

[182V: This Rulebook incorporates the alterations of 14/08/2014 in matter R2014/200

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 48 both inclusive contain a true and correct copy of the registered rules of The Maritime Union of Australia

DELEGATE OF THE GENERAL MANAGER  
OF THE FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission.]

Rules of The Maritime Union of Australia  
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## THE MARITIME UNION OF AUSTRALIA

### 1 - NAME

The Union shall be known as "The Maritime Union of Australia".

### 2 - INDUSTRY RULE

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.

### 3 - ELIGIBILITY RULE

#### 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, engine room 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, ladder-men, 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:

<u>EMPLOYER</u>	<u>CONTAINER DEPOT</u>
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

#### 4 - OBJECTS

The objects of the Union shall include those listed below and all monies expended for any of the objects shall be deemed to be part of the ordinary expenditure of the Union within the meaning of the Act.

- (a) 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 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 connection with the Industries of the Union and to foster the best interests of the members of the Union.
- (b) To improve industrial relations in the industry and undertakings where members are employed and to exercise all the powers, privileges and advantages of employees under *Fair Work Act 2009* 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.
- (c) To provide legal assistance to the Union and its members.
- (d) To secure preference of employment for members.
- (e) To protect members from any infringement of their rights.
- (f) 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.
- (g) To establish funeral, sick, accident, unemployment or other insurance or assurance funds or benefits for the assistance of members.
- (h) To establish Branches and Port, Ship and Area Committees throughout Australia and its Territories.
- (i) To effect unity between the Branches and other bodies of a similar character.
- (j) To work as far as is lawful in harmony with other labour unions.
- (k) 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 where approved by National Council 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.

- (l) To promote the interchange of membership between the Union and other maritime unions throughout the world.
- (m) To assist members by loan or otherwise.
- (n) To constitute, conduct, carry on and manage clubs for the benefits of members.
- (o) To amalgamate with, join, absorb, affiliate to, or co-operate or otherwise combine with any trade or industrial union or association or associations of trade unions and to be represented on other bodies and trade union organisations.
- (p) To render financial assistance to Branches or other union or labor organisations for any charitable purpose.
- (q) To take part in any or all questions of matters affecting or involving the wages and conditions of labour.
- (r) To grant assistance to members who are shipwrecked.
- (s) To establish and/or support co-operative ventures generally and to do such other things which may be deemed necessary in connection therewith.
- (t) To hold, purchase, lease, transfer, rent, sell, mortgage or otherwise deal in property and to enter in contracts and agreements in connection with same and to do all such other things as may be deemed necessary in connection therewith.
- (u) To raise funds for the furtherance of the aforesaid objects.
- (v) To do all such other acts and things as are incidental or in any way related to the carrying out of the above objects.

#### 5 - REGISTERED OFFICE OF THE UNION

- (a) The Registered Office of the Union shall be at 365-375 Sussex Street, Sydney in the State of New South Wales or such other place as National Council may from time to time determine.
- (b) The office of each of the Branches shall be located at the place set out in the Rules or at such other place as National Council may from time to time determine.

#### 6 - ADMISSION TO MEMBERSHIP

- (a) Any person whose usual occupation is one of those covered by the Eligibility Rule may apply for membership of the Union by completing and signing an application for membership.
- (b) An applicant shall be informed by the National Secretary or the National Secretary's nominee, in writing, of the financial obligations arising from membership and the circumstances, and manner in which a member may resign from the Union as provided for at Rule 11 herein.
- (c) Applications for membership shall be made to the Branch Secretary.
- (d) The Branch Secretary or the Branch Secretary's nominee shall immediately forward to the National Secretary or the National Secretary's nominee a copy of the applicant's completed application for membership and such applicant shall become a member of the Union upon acceptance of the application by the National Secretary and upon payment of membership contributions as determined pursuant to the Rules. A former member shall not be readmitted

to membership until all contributions, levies and/or fines outstanding to the Union have been paid.

- (e) National Council may in accordance with the provisions of the Act enter into agreements with State registered unions to the effect that members of the State registered union concerned who are ineligible State members (as defined by the Act) are eligible to become members of the Union under the agreement.

## 7 - MEMBERSHIP OF BRANCHES

- (a) A member shall be a member of the Branch which embraces the area in which the member is registered.
- (b) A member who is not registered shall be a member of the Branch which embraces the area in which the member is employed.
- (c) Where a member is not registered and is not employed within the area of one Branch then the member shall be a member of the Branch which embraces the member's place of residence.
- (d) The National Secretary shall be responsible for ensuring that members are members of the appropriate Branch in accordance with the Rules.
- (e) Members shall be able to transfer from Branch to Branch provided that written approval has been obtained:
  - (i) From the Branch Secretary of the Branch from which the member wishes to transfer; and
  - (ii) from the Branch Secretary of the Branch to which the member wishes to transfer; and
  - (iii) from the National Secretary.

## 8 - MEMBERSHIP BOOK/CARD

- (a) On becoming a member of the Union each member shall be issued with a Membership Book/Card.
- (b) A Membership Book/Card shall be produced to an Officer of the Union or any person appointed by the Union upon reasonable notice to a member.
- (c) Any member losing a Membership Book/Card shall be issued with a new Membership Book/Card on payment of replacement costs if any.
- (d) The Membership Book/Card together with all coupon receipts contained therein shall at all times remain the sole property of the Union.

## 9 - REGISTER OF MEMBERS

- (a) There shall be a Register of Members of the Union to be kept by the National Secretary at the Registered Office of the Union which shall record each member's:-
  - (i) name
  - (ii) date of birth
  - (iii) postal address
  - (iv) date of joining the Union
  - (v) Branch
  - (vi) membership record

- (vii) financial status
  - (viii) rating or classification
  - (ix) registration (where applicable)
  - (x) port of registration (where applicable)
- (b) A member shall notify the Union of changes to the member's records and details including:
- (i) Name
  - (ii) Residential Address
  - (iii) Postal Address
  - (iv) Branch
  - (v) Rating or Classification
  - (vi) Employer
  - (vii) Worksite or Vessel
- (c) Any member who is required to pay contributions or levies in conformity with Rule 10 and who has not paid that amount for a continuous period of 24 months since that amount became payable shall have their name and postal address removed from the register of Members of the Union within 12 months after the expiration of the 24 month period.

## 10 - FINANCIAL OBLIGATIONS TO MEMBERSHIP

### Membership Contributions

- (a) Membership contributions per annum or per week shall be set by National Council but at no time shall exceed 5% of a members' annual or weekly classification rate of pay respectively.
- (b) National Council may set contributions at different levels for different groups of the membership.
- (c) Subject to sub-rule (i) hereof contributions shall be paid in advance and may be paid quarterly, half-yearly or yearly.
- (d) Contributions which are paid in respect of each quarter shall be due in advance to the Union on the first day of each quarter as set out below:
  - 1st quarter - January 1
  - 2nd quarter - April 1
  - 3rd quarter - July 1
  - 4th quarter - October 1
- (e) Subject to sub-rule (i) hereof a new member shall commence paying contributions by paying one-twelfth of the applicable membership contributions per annum multiplied by the number of whole months remaining in the quarter in which the member joins the Union.

### Levies

- (f) National Council may from time to time impose a levy or levies on all members of the Union or any group of the membership. Any such levy shall be due on the date or dates specified in the resolution of National Council imposing the levy.

Provided that a member shall not be required to pay in any financial year a total amount in levies exceeding one-half of the amount of membership contributions per annum applicable to the member.

### Payment of Contributions

- (g) All contributions and levies shall be paid to the Branch Secretary unless otherwise determined by National Council.
- (h) Payment of contributions by payroll deduction or by deduction from an account in the members' name in a financial institution may be made where a member has authorised an employer or a financial institution to deduct the contribution from the member's wage or account and the employer or financial institution has agreed to make such deduction and regularly submit the contribution to the Branch Secretary or the union's account. Subject to sub-rule (j) hereof a member who elects to pay contributions in accordance with this Sub-Rule shall be deemed financial from the date of authorising such deduction provided the member owed no arrears in contributions prior to authorising the deduction.

### Unfinanciality

- (i) Any member who has failed to pay membership contributions within 12 weeks after the day upon which they became due shall be unfinancial until all such contributions have been paid.

Notwithstanding the foregoing, where a member arranges in accordance with this Rule to pay contributions to the Union and payments fail to be submitted in accordance with the arrangement, the member shall be deemed financial. The National Secretary may notify the member in writing of the failure and that unless the member pays contributions due in accordance with Sub-Rules (e), (f) and (h) of this Rule within 60 days of the date of the notice, the member shall be unfinancial from the expiration of that period until all contributions due in accordance with the Rules have been paid. Once so notified, any deeming provisions shall expire after 60 days from the date of notification.

- (j) A member who has failed to pay a levy within 12 weeks of the date upon which it is due shall be unfinancial until it has been paid.

### Consequences of Unfinanciality

- (k) A member who is unfinancial shall not be entitled to take part in the Union's affairs or claim any of the privileges of membership until all arrears, including any late payment fines, have been paid up, except as otherwise specifically provided by the Rules. An unfinancial member shall not be included as a member for the purposes of assessing members for any quorum, requisition, nomination or election.

A member who remains unfinancial for a continuous period in excess of 6 months and who has not complied with a Payment in Arrears Notice issued by the Union, may have his/her membership cancelled in accordance with Sub-Rule 12 (d) of these Rules.

### Late Payment Fines

- (l) Any Branch may, with the consent of National Council, impose a late payment fine not exceeding \$50.00 for each month that a member is in arrears of contributions, levies or fines. The total of such late payment fines for any member shall not exceed \$150.00 in any one financial year.
- (m) Any fine imposed by a Branch or by National Council shall be paid to the Union by the member within one month after the date of notification of the fine imposed, unless an extension of time is sought by the member concerned and is granted by the Branch Secretary or the National Secretary.

## Exemptions

- (n) National Council may in any case in which it appears appropriate, exempt any member wholly or partially and for such period as it may specify, having regard to the circumstances of the particular case, from payment of the contributions, levies and/or fines.

