councils affected (or a person or persons authorised by the relevant Division Regional Councils State Councils to do so).

(b) The relevant National Divisional Assistant National Secretary of the relevant Division membership area or a person authorised by the Division National Conference National Council to do so shall sign an agreement entered into in accordance with the provisions of this sub-rule.

(c) Where an agreement is entered into in accordance with this sub-rule, the relevant National Divisional Assistant National Secretary shall cause a copy of the agreement to be sent to the National Secretary within 7 days of entering into the agreement.

5. (a) Division Regional Councils of the:

(i) Vehicle Division;

~~(ii) Food and Confectionery Division;~~

~~(iii) Printing Division,~~

~~The State Council or a person or persons authorised by the relevant Division-Regional Council State Council to do so, may enter into an agreement which affects members of the Union in the Vehicle membership area, the Food and Confectionery membership area or the Print Membership area relevant Division-employed in the Region provided it is consistent with the National Policy of the Union.~~

~~(b) The relevant Assistant State Division-Regional Secretary (or a person or persons authorised by the Regional Council State Council to do so) shall sign an agreement entered into in accordance with the provisions of this sub-rule.~~

~~(c) Where an agreement is entered into in accordance with this sub-rule, the relevant Division Regional-Assistant State Secretary shall cause a copy of the agreement to be sent to the State Secretary within 7 days of entering into the agreement.~~

9E - EXECUTION OF DOCUMENTS

A document, other than an industrial agreement referred to in ~~Rule 15~~ Rule 9D, may be executed on behalf of the Union upon the affixation of the common seal of the Union by any two members of the National Council authorised by it to execute documents under this rule.

9F - SUBMISSION OF INDUSTRIAL DISPUTES TO ARBITRAL TRIBUNALS

1. (a) Where an industrial dispute concerns members of the Union employed in more than one State, proceedings before an industrial tribunal or court in respect of the dispute may be instituted by the National Council or person or persons authorised by it to do so.
 - (b) Where proceedings take place before an industrial tribunal or court in respect of a dispute described in paragraph (a), the National Council or National **Administrative and Budget Steering** Committee may from time to time appoint a person to represent the Union in those proceedings.
 - ~~(c) Where an industrial dispute concerns (as to members of the Union) members of the Union only, and employed in more than one State, in the:
 - ~~(i) Vehicle Division;~~
 - ~~(ii) Food and Confectionery Division;~~
 - ~~(iii) Printing Division;~~proceedings before an industrial tribunal or court in respect of the dispute may be authorised by the relevant Division National Conference or a person or persons authorised by it to do so.~~
 - ~~(d) Where proceedings take place before an industrial tribunal or court in respect of a dispute described in paragraph (c), the relevant Division National Conference or National Divisional Secretary of the Division may from time to time appoint a person to represent the Union in those proceedings.~~
2. (a) Subject to sub-rule 1 and this sub-rule, proceedings before ~~an State~~ industrial tribunal or court in respect of an industrial dispute may be instituted by the State Council (or person or persons authorised by it to do so) in the State where members concerned in the dispute are employed.
 - (b) Where proceedings take place before **an State** industrial tribunal or court in respect of an industrial dispute described in paragraph (a), the State Council or State Administrative Committee may, from time to time appoint a person to represent the Union in those proceedings.
 - ~~(c) Nothing in this sub-rule shall affect the right of the VBEF New South Wales, VBEF South Australia and Vehicle Builders Employee's Federation Queensland Branch Union of Employees Queensland, New South Wales Branch Vehicle Builders' Federation of Australia, Vehicle Builders' Federation South Australian Branch to institute proceedings in the relevant State Industrial Tribunal or Court in respect of an industrial dispute affecting members of such State registered Union.~~

- ~~(d) Nothing in this sub-rule shall affect the right of a state registered union associated with the Confectionery Workers and Food Preservers Union of Australia to institute proceedings in the relevant State Industrial Tribunal or Court in respect of an industrial dispute affecting members of such State registered Union.~~
- ~~(e) Nothing in this sub-rule shall affect the right of a state registered union associated with the Printing and Kindred Industries Union to institute proceedings in the relevant State Industrial Tribunal or Court in respect of an industrial dispute affecting members of such State registered Union.~~

Transitional Provisions from 1 July, 2019 to 30 June, 2023

3. (a) Where an industrial dispute concerns (as to members of the Union) members of the Union only, and employed in more than one State, in the:
- (i) Vehicle membership areaDivision;
 - (ii) Food and Confectionery membership areaDivision;
 - (iii) Printing membership areaDivision,
- proceedings before an industrial tribunal or court in respect of the dispute may be authorised by the relevant Division National Conference National Council or a person or persons authorised by it to do so.
- (b) Where proceedings take place before an industrial tribunal or court in respect of a dispute described in paragraph (a), the relevant Division National Conference or National Divisional Secretary of the Division National Council or the relevant Assistant National Secretary may from time to time appoint a person to represent the Union in those proceedings.