## 11 - RESIGNATION FROM MEMBERSHIP

- (a) A member of the Union may resign from membership by electronic communication or written notice addressed and delivered to the Branch Secretary.
- (b) Such notice of resignation from membership of the Union 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 Union; 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;whichever is later; or
  - (ii) in any other case:
    - (1) at the end of two weeks after the notice is received by the Union; or
    - (2) on the day specified in the notice;whichever is later.
- (c) A notice delivered to the Branch Secretary shall be taken to have been received by the Union when it was delivered.
- (d) 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).
- (e) 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.
- (f) Upon receipt of a notice of resignation the Branch Secretary shall forward a copy of it to the National Secretary.
- (g) Any dues payable but not paid by a former member of the Union, in relation to a period before the member's resignation from the Union 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.

## 12 - MEMBERS SEEKING LEAVE FROM OCCUPATION

- (a) (i) The Membership Book/Card of a member engaging in any occupation not covered by the Eligibility Rule shall be forwarded by the member to the Branch Secretary.
- (ii) If all contributions, levies and/or fines which are then due by the member to the Union have been paid the member shall be given a clearance from the Union and the member's membership shall be suspended.



- (b) (i) The Membership Book/Card of a member wishing to take a break from being engaged in an occupation covered by the Eligibility Rule (other than for annual or long service leave) may be impounded with the Branch Secretary for a period not exceeding one year provided that the member has provided notice in writing or by electronic communication to the Branch Secretary of his/her desire to take a break.
- (ii) During the break the member shall be exempt from payment of contributions and levies and shall take no part in any meeting in the Union or be entitled to nominate for any Office in the Union or vote in any election in the Union.
- (iii) At the time of impounding the Membership Book/Card the member shall leave an address to which mail may be sent and if necessary the postal address of the member in the Register of Members shall be changed.
- (iv) If after the year has expired the member has not returned to being engaged in or seeking to be engaged in an occupation covered by the Eligibility Rule then the member's membership may be cancelled.
- (c) The membership of a physically fit member (whose Membership Book/Card has not been impounded) may be cancelled where the member has not for a continuous period of six months engaged or attempted to engage in an occupation covered by the Eligibility Rule.
- (d) (i) Cancellation of membership under Sub-Rule (b) or (c) herein or as a consequence of Sub-Rule 10 (k) of these Rules shall only take effect where the member is sent a Notice of Intention to Cancel Membership which states:
  - (1) that the Union proposes to cancel the member's membership 30 days after the date appearing on the Notice;
  - (2) the reason for the proposed cancellation; and
  - (3) that membership shall not be cancelled if the member provides satisfactory evidence that the reason for the proposed cancellation does not apply;
- (ii) The Notice of Intention to Cancel Membership shall be sent to the postal address of the member in the Register of Members.
- (iii) The Notice of Intention to Cancel Membership may be sent by the National Secretary who shall provide a copy to the Branch Secretary or by the Branch Secretary who shall provide a copy to the National Secretary.

### 13 - LIFE MEMBERSHIP

- (a) Life membership may be conferred upon any member by National Council provided that the member:-
  - (i) has twenty years unbroken service in the Industries of the Union (provided that National Council may determine that due to special and extenuating circumstances life membership may be conferred without twenty years of such service);
  - (ii) has an unblemished Union record;
  - (iii) has retired from the Industries of the Union and has not accepted other employment covered by the Eligibility Rule; and

- (iv) is recommended for life membership by a Branch of the Union.
- (b) A life member shall be relieved from payment of membership contributions and levies and may attend meetings and functions but shall have no voting rights in the Union nor shall be eligible to participate in debate at Union meetings or be eligible to hold any Office or position in the Union.
- (c) Upon the granting of life membership the member shall be issued with a life membership medal and card.

#### 14 - PRIOR MEMBERSHIP IN OTHER UNIONS

The period of membership of a member of the Union in another union whilst employed by a maritime or stevedoring employer prior to becoming a member of the Union shall be counted as a period of membership of the Union for all purposes of the Rules.

#### 15 - GOVERNMENT OF THE UNION

- (a) The Union shall be governed by the members of the Union in Annual General Meetings of members of the Union and Special Meetings of members of the Union.
- (b) There shall be a National Council which shall govern, manage and exercise general supervision over the affairs of the Union between Annual General Meetings and Special Meetings of the members of the Union.
- (c) Subject to Sub-Rule (b) of this Rule National Council shall have the full control, care, superintendence, management and administration in all respects of the affairs, business, funds and property of the Union and its Branches and without limiting the generality thereof National Council shall have full power to carry out the objects of the Union which powers shall, in addition to powers conferred elsewhere in the Rules, include the power to:
  - (i) secure the observance of the Rules;
  - (ii) safeguard the interest of the members of the Union;
  - (iii) decide questions on which the Rules are silent or doubtful;
  - (iv) direct an inquiry into differences between Branches or between Branches and members or between members;
  - (v) decide questions of difference between the Union and any other union;
  - (vi) enter into any Industrial Agreement or Contract relating to wages or conditions of employment;
  - (vii) settle differences between Branches or between Branches and members or between the Union and any other union, or between the Union and employers;
  - (viii) make inquiries as to the management of the affairs of any Branch and to make any recommendation or take any action or give any direction such inquiry may warrant;
  - (ix) call a General or Special Meeting of National Council or National Executive or of the members allocated to a Branch or Branches or part thereof;
  - (x) submit to members a report on the work of the Union since the previous report was submitted;

- (xi) cause to be made an audit of the books and accounts of any Branch and for that purpose to require delivery of and take possession of all books of account, documents and other writing from any Branch or Officer or employee of any Branch; and
- (xii) direct any Branch Executive to carry out a decision of National Council or to veto or set aside or rescind any resolution, act, matter or thing carried or done by any Branch Executive.
- (xiii) demand, sue for and recover unpaid contributions, fines or levies from the members and/or Branches.

## 16 - NATIONAL COUNCIL - COMPOSITION

National Council shall be comprised of the following Officers:-

National Secretary  
 Deputy National Secretary  
 Assistant National Secretary/s  
 Queensland Branch Secretary  
 Queensland Deputy Branch Secretary  
 Newcastle Branch Secretary  
 Newcastle Deputy Branch Secretary  
 Sydney Branch Secretary  
 Sydney Deputy Branch Secretary  
 Southern New South Wales Branch Secretary  
 Southern New South Wales Deputy Branch Secretary  
 Victorian Branch Secretary  
 Victorian Deputy Branch Secretary  
 South Australian Branch Secretary  
 South Australian Deputy Branch Secretary  
 Western Australian Branch Secretary  
 Western Australian Deputy Branch Secretary  
 Tasmanian Branch Secretary  
 Tasmanian Deputy Branch Secretary  
 Northern Territory Branch Secretary  
 Northern Territory Deputy Branch Secretary

Provided that on and from the Quadrennial Election to be held in 2015, National Council shall also be comprised of a National Women's Representative.

## 17 - NATIONAL COUNCIL - MEETINGS

- (a) National Council will meet at least once each year in the months of October or November and at such other time as determined by National Council or National Executive or when requested by members in accordance with the Rules.

- (b) Special Meeting

A Special Meeting of National Council shall be called by the National Executive Officers or on requisition signed by a majority of members of National Council or on requisition signed by a majority of Branches or on requisition signed by 10% of the financial members of the Union. All such requisitions shall contain the nature of the business to be transacted at the meeting and no further business shall be transacted.

(c) Summoning Meetings

Meetings of National Council shall be summoned by the National Secretary or the National Presiding Officer by sending to each Council member a notice of the date of the holding of such meeting by post, facsimile or other electronic means in sufficient time to enable the Council member to reach the place at which the meeting is to be held.

(d) Voting

- (i) The voting on business at meetings of National Council shall be by show of hands.
- (ii) Decisions of National Council shall be by a simple majority of those present and each Council member (including the Presiding Officer) shall have one vote.

(e) Resolutions in Writing

- (i) A resolution in writing may be submitted to all members of National Council by the National Secretary and if signed by a majority of them shall be a valid and effective resolution of National Council.
- (ii) In any case where, in the opinion of the National Secretary, an important subject matter arises or it is desirable that the opinion of National Council should be obtained on any question when the Council is not sitting, such subject matter or question shall be communicated by the National Secretary to the members of the Council. A member of National Council, on the receipt of same and after due consideration, shall immediately advise the National Secretary of such member's vote or opinion on the matter or question submitted to the members of Council. A decision of a simple majority of such members thereon shall be as effective for all purposes as though it had been made by resolution at a meeting of National Council.

(f) Electronic/Telephonic Conference

National Council may meet by electronic or telephone conference at which the Council members are able to communicate with one another and decisions taken at such meetings shall be valid and effective decisions of the Council.

(g) Agenda

The agenda for National Council Meetings shall be forwarded by the National Secretary to each Council member at least seven days before a meeting is to take place.

All resolutions by Branches intended for the agenda paper for the annual meeting of National Council shall be forwarded to the National Secretary not later than thirty days before such meeting.

(h) Quorum

A quorum of National Council shall be 50% plus one of the members.

18 - NATIONAL EXECUTIVE

(a) There shall be a National Executive comprising:-

National Secretary

Deputy National Secretary

Assistant National Secretary/s

National Presiding Officer

Deputy National Presiding Officer

2 other members elected by and from National Council in accordance with the provisions of Rule 48 both of whom shall be the National Vice Presiding Officers.

- (b) National Executive shall consider and advise National Council on matters referred to it by National Council or the National Secretary.
- (c) Meetings of National Executive shall be called by the National Secretary as and when required.
- (d) The National Executive Officers shall be the National Secretary and the National Presiding Officer.

#### 19 - ANNUAL GENERAL MEETING OF MEMBERS OF THE UNION

- (a) An Annual General Meeting of the members of the Union shall be held in the month of November each year or at such other time as near as practicable thereto as may be decided on by National Council.
- (b) Notice of the times and places of the Annual General Meeting shall be given to members of the Union and posted in the office of each Branch and at the engagement centres at least 30 days prior to the date of such meeting.
- (c) The business dealt with at the Annual General Meeting shall be confined to the business on the agenda which shall provide for the following:
  - (i) The General Yearly Report of National Council.
  - (ii) The Annual Financial Statement of the Union.
  - (iii) Motions by members notice of which has been given in writing to the National Secretary at least fourteen days prior to the date of such meeting.
- (d) Quorum

The number of financial members required to form a quorum shall be in the aggregate 10 percent of the financial members of the Union.

#### 20 - SPECIAL MEETING OF MEMBERS OF THE UNION

- (a) A Special Meeting of members of the Union may be called by:-
  - (i) the National Executive Officers;
  - (ii) on requisition signed by a majority of members of National Council;
  - (iii) on requisition signed by 10% of the financial members of the Union.
- (b) A requisition shall contain the nature of the business to be transacted at the Special Meeting and no further business shall be transacted.
- (c) Special Meetings shall be held at such times and places as determined by the National Executive Officers.
- (d) Notice of the times and places and the business to be transacted shall be inserted in a daily newspaper circulating in each port where a meeting is to be held at least three days before the

date of the meeting and shall be posted in the office of each Branch and at engagement centres.

(e) Quorum

The number of financial members required to form a quorum shall be in the aggregate 10 percent of the financial members of the Union.

## 21 - CONDUCT OF ANNUAL GENERAL AND SPECIAL MEETINGS OF MEMBERS OF THE UNION

The Annual General and Special Meetings of members of the Union shall be conducted as follows:-

- (a) Meetings of members shall be held at each of the ports listed below and such other ports as determined by the National Executive Officers and the quorum for each such meeting shall be as set out below:-

Melbourne	100	Port Kembla	40
Brisbane	60	Burnie / Devonport	30
Newcastle	40	Port Adelaide	60
Sydney	100	Fremantle	80

- (b) (i) At the meeting the items on the agenda shall be submitted to the vote of the members present by way of motion.
- (ii) The results of the voting shall be forwarded by the Branch Secretary within whose Branch the port is located to the National Secretary, for the purpose of aggregating the votes and a motion shall be carried if it receives a majority of the votes cast provided that in each of a majority of Branches the motion also receives a majority of the votes cast.
- (c) All financial members of the Union shall have the right to speak and take part in and to cast one vote upon any motion.
- (d) The National Secretary, Deputy National Secretary, Assistant National Secretary/s and National Organiser/s shall have the right to attend and take part in and vote on any motion.
- (e) The financial members attending shall have power to appoint from amongst themselves a Chairperson to conduct the business of the meeting.
- (f) All members of the Union at the time of the meeting shall be expected to attend and remain until the termination of the meeting.

## 22 - MONTHLY BRANCH GENERAL MEETINGS OF MEMBERS OF THE UNION

- (a) There shall be a Monthly Branch General Meeting of members of the Union on the last Tuesday in each month at 8am to be held for the purpose of assisting the Branch Officers in carrying out the Objects of the Union and the Rules and the business and affairs of the membership of the Branch and such meeting shall close at 12 noon.
- (b) The financial members attending shall have power to appoint from amongst themselves a chairperson to conduct the business of the meeting.
- (c) The National Secretary, Deputy National Secretary and Assistant National Secretary/s shall have the right to attend and take part in and vote on any motion.

## 23 - SPECIAL MEETINGS OF BRANCH MEMBERS

- (a) A Special Meeting of Branch members may be convened by National Council, the National Secretary, the Branch Executive or by requisition signed by 15% of the financial members of the Branch.
- (b) Requisitions for Special Meetings of Branch members shall be handed to the Secretary of the Branch who shall immediately take steps to convene such meeting at the time stated in the requisition.
- (c) On receipt of the requisition the Branch Secretary shall forward a copy of it to the National Secretary.
- (d) Requisitions shall state the time and date of the meeting and the business for which the meeting is being called and contain the nature of the business to be transacted at the meeting and no further business shall be transacted.
- (e) In the event of the Branch Secretary refusing to convene a Special Meeting of Branch members at the time stated in the requisition the members signing such requisition shall have the power to delegate the duties of providing a meeting place and making any arrangements which may be necessary for the convening of the meeting to any member or members so signing such requisition.
- (f) The financial members attending any Special Meeting of Branch members of a Branch shall have power to appoint from amongst themselves a Chairperson to conduct the business of the meeting.
- (g) Quorum

The number of financial members required to form a quorum for a Special Meeting of Branch members shall be 10% of the financial members of the Branch.

## 24 - NATIONAL CONFERENCE

- (a) A National Conference of delegates elected by and from ports, ships and other areas together with the members of National Council shall be held once in each four years at a time determined by National Council.
- (b) The composition of the National Conference and the election of National Conference Delegates shall be as determined by National Council taking into account the number and/or sections of members in the various ports, ships or other areas or sections thereof and for greater equity ports, ships or other areas or sections thereof may be grouped together to achieve a more balanced representation of the membership.
- (c) The National Conference shall submit to National Council any matter or question for its endorsement or rejection or otherwise.
- (d) The Conference shall be the supreme policy-making body of the Union and its resolutions subject to Sub-Rule (c) hereof, when ratified by a majority of the Branches and members at special meetings shall be binding on the Council, all Branches, Officers and members of the Union.
- (e) (i) The agenda for National Conference meetings shall be forwarded by the National Secretary to each Conference member at least twenty eight (28) days before a meeting is to take place.

- (ii) All resolutions by Branches and Conference members intended for the agenda paper for meetings of National Conference shall be forwarded to the National Secretary no later than forty two (42) days before such meeting.

## 25 - BRANCHES - GOVERNMENT

Each Branch shall be governed by the members in Special Meetings of Branch members.

## 26 - BRANCHES - EXECUTIVE

The Branch Officers shall comprise the Branch Executive and subject to the Rules the Branch Executive shall, in addition to powers specified elsewhere in the Rules, have the general supervision of the affairs of the Branch in the area embraced by the Branch.

## 27 - BRANCHES - AREAS

- (a) National Council shall be empowered to establish or disband Branches or alter geographic areas embraced by Branches subject to approval by the members in Annual General or Special Meetings of the members of the Union.
- (b) The membership shall be allocated into Branches and the following shall be the Branch names and the geographic areas embraced by each of them until as may otherwise be determined by National Council:-

<u>BRANCH OFFICE</u>	<u>NAME</u>	<u>AREA</u>
Brisbane	Queensland Branch	The State of Queensland
Newcastle	Newcastle Branch	From and including Newcastle to the Queensland border
Sydney	Sydney Branch	South of Newcastle to North of Port Kembla
Port Kembla	Southern New South Wales Branch	From and including Port Kembla to the Victorian border
Melbourne	Victorian Branch	The State of Victoria
Burnie	Tasmanian Branch	The State of Tasmania
Port Adelaide	South Australian Branch	The State of South Australia
Fremantle	Western Australian Branch	The State of Western Australia
Darwin	Northern Territory Branch	Northern Territory

## 28 - BRANCH COMMITTEES

- (a) From July 1st 1995 there shall be a committee in each Branch to be known as the Branch Committee comprised of representatives elected by and from the members of the Branch and or sections of the members of the Branch.
- (b) The elections for Branch Committee members shall not be part of and shall be conducted separately from the Quadrennial Elections conducted to fill Offices of the Union provided that



any person elected to a Branch Committee shall not hold office for greater than 4 years. The Branch Executive shall appoint a returning officer who will conduct the election of Branch Committee members.

- (c) The Branch Committee shall assist the Branch Officers in carrying out the Objects of the Union and the Rules and the business and affairs of the membership of the Branch.
- (d) The costs of the operation of a Branch Committee incurred with prior approval of the Branch Executive shall be paid by the Branch Executive out of the Branch funds.
- (e) After consideration of any proposals prepared by the Branch Committee in consultation with the Branch Executive:-
  - (i) the number of members of the Branch Committee and their titles,
  - (ii) the method of election of the Branch Committee members, and
  - (iii) by-laws as to the practices and procedures of the Branch Committee,

shall be as approved by National Council, taking into account the number and/or sections of members in the various port, ship and other areas in the Branch and for greater equity ports, ships or other areas or sections thereof may be grouped together to achieve a more balanced representation of the membership.

- (f)
  - (i) The Presiding Officer shall convene and preside at all meetings of the Branch Committee and shall appoint a substitute from amongst the other members of the Branch Committee to so act when the Presiding Officer is absent.
  - (ii) The Minute Secretary shall keep all minutes of meetings of the Branch Committee, shall forward a copy of all minutes to the Branch Secretary and shall appoint a substitute from amongst the members of the Committee to so act when the Minute Secretary is absent.
- (g) Branch Committees shall meet once annually or at any other time as determined by the Branch Executive. Meetings will be held at the Branch Office.

## 29 - PORT, SHIP AND OTHER AREA COMMITTEES

- (a) One or more Port, Ship or other Area Committees may be established by the membership of a port, ship or other area.
- (b) The members in each port, ship or other area where a Committee has been established shall select Delegates to assist the National Officers and the Branch Officers to carry out the Objects of the Union and the Rules and the business and affairs of the membership in the port, ship or other area.
- (c) The name of each Committee shall include the name of the Union.
- (d) The number and titles of Committee Delegates, the procedure for their selection and the practices and procedures of the Committees shall be as agreed by the membership of the port, ship or other area.

## 30 - WOMEN'S COMMITTEE AND NATIONAL WOMEN'S REPRESENTATIVE

- (a) One or more Women's Committees may be established by the membership of a port, ship or other area. The Women's Committee shall represent the best interest of all MUA women.

- (b) The members in each port, ship or other area where a Women's Committee has been established shall select Delegates (women) to assist the National Officers and the Branch Officers to carry out the objects of the Union and the Rules and the business and affairs of the membership in the port, ship or other area and to assist and promote issues of importance and relevance to women.
- (c) The name of each Women's Committee shall include the name of the Union.
- (d) The number and titles of the Women's Committee delegates, the procedure for their selection and the practices and procedures of the Committee shall be as agreed by the membership on the Women's Committee in conjunction with National Council.
- (e) A National Women's Co-ordinating Committee may be established by and from delegates elected to Women's Committees.
- (f) Provided that on and from the Quadrennial Election to be held in 2015, a National Women's Representative shall be elected in accordance with Rule 43 to represent, in particular, the interests of all women members at meetings of National Council.