9G - DISSOLUTION

The Union may be dissolved by consent of nine-tenths of its members voting in **a** meeting duly summoned for the purpose; or whenever the number of members is reduced to 50 by deaths and by expulsions in conformity with rule, a majority of the remaining members may, in meeting assembled at the registered office of the Union, finally dissolve the Union; and after discharging all debts and liabilities legally incurred in the Union's name they may divide the funds, if any, among the whole of the members in equal portions.

9H - AMALGAMATION

If at any time it shall be considered necessary in the general interests of the Union to amalgamate with any other Union or Unions, the National Council is empowered to enter into negotiations and to agree upon terms for any such amalgamation provided, however, that no such amalgamation shall be entered into until the terms agreed upon are submitted to members for ballot and unless the majority of members voting in such ballot approve of the amalgamation upon the terms suggested.

Notwithstanding the above in the case of a proposed amalgamation with another Union or Unions the total membership of which does not exceed twenty five per centum of the number of members of this union, the National Council is empowered to enter into negotiations for such amalgamation, complete negotiations and the terms thereof and to take any necessary action to consummate such amalgamation.

9I - PROVISIONS AS TO OFFICIALS AND SALARIED OFFICERS

1. The rate of remuneration, annual leave, long service leave, sick leave, superannuation and other conditions of employment, of elected fulltime officials and salaried officers shall be as determined from time to time by National Conference.
2. The cost of removal expenses, if any, incurred by elected officials or salaried officers when taking up office, shall be borne by the Union and they shall be paid the cost of removal back to their own districts on retiring from office if they do so remove.
3. National Council may where it deems it desirable to do so provide housing loans or provide housing at an economical rent for elected officials or salaried officers who are required to relocate when taking up the duties of office.
4. Any member of the Union engaged temporarily on fulltime employment in a relieving capacity shall be paid the equivalent salary applicable to the classification in which they are relieving.
5. Any member delegated on business of the Union other than that specified in sub-clause 4 of this rule which involves loss of remunerative time shall be paid the ordinary daily rate of wages he or she is in receipt of when following his or her usual occupation.
6. All delegates, elected fulltime officials and salaried officers when away overnight or required to travel on Union business shall be paid fares and expenses as determined from time to time by National Conference.
7. All moneys (other than expense allowances) received by any officer or member from government instrumentalities or other bodies to which he or she has been delegated or authorised by this Union for attendance at meetings, and/or for work performed for such bodies, shall be returned to the funds of the Union.

Provided that the equivalent of any moneys paid on behalf of officers or members as superannuation benefits into approved superannuation funds, not exceeding the amount that would be payable by employers pursuant to the Superannuation Guarantee contribution rate, shall not be repayable to the Union. Any amount paid in superannuation consistent with this sub-rule

may be offset in full or in part by a reduction in the amount of superannuation paid by the Union over and above the Superannuation Guarantee contribution rate.

8. Any financial member delegated on the Union's business who proves to the satisfaction of the State Council in his or her State and subject to approval of National Council, that he or she has been dismissed from his or her employment for carrying out duties delegated to him or her by the Union, may be entitled to his or her wages for 10 weeks, or until he or she shall resume work, whichever period is the shorter.

In the case of a member receiving this benefit, any other payments he or she receives due to his or her unemployment shall reduce the benefit paid by that amount.

Whilst in receipt of this benefit he or she shall pay contributions and levies as laid down in these rules.