### 31 - OFFICERS OF THE UNION

The Officers of the Union shall be the National Officers and the Branch Officers.

#### National Officers

- (a) The National Officers of the Union shall be the:-

National Secretary  
 National Deputy Secretary  
 National Assistant Secretary/s

and the following members of National Council elected by and from National Council in accordance with the Rules:-

National Presiding Officer  
 National Deputy Presiding Officer  
 National Vice-Presiding Officer

- (b) Provided that the number of National Assistant Secretary/s shall be determined by National Council prior to January 31 in the year of a Quadrennial Election and the National Secretary shall as soon as practicable advise the members of the Union and the National Returning Officer accordingly.

#### Branch Officers

- (c) The Branch Officers shall be the:-

Branch Secretary  
 Branch Deputy Secretary  
 Branch Assistant Secretary/s

and the Branch Presiding Officer elected by and from the Branch Executive in accordance with the Rules.

- (d) Provided that the number of Branch Officer/s (other than Branch Secretary) shall be determined by National Council prior to January 31 in the year of a Quadrennial Election and the National Secretary shall as soon as practicable advise the members of the Branch and the National Returning Officer accordingly.

### Wages of Officers of the Union

- (e) The remuneration of all Officers of the Union shall be as determined by National Council.
- (f) Each member of National Council, National Executive and a Branch Executive shall have a duty to regularly attend its meetings.

### 32 - NATIONAL SECRETARY - POWERS AND DUTIES

There shall be a National Secretary who shall:

- (a) be the Senior Executive Officer of the Union and shall be a full-time Officer of the Union;
- (b) carry out all decisions of National Council and of the members and when National Council is not sitting shall conduct the business of the Union;
- (c) attend, as far as practicable, all meetings of National Council, National Conference and any other meetings of National bodies and ensure correct minutes are kept of the proceedings of such meetings;
- (d) receive and conduct all correspondence of the National Office, and shall keep a copy of all letters written and received and, if called upon by National Council, submit such correspondence for its perusal;
- (e) keep the Register of Members;
- (f) be the Officer to sue and prosecute and be sued and prosecuted on behalf of the Union;
- (g) be the treasurer of the Union;
- (h) pay all moneys received by the National Secretary for and on behalf of the Union into the bank or other financial institution authorised by National Council within 48 hours of receipt of such moneys;
- (i) direct that all moneys expended by the Union be drawn by cheque signed in accordance with the Rules;
- (j) cause to be kept accurate accounts of all moneys received and expended by the Union and submit all books, vouchers, papers, etc, in connection with the financial affairs of the Union to National Council and to the Auditors when called upon;
- (k) prepare an Annual Report, including financial statements, showing the operations of the whole of the Union, the progress and other material matters, reporting at the same time all Branches which have failed to make the necessary returns, or reports necessary for the preparation of the Annual Report;
- (l) supply all information required under the Act and any other Commonwealth or State legislation and sign all necessary papers and documents relating to such legislation;
- (m) compare the Branch balance sheets with their monthly reports, and investigate any irregularity;
- (n) prepare an Annual Financial Statement and Balance Sheet for the financial year which together with the resolutions of National Council relating to such accounts in accordance with the Act shall be printed and provided free of charge to the Branches and members;

- (o) keep all the records required to be kept by the Union under the Act and other Commonwealth or State legislation; and
- (p) work in conjunction with National Council and subject to its direction be responsible for the drafting, or directing the drafting, of any log of claims that may be submitted on behalf of the Union to the Australian Industrial Relations Commission or to the representatives of the employers.

### 33 - DEPUTY NATIONAL SECRETARY - POWERS AND DUTIES

There shall be a Deputy National Secretary who shall:

- (a) be a full-time Officer of the Union and be subject to the supervision and direction of the National Secretary;
- (b) give all reasonable assistance to the National Secretary as and when required; and
- (c) in the absence of the National Secretary through annual or long service leave, overseas travel or illness or other reason approved by National Council act in place of the National Secretary and while so acting have the powers and duties of the National Secretary.

### 34 - ASSISTANT NATIONAL SECRETARY/S - POWERS AND DUTIES

(a) The Assistant National Secretary/s shall:

- (i) be full-time Officers and shall be subject to the supervision and direction of the National Secretary; and
  - (ii) give all reasonable assistance to the National Secretary as and when required.
- (b) Should the Deputy National Secretary be absent at the same time as the National Secretary National Council shall appoint an Assistant National Secretary to act in place of the National Secretary until such time as the National Secretary or Deputy National Secretary returns to duty and whilst so appointed the Assistant National Secretary appointed shall have the powers and duties of the National Secretary.

### 35 - NATIONAL PRESIDING OFFICER - POWERS AND DUTIES

There shall be a National Presiding Officer who shall:

- (a) preside at all meetings of National Council, National Executive and National Conference;
- (b) maintain order and decorum and shall see that the Rules are at all times observed at such meetings;
- (c) give impartial decisions on all questions;
- (d) when speaking on any question other than a point of order shall vacate the chair; and
- (e) have a deliberative vote only.

### 36 - DEPUTY NATIONAL PRESIDING OFFICER

There shall be a Deputy National Presiding Officer who shall:

- (a) assist the National Presiding Officer on maintenance of order during meetings; and

- (b) in the absence of the National Presiding Officer shall carry out the duties of the National Presiding Officer.

### 37 - NATIONAL VICE-PRESIDING OFFICERS

- (a) There shall be two National Vice-Presiding Officers who shall assist the National Presiding Officer and Deputy National Presiding Officer in the maintenance of order during meetings.
- (b) In the absence of the National Presiding Officer and the Deputy National Presiding Officer National Council, National Executive or National Conference as the case may be shall appoint one of the National Vice-Presiding Officers to act in place of the National Presiding Officer.

### 38 - BRANCH SECRETARY - POWERS AND DUTIES

There shall be a Branch Secretary who shall:

- (a) be the Senior Executive Officer of the Branch, summon all meetings of the Branch Executive, attend all meetings of the Branch, cause all minutes to be recorded and without delay carry out all decisions of Special Meetings of members of the Branch;
- (b) receive and conduct all correspondence of the Branch, and shall keep a copy of all letters written and received;
- (c) sign all orders for payment, and at the end of each financial year produce to the Union's Auditor all books of accounts, vouchers, receipts, documents together with a balance sheet correctly stating the financial operations of the Branch;
- (d) receive all monies due to the Union from members of the Branch or otherwise paid through the Branch and deposit such monies within 48 hours to the credit of the Union in such bank, banks or such other financial institutions as may be authorised by National Council;
- (e) visit or cause other Branch Officers to visit the shipping office, vessels in port, terminals, wharves, ports, ships and other areas and look after the business and affairs of the Branch generally;
- (f) make out all returns necessary to comply with the law in the State where the Branch is located;
- (g) make remittances as instructed by decisions of Special Meetings of Branch members;
- (h) within 14 days of the end of each month forward to the National Secretary a just and true account of all moneys received and paid, and the balance then remaining;
- (i) when required by the National Secretary or National Council, hand over to the National Secretary or to National Council all books, papers, documents, instruments, securities, receipts and property of the Union.

### 39 - DEPUTY BRANCH SECRETARY - POWERS AND DUTIES

A Deputy Branch Secretary shall:

- (a) be subject to the supervision and direction of the Branch Secretary;
- (b) give all reasonable assistance to the Branch Secretary as and when required; and

- (c) in the absence of the Branch Secretary through annual or long service leave, overseas travel or illness or other reason approved by National Council act in place of the Branch Secretary and while so acting have the powers and duties of the Branch Secretary.

#### 40 - ASSISTANT BRANCH SECRETARY - POWERS AND DUTIES

- (a) An Assistant Branch Secretary shall:
  - (i) be subject to the supervision and direction of the Branch Secretary; and
  - (ii) give all reasonable assistance to the Branch Secretary as and when required.
- (b) In the absence of the Branch Secretary and Deputy Branch Secretary an Assistant Branch Secretary nominated in writing by the Branch Secretary shall act in place of the Branch Secretary and when so acting shall have the same powers and duties as the Branch Secretary.

#### 41 - BRANCH PRESIDING OFFICER - POWERS AND DUTIES

A Branch Presiding Officer shall:

- (a) preside at all meetings of the Branch Executive;
- (b) maintain order and decorum and shall see that the Rules are at all times observed at such meetings;
- (c) give impartial decisions on all questions;
- (d) when speaking on any question other than a point of order shall vacate the chair; and
- (e) have a deliberative vote only.

#### 42 - CASUAL VACANCIES

- (a) Where a casual vacancy occurs in any elected Office the vacancy may be filled by National Council by appointment of a person eligible to nominate for the Office in accordance with the Rules.
- (b) The person so appointed shall hold Office for so much of the unexpired part of the term of the Office as does not exceed -
  - (i) 12 months, or
  - (ii) three quarters of the term of the Office,whichever is the greater.
- (c) Where the unexpired term of the Office exceeds that specified by Sub-Rule (b) of this Rule, the vacancy shall be filled by an election conducted as far as practicable as an ordinary election in accordance with the Rules and Sub-Rule (d) of this Rule.
- (d) Members shall be notified of the election to be held to fill the casual vacancy and of the times of opening and closing of nominations and of voting which shall be as set out below:-
  - (i) nominations shall open on the last Tuesday in the month following notification of the election and shall remain open up to and including the last Monday in the following month when they shall close at 5 pm.

- (ii) financial members shall post their ballot papers not later than the last Tuesday in the month following the closing of nominations.
- (e) The National Returning Officer shall be responsible for the conduct of elections held pursuant to this Rule and the Rules dealing with the Returning Officer's conduct of ordinary elections shall apply with the necessary changes.
- (f) In this Rule:
  - (i) "ordinary election" means a Quadrennial Election held in accordance with the Rules; and
  - (ii) "term", in relation to an Office, means the total period for which the last person elected to the Office by an ordinary election (other than an election to fill a casual vacancy in the Office) was entitled by virtue of that election to hold the Office without being re-elected.