9J – MISCELLANEOUS TRANSITIONAL DIVISION RULES

Transitional Rules

1. (a) The terms and conditions of employment of former employees of the VBEF may be varied by agreement between the Union and the employees concerned.
 - (b) The employment duties and location of a former VBEF Branch employee may, following consultation between the relevant Regional Secretary of the relevant Division, the State Secretary and the employee, be altered with the agreement of the employee provided that, in the event that there is no agreement, the matter shall be referred to the relevant State Council.
 - (c) The employment duties and location of a former VBEF Federal Office employee may, following consultation between the National Divisional Secretary - Vehicle Division, The National Secretary and the employee, be altered with the agreement of the employee provided that, in the event there is no agreement, the matter shall be referred to the National Council.
 - (d) Notwithstanding paragraph ~~549J.1(b)~~, Irene Dyson shall not be transferred from the Victorian Vehicle Division Regional Office without her consent and the consent of the Regional Secretary.
 - (e) The period of service with the VBEF of a former VBEF employee or officer shall be counted in determining the employee's annual leave, long service leave, sick leave or any other entitlements under a term or condition of employment where the period of service is relevant in determining the employee's entitlements.
 - (f) The terms and conditions of employment of full-time elected officials of the VBEF on the day before the relevant date shall be deemed to be the terms and conditions of employment on and from the relevant date set out in the Memorandum of Understanding.
2. (a) The terms and conditions of employment of former employees of the CW&FPU and former employees of the PKIU may be varied by agreement between the Union and the employees concerned.
 - (b) The employment duties and location of a former CW&FPU employee and former PKIU employee may only be altered by agreement with the employee concerned provided that, in the event there is no agreement, the matter may be determined by the State Council in respect to a State employee and the National Council in respect to a national employee.
 - (c) The period of service with the CW&FPU of a former CW&FPU employee or period of service with the PKIU of a former PKIU employee shall be counted in determining the employee's annual leave, long service leave, sick leave or any other entitlements under a term or condition of employment where the period of service is relevant in determining the employee's entitlements.

- (d) The period of service with the CW&FPU of a former CW&FPU officer or period of service with the PKIU of a former PKIU officer shall be counted in determining the officer's annual leave, long service leave, sick leave or any other entitlements under a term or condition of employment where the period of service is relevant in determining the employee's entitlements.
- 3.
- (a) On and from the relevant date the Geelong sub-branch of the VBEF shall become a local committee of the AMEU and the persons holding office in the Geelong sub-branch shall become office holders in the Local Committee.
 - (b) The persons who continue to hold positions in the Geelong District Committee in accordance with the previous paragraph shall hold office until elections are held by members of the Vehicle Division of the Union in the area covered by the Geelong District Committee conducted at a general meeting conducted before 30 June, 1993 and thereafter at annual general meetings.
 - (c) The elections for members of the Geelong District Committee shall be conducted by a Returning Officer who shall ensure that the conduct of the election is free from intimidation, that the ballot is a secret ballot and that there are no irregularities.
 - (d) A general meeting of members of the Geelong District Committee may be called by a meeting of the District Committee, by the President of the District Committee or by a general meeting of members of the Vehicle Division in the area covered by the District Committee.
 - (e) A general meeting of members in the area covered by the Geelong District Committee may be called by a general meeting, a meeting of members of the District Committee or on the request in writing of 10% of the members of the Vehicle Division of the Union in the area covered by the District Committee.
 - (f) The President of the Geelong District Committee shall preside at meetings and call meetings in accordance with the Rules.
 - (g) The Secretary of the Geelong District Committee shall take minutes of all meetings, convene meetings, account for moneys advanced to the District Committee by the State Council and furnish minutes of meetings to the Regional Secretary of the Vehicle Division and the State Secretary.
 - (h) The State Council may allocate money for use by the Geelong District Committee from funds allocated to it by the National Council.
 - (i) A general meeting of members of the Vehicle Division of the Union in the area covered by the Geelong District Committee may from time to time make, amend or rescind by-laws for the conduct of meetings, the calling of meetings, elections to the District Committee and determining the duties of members of the District Committee.

Location of Offices – Food and Confectionery Division and Printing Division

4. (a) The National Office of the Food and Confectionery Division and the Printing Division shall be at a location determined by the National Council.
- (b) Regional Offices of the Food and Confectionery Division and the Printing Division shall be at locations determined by the relevant State Councils.