#### 43 - QUADRENNIAL ELECTIONS

- (a) On and from the Quadrennial Election to be held in 2015, Elections for each of the Offices listed in Sub-Rule (b) of this Rule shall be held every four years in accordance with the Rules.
- (b) Electorates
  - (i) All members of the Union eligible to vote in accordance with the Rules shall elect persons to fill the Offices listed below:-
    - National Secretary
    - National Deputy Secretary
    - National Assistant Secretary/s (subject to Rule 31 (b))
    - National Women's Representative
  - (ii) In each Branch the members allocated to it and eligible to vote in accordance with the Rules shall elect persons to fill the Offices listed below:-
    - Branch Secretary
    - Branch Deputy Secretary (subject to Rule 31 (d))
    - Branch Assistant Secretary/s (subject to Rule 31 (d))
- (c) Taking Office

All persons declared elected shall take Office from July 1 in the year of the Quadrennial Election.
- (d) If a date for taking any step in an election falls on a Saturday, Sunday or public holiday, the date for taking the step shall be the next ensuing working week day.

#### 44 - RETURNING OFFICERS

- (a) A National Returning Officer and Deputy National Returning Officers shall be appointed at the second meeting of National Council following each Quadrennial Election.
- (b) Subject to the provisions of the Act the National Returning Officer and Deputy National Returning Officers shall have responsibility for the conduct of all ballots in the Union in accordance with the Rules.

- (c) Subject to the provisions of the Act the National Returning Officer shall have the final authority over all elections.
- (d) No holder of any Office in the Union or a Branch nor any employee of the Union or a Branch shall be appointed as the National Returning Officer or as a Deputy National Returning Officer.
- (e) In the event of a vacancy occurring in the position of National Returning Officer and/or of a Deputy National Returning Officer National Council shall appoint a replacement.

#### 45 - NOMINATIONS

- (a) Nominations for Offices to be filled at a Quadrennial Election of the Union shall open on March 6 and close at 5pm on April 6 in the year of the election.
- (b) All nominations papers containing the nominees name as contained on the Roll or as abbreviated, derived or consistently used, shall be signed by the nominee and two members of the Union who are financial as at the close of nominations.
- (c) All nomination papers shall be forwarded by mail or delivered addressed to the National Returning Officer at a post office box under the control of the Returning Officer. Where the nomination papers are forwarded by mail the nominee shall retain verification of the date and means of postage.
- (d) A nomination once received by the National Returning Officer may not be withdrawn.
- (e) If the National Returning Officer finds a nomination to be defective the National Returning Officer shall before rejecting the nomination notify the member concerned of the defect and where practicable give the member not less than 7 days from the day of such notification to remedy the defect.

#### Eligibility to Nominate

- (f) Subject to the Rules nominations for all Offices shall be open to all members of the Union who are financial as at the close of nominations.
- (g) A member shall be eligible to nominate if at the close of nominations the member is financial and has remained a member for at least one year immediately prior to the close of nominations and has been engaged or reasonably seeking to be engaged in an occupation covered by the Eligibility Rule for that year.

Provided that for the purposes of this Sub-Rule a member:

- (i) whilst holding an elected Office in the Union shall be deemed to have been engaged in an occupation covered by the Eligibility Rule; or
- (ii) who after becoming a member of the Union is employed by the Union to assist in the work of the Union shall be deemed to have been engaged in an occupation covered by the Eligibility Rule.
- (h) No member shall be eligible to nominate for more than one Office of Officer of the Union. If a member nominates for more than one such Office each such nomination shall be void.
- (i) No Officer of the Union shall be eligible to nominate for a different Office of Officer of the Union at an election (including an election to fill a casual vacancy) unless such Officer has given written notice to the National Secretary of intention to do so.



An Officer of the Union who does not intend to nominate for election to any Office of Officer of the Union at an election shall give written notice to the National Secretary accordingly.

Notices under this Sub-Rule shall be irrevocable and shall be given at least 28 days before the opening of nominations. The National Secretary shall inform the membership of a notice as soon as possible.

#### Election Statement

- (j) A candidate in an election may forward with the candidate's nomination form a head and shoulder photograph and a 200 word statement for forwarding with ballot papers in accordance with Rule 47(c). The statement shall require the approval of the National Returning Officer and shall meet all requirements of the law. Scandalous or defamatory matter will not be forwarded. Words in excess of the 200 word limit will be deleted from the end of the statement.

#### 46 - ROLL OF VOTERS

- (a) For all elections of Officers of the Union and for any other ballots a preliminary Roll of Voters showing each voters:-
  - (i) name,
  - (ii) postal address, and
  - (iii) Union number

shall be prepared by the National Secretary at least 28 days before the date of the opening of nominations and a paper copy and electronic copy of the Roll shall be provided to the National Returning Officer at least 21 days before the date of the opening of nominations.

- (b) A final paper copy and electronic copy of the Roll of Voters shall be prepared by the National Secretary as at 10 days before the opening date of nominations comprising those persons whose names appeared on the preliminary Roll together with new members and members who became financial members of the Union since the compilation of the preliminary roll, but not including those persons who have ceased to be financial members of the Union since the compilation of the preliminary roll.
- (c) Any member listed on the final Roll of Voters whose resignation takes effect in accordance with Rule 11 of these Rules, prior to the ballot being closed, or whose membership is cancelled in accordance with Sub Rule 12(d) by reason of ceasing to be a financial member of the Union as a consequence of Sub Rule 10(k) of these Rules, prior to the ballot being closed, shall not be eligible to vote.
- (d) Candidates for all Offices will be entitled to receive the final Roll of voters in paper and/or electronic form, provided that the Returning Officer is satisfied that the candidate has signed an appropriate undertaking regarding the use of the Roll, including applicable privacy legislation requirements and the right of Members to opt out of receiving communications from candidates.
- (e) The Returning Officer must report to the National Secretary any and all allegations of Candidates using the Roll other than in accordance with these Rules and/or applicable Privacy Legislation following which the National Secretary may take action including in accordance with these Rules and/or applicable Privacy Legislation.

## 47 - ELECTION PROCEDURES

### One Candidate Only

- (a) In the event of only one candidate being nominated for an Office the National Returning Officer shall declare the candidate elected to the Office.
  - (i) In the case of Quadrennial Elections the candidate declared elected shall take Office on and from July 1 in the year of the election.
  - (ii) In the case of an election to fill a casual vacancy the candidate declared elected shall take Office on and from the declaration of the election by the National Returning Officer.

### Two or More Candidates

- (b) In the event of two or more candidates being nominated for any Office a ballot shall be conducted and the National Returning Officer shall:
  - (i) seven days following the closure of nominations arrange for the printing of the ballot papers which shall contain the names of the candidates in alphabetical order; and
  - (ii) initial each ballot paper before despatching papers to voters. Provided that the National Returning Officer's initials may be affixed by facsimile or electronic imprint.

### Issue and Return of Ballot Materials

- (c) The ballot shall be opened on April 28 by the National Returning Officer posting to each member listed on the Roll of Voters:-
  - (i) voting instructions from the National Returning Officer
  - (ii) a ballot paper
  - (iii) a declaration envelope which complies with the form prescribed by the Fair Work (Registered Organisations) Regulations 2009
  - (iv) a prepaid envelope which complies with the form prescribed by the Fair Work (Registered Organisations) Regulations 2009 addressed to the National Returning Officer
  - (v) all Election Statements approved by the National Returning Officer in accordance with Rule 45(j)
- (d) The instructions to each voter shall include instructions to take the following steps:-
  - (i) place a cross or a tick next to the name of the candidate on the ballot paper the voter wishes to vote for
  - (ii) place the ballot paper in the declaration envelope and sign the declaration on the declaration envelope
  - (iii) place the sealed declaration envelope inside the prepaid envelope addressed to the National Returning Officer and seal it
  - (iv) post the prepaid envelope addressed to the National Returning Officer

- (e) In the case of Quadrennial Elections voters shall also be instructed that the ballot shall close at 5pm on June 14 and that only ballot papers received by the National Returning Officer by that time shall be counted provided that a ballot paper contained in the prepaid envelope which is received by the National Returning Officer by 5pm on June 19 bearing a post mark dated not later than June 14 shall be counted.

#### Absentee Voting

- (f) A member entitled to vote may apply in writing to the National Returning Officer for an absentee vote in which case ballot materials may be given to the member personally or posted to an address nominated by the member. All such applications shall be made before 5pm on June 7 in the year of a Quadrennial Election.

#### Counting the Ballot

- (g) On June 15 the National Returning Officer and the Deputy National Returning Officers shall attend at a place nominated by and under the control of the National Returning Officer in order to count the ballot.
- (h) The National Returning Officer shall notify each candidate by post of the place and date of the count at least 7 days prior to the count.
- (i) The count shall be conducted as follows:
  - (i) The National Returning Officer shall in the presence of any scrutineers open the envelopes addressed to the National Returning Officer.
  - (ii) The declaration envelope shall be checked against the Roll of Voters to ensure that no votes are cast except by those entitled to vote and that no member votes more than once.
  - (iii) The National Returning Officer shall before removing the ballot paper from the declaration envelope first remove the flap or label on each declaration envelope and then shall open the declaration envelope and remove the ballot paper. The National Returning Officer shall ensure that no flap or label may be identified with a ballot paper.
  - (iv) Counting shall then be commenced.

#### Declaration of Election Result

- (j)
  - (i) On completion of the count the National Returning Officer shall forthwith declare elected the candidate receiving the most votes.
  - (ii) The National Returning Officer shall declare the result of the election in writing to the National Secretary and each Branch Secretary.
  - (iii) The National Secretary shall publish to the members of the Union the declaration of the result of the election.
  - (iv) All persons declared elected shall take Office from July 1 in the year of the Quadrennial Election.

#### Scrutineers

- (k) Each candidate shall have the right to appoint not more than two scrutineers being financial members of the Union who shall be entitled to be present at all stages of the count. The

appointment of scrutineers shall be by notice in writing signed by the candidate to the National Returning Officer. The rights and duties of scrutineers shall be to represent the interest of their appointing candidate. They shall be entitled to be present at all stages of the ballot while the Returning Officer carries out the procedures under the Rules and to direct the attention of the Returning Officer to any irregularity concerning the carrying out of any step in the ballot. They shall do all things necessary so that the secrecy of the ballot shall be observed. They shall not obstruct the Returning Officer in the performance of the Returning Officer's duties nor interfere with the conduct of the ballot.

#### Protests

- (l) In the event of any protest being lodged against any candidate or against any part of the proceedings the counting of the ballot shall continue, and the protest shall be made the subject of inquiry after the declaration by the National Returning Officer.

#### 48 - ELECTION OF NATIONAL PRESIDING OFFICERS

- (a) A National Presiding Officer and Deputy National Presiding Officer and the two National Vice-Presiding Officers shall be elected by secret ballot at the first meeting of National Council held after the Quadrennial Elections by and from the members of National Council in accordance with this Rule.

#### Nominations

- (b) The National Returning Officer shall call for nominations from among the members of National Council. Nominations shall be in writing and signed by the candidate. Any member absent from the meeting or the session at which nominations are called for shall be eligible to nominate provided such member's written and signed nomination has been forwarded to the Returning Officer.

If the Returning Officer finds a nomination to be defective the 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 twenty-four hours.

- (c) If there is only the required number of candidates for any of the Offices the National Returning Officer shall declare that such candidate or candidates as the case may be are elected.
- (d) If there are more than the required number of candidates for any Office the National Returning Officer shall conduct an election by secret ballot of the members of National Council.

#### Scrutineers

- (e) Any candidate may appoint a scrutineer and the provisions of the Rules in relation to scrutineers shall apply with the necessary changes.

#### Conduct of Ballot

- (f) The National Returning Officer shall arrange for the preparation of the ballot papers on which the names of the candidates shall appear in alphabetical order.
- (g) The National Returning Officer shall notify each member of National Council of the opening and closing times of the ballot.
- (h) The National Returning Officer shall initial and hand to each member a ballot paper. Each member shall cast a vote by completing the ballot paper by placing a cross or a tick opposite

the name of the candidate for whom it is desired to vote and placing the completed ballot paper in the ballot box in the control of the Returning Officer at the meeting.

#### Absentee Vote

- (i) Any member who will not be present at the meeting or session at which the ballot is to be held may lodge a request with the National Returning Officer for an absent vote together with an address where such member can receive communications and if any member has done so the Returning Officer shall not declare the result of the ballot until such member has been given reasonable opportunity to vote.

#### Declaration

- (j) The National Returning Officer shall declare the result in writing as soon as the count is completed to National Council and where National Council has risen to the National Secretary.
- (k) Those declared elected shall take Office upon the declaration by the National Returning Officer of the result of the election and each shall hold Office subject to the Rules until the declaration of the next election for the Office is made.

#### 49 - ELECTION OF BRANCH PRESIDING OFFICER

- (a) Where National Council has determined that there shall be a Branch Presiding Officer the Branch Presiding Officer shall be elected by secret ballot at the first meeting of the Branch Executive held after the Quadrennial Elections by and from the members of the Branch Executive in accordance with this Rule.

#### Nominations

- (b) The National Returning Officer (or Deputy National Returning Officer so directed by the National Returning Officer) shall call for nominations from among the members of the Branch Executive. Nominations shall be in writing and signed by the candidate. Any member absent from the meeting at which nominations are called for shall be eligible to nominate provided such member's written and signed nomination has been forwarded to the Returning Officer.

If the Returning Officer finds a nomination to be defective the 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 twenty-four hours.

- (c) If there is only one candidate for the Office the Returning Officer shall declare that candidate elected.
- (d) If there is more than one candidate the Returning Officer shall conduct an election by secret ballot of the members of Branch Executive for the Office.

#### Scrutineers

- (e) Any candidate may appoint a scrutineer and the provisions of the Rules in relation to scrutineers shall apply with the necessary changes.

#### Conduct of Ballot

- (f) The Returning Officer shall arrange for the preparation of the ballot paper on which the names of the candidates shall appear in alphabetical order.

- (g) The Returning Officer shall notify each member of the Branch Executive of the opening and closing times of the ballot.
- (h) The Returning Officer shall initial and hand to each member a ballot paper. Each member shall cast a vote by completing the ballot paper by placing a cross or a tick opposite the name of the candidate for whom it is desired to vote and placing the completed ballot paper in the ballot box in the control of the Returning Officer at the meeting.

#### Absentee Vote

- (i) Any member who will not be present at the meeting at which the ballot is to be held may lodge a request with the Returning Officer for an absent vote together with an address where such member can receive communications and if any member has done so the Returning Officer shall not declare the result of the ballot until such member has been given reasonable opportunity to vote.

#### Declaration

- (j) The Returning Officer shall declare the result in writing as soon as the count is completed to National Secretary and the Branch Executive or where the meeting has ended to the Branch Secretary.
- (k) The candidate declared elected shall take Office upon the declaration by the Returning Officer of the result of the election and each shall hold Office subject to the Rules until the declaration of the next election for the Office is made.

#### 50 - FUNDS

- (a) The property and funds of the Union shall be used for the purposes connected with and incidental to the objects of the Union and shall be under the control of National Council.
- (b) All appeals for assistance made to the Union shall be attended to according to the instructions given by National Council.
- (c) A loan, grant or donation of an amount exceeding \$1,000.00 shall not be made by National Council or a Branch Executive unless National Council or the Branch Executive as the case may be -
  - (i) has satisfied itself -
    - (1) that the making of the loan, grant or donation would be in accordance with the Rules; and
    - (2) 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
  - (ii) has approved the making of the grant or donation.

#### National Funds

- (d) The National Funds of the Union other than those invested in real property, interest earning deposits, bonds, shares or other securities shall be placed up to such sum as is required for the administration of the Union at current account in the Commonwealth Savings Bank or such other bank or financial institution as determined by National Council, and shall not be withdrawn except by cheque or by authorised and verifiable electronic funds transfer.

- (e) The Union shall develop and implement policies and procedures relating to the expenditure of the National funds of the Union.
- (f) All payments in excess of \$1,000.00 shall be made by cheque or authorised and verifiable electronic funds transfer. The National Secretary may keep a petty cash and postage account but shall not keep in that account more than \$500.00 at any time.
- (g) No moneys shall be disbursed except for purposes incidental to the ordinary expenses set forth in and arising out of the operation of the Rules without the approval of National Council.
- (h) All cheques shall be signed by any two of the following:

National Secretary; Deputy National Secretary; Assistant National Secretary; or another Officer or an employee of the Union appointed by National Council for the purpose.

Provided that one signatory shall be the National Secretary or where the National Secretary is absent the Deputy National Secretary or, in the absence of both, an Assistant National Secretary.

#### Branch Funds

- (i) The funds of the Branch shall be under the control of the Branch Executive subject to the overall control of National Council.
- (j) The Branch shall develop and implement policies and procedures relating to the expenditure of funds of the Branch.
- (k) The budgeted funds of each Branch for the administration of the Branch shall be placed in an account in the Commonwealth Savings Bank or such other bank or financial institution as determined by National Council, and shall not be withdrawn except by cheque or by authorised and verifiable electronic funds transfer.
- (l) All cheques shall be signed by any two of the Branch Secretary or Deputy Branch Secretary or Assistant Branch Secretary or another member of the Branch Executive or an employee appointed by the Branch Executive for the purpose.

Provided that one signatory shall be the Branch Secretary or where the Branch Secretary is absent the Deputy Branch Secretary or in the absence of both by the Assistant Branch Secretary or in the absence of all such Officers by an employee appointed by the Branch Executive for the purpose.

- (m) The Branch Secretary shall sign all cheques and do all things appertaining to the position of Treasurer. The Branch Secretary shall forward every month to the National Secretary a bank reconciliation statement, together with the bank statement; the Branch Secretary shall, when required to do so, render to the members of the Branch Executive, or to the members thereof, or to the members of the Branch, a just and true account of all moneys received and paid since the last like account was rendered and the balance, if any, then remaining in the hands of the Branch.
- (n) Each Branch shall within 7 days of the end of each quarter remit to the National Secretary all moneys collected by it, less the amount which it may retain for its use in the administration and operation of the Branch as determined by National Council from time to time.

## Branch Budget

- (o) The National Secretary shall in consultation with each Branch submit to National Council a budget of items of expenditure for each financial year which shall be provided by the end of May in respect to the following financial year commencing on July 1.
- (p) National Council shall be empowered where necessary to provide funds to a Branch taking into account matters including the budget provided by the National Secretary.

## 51 - AUDITOR

- (a) An Auditor, being a competent person within the meaning of the Act shall be appointed by National Council.
- (b) The Auditor shall:
  - (i) perform such functions and duties as are prescribed by the Act and such other functions and duties not inconsistent with the Act as are required by National Council;
  - (ii) have access to and examine if desired all books, papers, deeds, documents and accounts of the Union and/or any Branch and be empowered to question any Officer or employee of the Union or any Branch with regard to the same and to obtain from any bank or other institution at which the funds of the Union and/or any Branch are deposited or invested such information as may be required;
  - (iii) furnish a written statement that all documents and statements to which he certifies are in accordance with the law and the Rules or, if unable to certify to the correctness of any of them, report forthwith to National Council and the National Secretary the respect in which they are incorrect; and
  - (iv) have power to place before National Council and/or the National Secretary any suggestion concerning the financial affairs of the Union or its Branches.

## 52 - FINANCIAL STATEMENTS

### Annual Financial Statements of the Union

- (a) The National Secretary shall in each year prepare or cause to be prepared an Annual Financial Statement of the Union which shall include:-
  - (i) a consolidated income and expenditure statement for the year ending June 30;
  - (ii) a consolidated balance sheet for such period;
  - (iii) a reconciliation of Branch receipts with the books and accounts of National Council for that period; and
  - (iv) a reconciliation of Branch payments with the books and accounts of National Council for that period.
- (b) The Annual Financial Statement shall be signed by the National Secretary and, as required by the Act, audited by the Auditor and the statement of receipts and payments, and a statement of the funds and property of the Union and each Branch shall be filed by the National Secretary as required by the Act.



## Annual Branch Financial Statements

- (d) Each Branch Secretary shall prepare or cause to be prepared in each financial year a Branch Financial Statement in such form as National Council may from time to time determine of the receipts and payments of the Branch for the period and of all its funds, property and effects for the period ending June 30.