~~Printing Division Mortality Benefit~~

~~5. (a) Printing Division Mortality Benefit eligibility~~

~~Subject to what is provided for under these rules, a Mortality Benefit shall be due and payable on the death of a person who is a Printing Division Mortality Benefit member. Persons eligible to be a Printing Division Mortality Benefit member must be:~~

~~(i) a member of the Union who is in the Printing Division and has been, prior to the certification date, granted an exemption from the payment of contributions and other dues under rule 42; or~~

~~(ii) a person who had been, prior to the certification date, admitted as a "Mortuary Benefit Member of the Union" under:~~

~~A. rule 12.1 of the rules of the PKIU as in force on 31 January 1995 (or, at various times prior to 31 January 1995, the relevant rule as enumerated in earlier versions of the PKIU's, or the PKIU's antecedent organisation's or organisations' rules); or~~

~~B. subsequent to 31m January 1995, but prior to the certification date, under rule 55.13 of the rules of the Union as they then stood; and~~

~~C. had made all contributions required, and otherwise was eligible to be and remain a Mortuary Benefit Member of the Union.~~

~~(b) Printing Division Mortality Benefit amount and administration~~

~~(i) From time to time National Council may alter the amount of benefit to be paid in respect of each Printing Division Mortality Benefit member provided that the amount shall be no less than \$400.~~

~~(ii) The National Council shall establish procedures for the administration of the Printing Division Mortality Benefit including the requirements as to proof of eligibility for payment of a benefit.~~

~~(c) Printing Division Mortality Benefit – contributions~~

~~From time to time National Council may impose or maintain a requirement for a contribution or additional contributions to be paid by Printing Division Mortality Benefit members in order for the member to be eligible for a benefit.~~

~~(d) Mortality and Mortuary Benefits – Former members of the Victorian Printers Operatives' Union~~

~~Where a member of the Union was, on the day immediately preceding the date of amalgamation between the PKIU and the Victorian Printers Operatives' Union (VPOU) and, pursuant to the Rules of the VPOU, a mortuary allowance of \$1,000 would have been payable on the death of such member, the mortality benefit payable under these Rules on the death of such member shall not be less than \$1,000.~~

~~Sub-branches and Chapels – Printing Division~~

~~6. On and from the relevant date sub-branches and chapels which existed in the PKIU on the day before the relevant date shall become sub-branches and chapels of the Union and shall operate in accordance with the Rules set out in Appendix A.~~

~~Powers of Chapels~~

~~7. (a) Members attached to the Printing Division employed in any establishment may, with the consent of a Regional Council, constitute a chapel, and shall arrange and control all chapel and local matters, but shall in all cases conform to the rules of the Union. The rules of such chapel must be endorsed by the Regional Council and must provide for the right of appeal by a minority of the chapel to the Regional Council. All members employed in the establishment where a chapel has been constituted shall be members of the chapel. The Regional Council may at any time require a chapel to amend its rules in accordance with the rules and policy of the Union.~~

~~(b) No question affecting the general interests of the Union shall be decided by a chapel, or member, or any section of members, without consulting the Regional Council, but in urgent cases the e Committee shall have power to take action pending a meeting of the Regional Council, which shall be convened as soon as possible to deal with the matter.~~

~~Sub-Branches~~

~~8. (a) Sub-branches may be formed with the consent of the Regional Council.~~

~~(b) A Sub-branch may impose a local voluntary levy on its members of not more than three cents per week for purely local purposes.~~

- ~~(c) Any funds or assets and other levies collected for members of the Union held by a Sub-branch shall be entirely under the control of members of such Sub-branch.~~
- ~~(d) A Sub-branch with 25 or over shall have the right to send one or more special delegates to meetings of Regional Council to discuss any question affecting its interests.~~
- ~~(e) No Sub-branch shall act in any matter of policy, trade dispute or matter affecting an award, agreement or determination, except under instructions from the Regional Executive Committee or Regional Council.~~
- ~~(f) A Sub-branch as such shall not be liable for any expenditure in connection with Arbitration or Wages Board proceedings, or any trade dispute, strike or lockout.~~
- ~~(g) Each Sub-branch is bound by the rules of the Union and shall uphold the principles enunciated and loyally abide by the letter and spirit thereof.~~
- ~~(h) The whole of the books of any Sub-branch shall be subject to inspection by the Regional Secretary or any person authorized so to do by the Regional Council. A Sub-branch shall have power to make local by-laws for local control, provided that the by-laws do not conflict with these Rules.~~
- ~~(i) Sub-branch Secretaries shall forward members' contributions, as collected, together with entrance fees and any other dues, at least once a month to the Regional Secretary.~~
- ~~(j) Applications by Sub-branch members for financial or other rights of membership shall be made in writing to the Sub-branch Secretary.~~

9K – TRANSITIONAL RULE (Re PKIU)