Each such financial statement shall be signed by the Branch Secretary and be audited by the Union's Auditor and forwarded to the National Secretary with the Auditor's certificate and report for the financial year ending 30 June by the end of August each year.

## 53 - POWER OF NATIONAL SECRETARY TO REQUIRE BRANCH BOOKS

A Branch Secretary or any other Officer or employee of any Branch, in whose possession the books of the Branch, or any of them, may then be, shall hand such books over to the National Secretary on demand. The National Secretary shall issue to the Branch Secretary or to such other Officer or employee of the Branch a receipt and shall hand all such books back to the Branch Secretary immediately the purpose for which the demand has been made has been accomplished.

## 54 - DISCLOSURE OF OFFICER'S RELEVANT REMUNERATION AND NON CASH BENEFITS

- (a) Each Officer of the Union shall disclose to the Union, and in the case of an Officer of a Branch, to the Branch, any remuneration paid to the Officer:
- (i) because the Officer is a member of a board, if:
    - (1) the Officer is a member of the board only because the Officer is an Officer of the Union, or a Branch of the Union; or
    - (2) the Officer was nominated for the position as a member of the board by the Union, a Branch of the Union; or a peak council; or
  - (ii) by any related part of the Union or a Branch of the Union in connection with the performance of the Officers' duties as an Officer.
- (b) The disclosure required by Rule 54(a) shall be made to the Union or the Branch:
- (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 and Branches of the Union:
- (i) the identity of the Officers of the Union who are the five highest paid in terms of relevant remuneration for the disclosure period, and
  - (ii) for each of those Officers:
    - (1) the actual amount of the Officer's relevant remuneration for the disclosure period; and
    - (2) either the value of the Officer's relevant non cash benefits, or the form of the Officers' relevant non cash benefits, for the disclosure period.
- (d) A Branch of the Union shall disclose to the members of the Branch:

- (i) the identity of the Officers who are the two highest paid Officers of the Branch in terms of relevant remuneration for the disclosure period; and
- (ii) for each of those Officers:
  - (1) the actual amount of the Officer's relevant remuneration for the disclosure period; and
  - (2) either the value of the Officers relevant non cash benefits, or the form of the Officers relevant non cash benefits, for the disclosure period.
- (e) For the purposes of Rules 54(c) and (d), the disclosure shall be made:
  - (i) in relation to each financial year;
  - (ii) within six months after the end of the financial year; and
  - (iii) in writing.

#### 55 - DISCLOSURE OF OFFICER'S MATERIAL PERSONAL INTERESTS

- (a) Each Officer of the Union shall disclose to the Union, and in the case of an Officer of a Branch, 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 a Branch of the Union.
- (b) The disclosure required by Rule 55(a) shall be made to the Union or the Branch:
  - (i) as soon as practicable after the interest is acquired; and
  - (ii) in writing.
- (c) The Union shall disclose to the members of the Union and its Branches any interests disclosed to the Union pursuant to Rule 55(a).
- (d) The Branch shall disclose to the members of the Branch any interests disclosed to the Branch pursuant to Rule 55(a).
- (e) For the purposes of Rule 55(c) and (d), the disclosures shall be made:
  - (i) in relation to each financial year;
  - (ii) within six months after the end of the financial year; and
  - (iii) in writing.

#### 56 - DISCLOSURE OF CERTAIN PAYMENTS

- (a) The Union shall disclose to the members of the Union and the Branches of the Union either:
  - (i) Each payment made by the Union, during the disclosure period:
    - (1) to a related party of the Union, or of a Branch of the Union; or

- (2) to a declared person, or body of the Union, or a Branch of the Union; or
  - (ii) the total of the payments made by the Union, or a Branch of the Union during the disclosure period:
    - (1) to each related party of the Union or a Branch of the Union; or
    - (2) to each declared person or body of the Union or a Branch of the Union.
- (b) The Branches of the Union shall disclose to the members of the Branch either:
- (i) each payment made by the Branch, during the disclosure period:
    - (1) to a related party of the Branch; or
    - (2) to a declared person or body of the Branch; or
  - (ii) the total of the payments made by the Branch, during the disclosure period:
    - (1) to each related party of the Branch; or
    - (2) to each declared person or body of the Branch.
- (c) Rules 56(a) and 56(b) do not apply to a payment made to a related party if:
- (i) the payment consists of amounts deducted by the Union, or Branch, from remuneration payable to Officers or employees of the Union or Branch; or
  - (ii) the related party is an Officer of the Union, or Branch, and the payment:
    - (1) consists of remuneration paid to the Officer by the Union, or Branch; or
    - (2) is reimbursement for expenses reasonably incurred by the Officer in performing the Officer's duties as an Officer.
- (d) For the purposes of Rules 56(a) and (b) the disclosures shall be made:
- (i) in relation to each financial year;
  - (ii) within six months after the end of the financial year; and
  - (iii) in writing.

## 57 - TRAINING OF OFFICERS

- (a) This Rule shall take effect on the commencement of Schedule 1 Part 2 of the Fair Work (Registered Organisations) Amendment Act 2012.
- (b) Each person holding an office in the Union or a Branch of the Union whose duties include duties that relate to the financial management of the Union or a Branch of the Union shall undertake training:

- (i) approved by the General Manager under the provisions of the Act or an Act replacing that Act; and
  - (ii) that covers each of the Officers' financial duties.
- (c) An Officer shall complete the training required by sub-rule (b) within:
- (i) six (6) months after the person begins to hold Office; or
  - (ii) if the Officer holds office at the date of the commencement referred to in sub-rule (a), within six (6) months of that date.

## 58 - CHARGES AND DISCIPLINE

- (a) A member may charge a member with:-
- (i) failure to observe the Rules or any of them;
  - (ii) knowingly violating any resolution of National Council or Branch Executive of the member's Branch;
  - (iii) giving false or misleading information to National Council or Branch Executive or to any Officer of the Union on a matter which is the concern of the Union;
  - (iv) obstructing National Council or Branch Executive or any lawful committee or body of the Union in any way in the performance of any of its functions;
  - (v) obstructing any Officer in the course of the Officer's duties;
  - (vi) wrongfully holding him/herself out as occupying any Office or position in the Union or as being entitled to represent the Union in any capacity (to which charge it shall be a defence that the member believed bona fide and on reasonable grounds that he/she was entitled so to act);
  - (vii) behaving in a drunken, disorderly, or offensive manner at any meeting held under the Rules or in an office of the Union;
  - (viii) doing any act calculated to injure or destroy the Union;
  - (ix) aiding or encouraging any other member in any offence under the Rules;
  - (x) theft from a member of the Union or the Union;
  - (xi) assaults, insults or abuses a National Officer, a Branch Officer, a job delegate, another member or an employee of the Union;
  - (xii) breaches the relevant Commonwealth Marine Orders or relevant State Government Safety regulations, or the industries Safety Codes, or does anything to cause possible danger to him/herself or others;
  - (xiii) damages or attempts to damage any of the property or effects of the Union or amenities provided for the use of the members.
  - (xiv) failing to attend a stopwork meeting without satisfactory reasons.
- (b) Any charge shall be made in writing to the Branch Secretary who shall summon the member to appear before the Branch Executive. Such summons shall be in writing and shall set out the

time and place of the hearing, the name of the person laying the charge and the substance of the charge. The member charged shall be given such notice of the hearing as may be reasonable having regard to all the circumstances and if required to attend at a place more than fifty miles from the member's postal address as shown in the Register of Members shall be given a return fare. The member charged shall on request be supplied with such further particulars as may be necessary to indicate the precise matters with which the member is charged. The member who makes the charge shall not be a party to hearing or determining the charge.

- (c) The Branch Executive shall have the power to hear and determine charges under this Rule.
- (d) At the appointed time and place (or any time and place to which the meeting is adjourned or postponed and of which the member charged is notified) the charge may be investigated whether or not the member charged is present unless a satisfactory explanation of the member's absence has been received.
- (e) If the member charged attends such member shall be informed of the substance and source of any adverse information on which the tribunal relies and shall be given a reasonable opportunity to make a defence and may tender written submissions and or statements or call witnesses.
- (f) If the tribunal finds a member guilty of charges it may do one or more of the following:
  - (i) impose no penalty;
  - (ii) impose a fine not exceeding \$40.00;
  - (iii) dismiss or suspend the member from any Office or position provided that no such person shall be removed from Office unless found guilty of misappropriation of the funds of the Union, a substantial breach of the Rules of the Union, or gross misbehaviour or gross neglect of duty or has ceased according to the Rules to be eligible to hold the Office;
  - (iv) suspend the member;
  - (v) expel the member.
- (g) An appeal shall lie at the instance of the member charged from any decision under this Rule by the Branch Executive to National Council. Notice of appeal shall be given in writing within two weeks of any decision being communicated to the member and shall set forth in full all matters that the appellant desires to be considered. The appeal may be dealt with in meeting or by postal vote. The notice of appeal shall be given to the National Secretary.
- (h) It shall be the duty of a member charged and found guilty under this Rule, who claims that the Branch Executive or National Council which dealt with the charges against the member acted in bad faith or was constituted or proceeded irregularly in dealing with the charge, to appeal as provided in this Rule.
- (i) Any member:-
  - (1) who is disorderly during a meeting of the Union or during any meeting of any Branch of the Union or who will not obey the ruling of the Chairperson;
  - (2) who attends a meeting in the state of intoxication or who persists in using personalities after being cautioned by the Chairperson;

- (3) who makes use of indecent or insulting language to the Chairperson for the time being, or to any Officer or member of the Union at such meeting;
- (4) who refuses to withdraw from the meeting when ordered to do so by the Chairperson for the time being;

may be fined \$40.00 for each such offence and such fine shall be paid by the member before any further membership contributions are accepted from the member.

- (j) No member shall be ordered by the Chairperson at any meeting of the Union to withdraw from the meeting unless such member has been guilty of repeated disobedience to the ruling of the Chairperson.

## 59 - REMOVAL OF OFFICERS

### (a) Removal of National Officers and members of National Council

- (i) National Council may remove from Office a National Officer or any member of National Council or National Executive at a meeting of National Council to which the person concerned has been summoned in writing signed by the National Secretary or National Presiding Officer to show cause why such person should not be removed.