~~1-6. [DELETED]~~

- ~~7.1.~~ (a) The terms and conditions of employment of former employees of the PKIU may be varied by agreement between the Union and the employees concerned.
- (b) The employment duties and location of a former PKIU employee may only be altered by agreement with the employee concerned provided that, in the event there is no agreement, the matter may be determined by the State Council in respect to a State employee and the National Council in respect to a national employee.
- (c) The period of service with the PKIU of a former PKIU employee shall be counted in determining the employee's annual leave, long service leave, sick leave or any other entitlements under a term or condition of employment where the period of service is relevant in determining the employee's entitlements.
- (d) The period of service with the PKIU of a former PKIU officer shall be counted in determining the employee's annual leave, long service leave, sick leave or any other entitlements under a term or condition of employment where the period of service is relevant in determining the employee's entitlements.

~~8-11. [DELETED]~~

- ~~12.~~ (a) The Federal Office of the Printing Division shall be at a location determined by the National Council.
- (b) Regional Offices of the Printing Division shall be at locations determined by the relevant State Councils.

~~13.~~ Printing Division Mortality Benefit

~~1A.~~ Printing Division Mortality Benefit - eligibility

Subject to what is provided for under these rules, a Mortality Benefit shall be due and payable on the death of a person who is a Printing Division Mortality Benefit member. Persons eligible to be a Printing Division Mortality Benefit member must be:

- (a) a member of the Union who is in the Printing Division and has been, prior to the certification date, granted an exemption from the payment of contributions and other dues under ~~previous rule 42.13(i)~~; or
- (b) a person who had been, prior to the certification date, admitted as a "Mortuary Benefit Member of the Union" under:
- (i) rule 12.1 of the rules of the PKIU as in force on 31 January 1995 (or, at various times prior to 31 January 1995, the relevant rule as enumerated in earlier versions of the PKIU's, or the PKIU's antecedent organisation's or organisations' rules); or

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- (ii) subsequent to 31 January 1995, but prior to the certification date, under rule 55.13 of the rules of the Union as they then stood; and
 - (iii) had made all contributions required, and otherwise was eligible to be and remain a Mortuary Benefit Member of the Union.

2B. Printing Division Mortality Benefit - amount and administration

- (a) From time to time National Council may alter the amount of benefit to be paid in respect of each Printing Division Mortality Benefit member provided that the amount shall be no less than \$400.
- (b) The National council shall establish procedures for the administration of the Printing Division Mortality Benefit including the requirements as to proof of eligibility for payment of a benefit.

3C. Printing Division Mortality Benefit - contributions

From time to time National Council may impose or maintain a requirement for a contribution or additional contributions to be paid by Printing Division Mortality Benefit members in order for the member to be eligible for a benefit.

D. Mortality and Mortuary Benefits - Former members of the Victorian Printers Operatives' Union

Where a member of the Union was, on the day immediately preceding the date of amalgamation between the PKIU and the Victorian Printers Operatives' Union (VPOU) and, pursuant to the Rules of the VPOU, a mortuary allowance of \$1,000 would have been payable on the death of such member, the mortality benefit payable under these Rules on the death of such member shall not be less than \$1,000.

Sub-branches and Chapels

- 4.** On and from the relevant date sub-branches, industry sections and chapels which existed in the PKIU on the day before the relevant date shall become sub-branches, industry sections and chapels of the Union and shall operate in accordance with the Rules set out in Appendix A.

15 - [DELETED]

- 16.** ~~If, before the date of amalgamation, the PKIU has amended its rules to abolish the ACT Branch of the PKIU references in these rules to the ACT region or persons holding office in the ACT region shall not apply.~~

APPENDIX "A"

5. Powers of Chapels

- (1) Members attached to the Printing Division employed in any establishment may, with the consent of a Regional Council, constitute a chapel, and shall arrange and control all chapel and local matters, but shall in all cases conform to the rules of the Union. The rules of such chapel must be endorsed by the Regional Council and must provide for the right of appeal by a minority of the chapel to the Regional Council. All members employed in the establishment where a chapel has been constituted shall be members of the chapel. The Regional Council may at any time require a chapel to amend its rules in accordance with the rules and policy of the Union.
- (2) No question affecting the general interests of the Union shall be decided by a chapel, or member, or any section of members, without consulting the Regional Council, but in urgent cases the Regional Executive Committee shall have power to take action pending a meeting of the Regional Council, which shall be convened as soon as possible to deal with the matter.

6. Sub-Branches

- (1) Sub-branches may be formed with the consent of the Regional Council.
- (2) A Sub-branch may impose a local voluntary levy on its members of not more than three cents per week for purely local purposes.
- (3) Any funds or assets and other levies collected for members of the Union held by a Sub-branch shall be entirely under the control of members of such Sub-branch.
- (4) A Sub-branch with 25 or over shall have the right to send one or more special delegates to meetings of Regional Council to discuss any question affecting its interests.
- (5) No Sub-branch shall act in any matter of policy, trade dispute or matter affecting an award, agreement or determination, except under instructions from the Regional Executive Committee or Regional Council.
- (6) A Sub-branch as such shall not be liable for any expenditure in connection with Arbitration or Wages Board proceedings, or any trade dispute, strike or lockout.
- (7) Each Sub-branch is bound by the rules of the Union and shall uphold the principles enunciated and loyally abide by the letter and spirit thereof.

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- (8) The whole of the books of any Sub-branch shall be subject to inspection by the Regional Secretary or any person authorized so to do by the Regional Council. A Sub-branch shall have power to make local by-laws for local control, provided that the by-laws do not conflict with these Rules.
- (9) Sub-branch Secretaries shall forward members' contributions, as collected, together with entrance fees and any other dues, at least once a month to the Regional Secretary.
- (10) Applications by Sub-branch members for financial or other rights of membership shall be made in writing to the Sub-branch Secretary.
7. Special Industry Section - Victorian Region of the Printing Division
- (1) Within the Victorian Region of the Printing Division there shall be an industry section which shall be known as the Special Industry Section and shall consist of Printing Division Members employed by:-
- (a) The Herald and Weekly Times Limited and David Syme & Co. Ltd. in the following Departments -
- Machine, Publishing, Transport/Distribution,
Maintenance/General and Clerical;
- (b) Southdown Press in the following Departments:-
- Machine, Publishing, Maintenance/General and Clerical;
- (c) News Limited in the Clerical Department; and
- (d) Argus and Australasian Ltd. in the following classifications:-
- Machine Hands A & B, Drivers, Storemen, Boiler Attendants, Trade Assistants and Clerical employees.
- (2) [Deleted]
- (3) (a) Members of the Special Industry Section shall, notwithstanding anything to the contrary in these Rules, be entitled to the following representation:-
- (i) On Regional Council - 3 Committee Members;
- (ii) On Executive Committee - 1 member.
- (b) The persons referred to in the previous paragraph shall be elected by and from members of the Union in the Special Industry Section.
- (4) The provisions of Part C of Rule 51 shall apply mutatis mutandis to the elections referred to in sub-rule (3) of this Rule.

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- (5) The National Conference or National Council may with the agreement of the Victorian Regional Council of the Printing Division make, alter, amend or rescind this Rule provided that the proposal does not involve the abolition of an office in such a way as to shorten the term of the office of the person holding that office without the prior written consent of that person.

8. Meetings of Trade Sections

- (1) A meeting of a Section may be convened at any time by the Regional Council or on receipt of a requisition signed by not less than 15 financial members of the Section concerned, and in this latter case the meeting shall be convened by the Regional Executive Committee within 21 days of the date of receipt of the requisition by the Regional Secretary of the Region.
- (2) Any member signing a petition for a meeting of a Section and failing to attend same, shall be fined a sum not exceeding \$20.00 unless he/she forwards to the Regional Secretary a satisfactory excuse for non-attendance before the hour of meeting. Petition forms must have this Rule affixed before signatures sought.
- (3) At any meeting of a Section the business shall be confined to that on the notice paper convening the meeting, and the members of the Section concerned shall be given at least 7 clear days notice of the date of such meeting.
- (4) The Regional Council of the Region shall be officially represented at all meetings of the different Sections by at least one of its members.
- (5) Members of the Executive Committee shall be entitled to be present at all meetings of the different Sections. A member of the Executive Committee shall have the right to vote at any meeting of the Section to which he/she belongs.
- (6) At any meeting of the different Section one of the full-time officials of the Region shall act as Minute Secretary and shall also carry out any other secretarial work arising from such meeting.
- (7) The Standing Orders of the Annual Conference and Aggregate Meetings of the Region shall apply to the meetings of the different Sections.
- (8) Fifteen members shall form a quorum at any meeting of the different Sections other than the Commercial Printing Section. At any meeting of that Section (Commercial Printing) 20 members shall form a quorum.