Provided that no such person shall be removed from Office unless found guilty of misappropriation of the funds of the Union, a substantial breach of the Rules of the Union, or gross misbehaviour or gross neglect of duty or has ceased according to the Rules to be eligible to hold the Office.

- (ii) A person summoned pursuant to paragraph (i) of this Sub-Rule shall be given at least 14 days notice of the time and place of the meeting of National Council for which such person is summoned. The notice shall also specify the ground or grounds upon which it is proposed to consider the removal. National Council may proceed to hear and determine a matter under this Sub-Rule notwithstanding the absence of a person duly summoned.

### (b) Removal of Branch Officers

- (i) The Branch Executive may remove from Office a Branch Officer or any member of the Branch Executive at a meeting of the Branch Executive to which the person concerned has been summoned in writing signed by the Branch Secretary or Branch Presiding Officer to show cause why such person should not be removed.

Provided that no such person shall be removed from Office unless found guilty of misappropriation of the funds of the Union, a substantial breach of the Rules of the Union, or gross misbehaviour or gross neglect of duty or has ceased according to the Rules to be eligible to hold the Office.

- (ii) A person summoned pursuant to paragraph (i) of this Sub-Rule shall be given at least 14 days notice of the time and place of the meeting of the Branch Executive for which such person is summoned. The notice shall also specify the ground or grounds upon which it is proposed to consider the removal. The Branch Executive may proceed to hear and determine a matter under this Sub-Rule notwithstanding the absence of a person duly summoned.

- (iii) A person removed from Office pursuant to this Sub-Rule may appeal to National Council. Such appeal shall state the grounds of the appeal and shall be lodged with the National Secretary within 28 days of the person being notified in writing of the decision of the Branch Executive. The National Secretary shall place the appeal

before the National Council which shall determine the manner in which and the procedures by which the appeal shall be dealt with. The National Secretary shall give written notice to the person concerned of the decision of the National Council as soon as practicable.

#### 60 - ALLIANCE WITH OTHER LABOUR ORGANISATIONS

The Union shall have the power to act in conjunction with any other labour organisation upon any or all of the undermentioned questions:

- (a) preservation of life and limb and compensation for injuries or death;
- (b) sanitation and health questions;
- (c) the hours and conditions of labour and the remuneration of labour;
- (d) protection of wages;
- (e) participation in any question affecting the community as a whole;
- (f) other conditions similarly affecting employment and any other questions that may affect the Union or members.

#### 61 - POWER TO EXECUTE AGREEMENTS

- (a) Industrial Agreements and other instruments may be made, entered into, executed or from time to time altered, amended, varied, modified or cancelled by or on behalf of the Union by National Council, provided that no Industrial Agreement shall be entered into unless its contents have been approved by the affected member of the Union or by the National Secretary where authorised by National Council.
- (b) Industrial agreements or other instruments not required by law to be under the seal may be executed by the National Secretary or by the Deputy National Secretary in the absence of the National Secretary.
- (c) Any instrument required by law to be under seal may be executed under the seal of the Union.

#### 62 - SUBMISSION OF INDUSTRIAL DISPUTES

- (a) Industrial disputes may be submitted by the National Secretary or his nominee to any Court or tribunal or other body having jurisdiction. The National Secretary may authorise all relevant conduct by officers or members associated with such disputes including any conduct required by law.
- (b) The Union shall be represented in any such proceedings by the National Secretary or a representative of the National Secretary, together with or by such persons as decided upon by National Council from time to time.

#### 63 - SEAL

The Union shall have a seal which shall be kept in the Registered Office of the Union under the charge of the National Secretary. The seal may be affixed by the National Secretary (or at the direction of the National Secretary) to documents customarily authenticated by the seal, but it may not be affixed without the authority of National Council to any agreement or undertaking or other binding document.

## 64 - CHANGES TO RULES

- (a) A proposal to change the Rules may be made by:-
  - (i) any member of National Council; or
  - (ii) any Branch Executive;
- (b) The proposal shall be forwarded to the National Secretary.
- (c) A copy of the proposal shall be forwarded by the National Secretary to each Branch Secretary at least 14 days before the meeting of National Council at which it is intended to deal with the proposal.
- (d) A proposal to change the Rules may be submitted in the form of a resolution to all members of National Council and if signed by a majority of the members of National Council shall be a valid and effective resolution of National Council.
- (e) The Rules may be changed by National Council subject to the endorsement of members at a Special Meeting of members of the Union.
- (f) Notwithstanding anything in this Rule National Council shall have the power to change the Rules to meet any requirement of the Act without referring such changes to the members for endorsement.

## 65 - DISSOLUTION OF THE UNION

In the event of dissolution of the Union, any remainder of its net assets after discharge of all its just debts and other legal obligations shall not be distributed to its members, but shall be distributed to such body or bodies as National Council shall determine, which body or bodies shall have similar restrictions upon distribution of assets to its members, to an extent at least as great as are herein imposed on the Union.

## 66 - PLEBISCITE

The members of the Union may by resolution passed at an Annual General meeting of the members of the Union or at a Special Meeting of the members of the Union declare any matter or question to be important and request the National Secretary to cause a plebiscite to be conducted. The resolution requesting the plebiscite shall set out the terms of the resolution to be put at the plebiscite.

The plebiscite shall be conducted in the following manner:

- (a) Only members of the Union who were financial as at 5pm on the date that the resolution requesting the plebiscite was carried shall be entitled to vote and the National Secretary shall have prepared a Roll of Voters accordingly.
- (b) The opening and closing day of the ballot shall be fixed by the National Returning Officer provided that it shall open as soon as practicable after the date that the resolution requesting the plebiscite was carried and close at 5pm on a date determined by the National Secretary not less than 21 days after the opening.
- (c) On the opening day of the ballot the National Returning Officer shall post the ballot material to the postal address of each member entitled to vote and take such other steps as are practicable to ensure all voters are able to record a vote.



- (d) The ballot material shall include:
- (i) A statement from the National Secretary of the question at issue;
  - (ii) A ballot paper which includes:
    - (1) the resolution being put to the plebiscite,
    - (2) instructions to each voter to indicate a vote for or against the resolution and post the completed ballot so that it reaches the National Returning Officer before the closing date of the ballot;
  - (iii) A return pre-paid envelope addressed to a post office box under the control of the National Returning Officer.

## 67 - DEFINITIONS

In the Rules, unless the context otherwise indicates or the contrary intention appears:-

“board” means a group of persons who supervise, govern or otherwise have oversight of a corporation, organisation, association or other like body including a Board of Directors;

"Commonwealth", "Commonwealth of Australia" or "Australia" shall include the territories of the Commonwealth;

“declared person or body” means:

- (i) an Officer of the Union or a Branch of the Union who has disclosed a material personal interest under Rule 55; and
- (ii) the interest relates to, or is in, the person or the body; and
- (iii) the Officer has not notified the Union or a Branch of the Union that the Officer no longer has the interest.

“disclosure period” for the purposes of these Rules means the financial year unless a shorter period is specified;

“financial duties” includes duties that relate to the financial management of the Union or a Branch of the Union;

"financial year" means a twelve-month period ending at midnight on June 30 in each year;

“General Manager” means the General Manager of the Fair Work Commission;

“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 Act;

“Officer” has the same meaning as defined by section 6 of the Act;

“peak council” has the same meaning as defined by section 12 of the *Fair Work Act 2009*;

“related party” has the same meaning as defined by section 9B of the Act;

“relative” in relation to a person means:

- (i) parent, step parent, child, stepchild, grandparent, grandchild, brother or sister of the person; or
- (ii) the spouse of the first mentioned person.

“relevant non cash benefits” in relation to an Officer of the Union or a Branch of the Union for a disclosure period means the non cash benefits provided to the Officer of the Union or a Branch of the Union, at any time during the disclosure period, in connection with the performance of the Officer’s duties as an Officer of the Union or a Branch of the Union, by the Union or a Branch of the Union or by a related party of the Union or a Branch of the Union.

“relevant remuneration” in relation to an Officer of the Union or a Branch of the Union for a disclosure period is the sum of the following:

- (i) any remuneration disclosed to the Union or a Branch of the Union by the Officer under Rule 54 during the disclosure period;
- (ii) any remuneration paid during the disclosure period, to the Officer by the Union or a Branch of the Union;

“remuneration” includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but does not include:

- (i) a non cash benefit;
- (ii) the reimbursement or payment of reasonable expenses for the costs incurred in the course of the Officer carrying out his or her duties.

"the Act" means the *Fair Work (Registered Organisations) Act 2009* as amended from time to time and includes the Regulations and Rules made pursuant to the Act;

"the Rules" means the Rules of the Union registered in accordance with the provisions of the Act;

"the Union" means "The Maritime Union of Australia";

and

Words denoting the masculine gender shall include the feminine.

#### 68 - TRANSITIONAL RULE

- (a) This Rule shall prevail over any conflicting provisions in any other Rule and the provision of the Rules of the Union prior to the introduction of this Rule including any of those Rules relating to the Terms of Office or any office holder.
- (b) For the purposes of this Rule, the date of transition shall be 1 March 2013.
- (c) This rule shall operate on and from the date of transition.
- (d) On the date of transition, the office of Northern Territory Deputy Branch Secretary shall be created in accordance with the following schedule:
  - (i) The Branch in which the office is held in which the office is held as at the date of transition is set out in Column 1.

- (ii) The office that will be created on and from transition is set out in Column 2. The duties of the office holder of the office identified in Column 2 shall generally be the duties of the office of Deputy Branch Secretary set out in the preceding Rules. Should any dispute arise as to the performance of any duty amongst those in power to perform the duty it shall be resolved by the agreement and, failing agreement, by decision of the National Council.
- (iii) The term of the office set out in Column 1 shall expire on the date set out in Column 3.

Column 1	Column 2	Column 3
Northern Territory Branch	Deputy Branch Secretary	1.7.15

(e) On the date of transition, the office of an additional Western Australia Assistant Branch Secretary shall be created in accordance with the following schedule:

- (i) The Branch in which the office is held in which in which the office is held as at the date of transition is set out in Column 1.
- (ii) The office that will be created on and from transition is set out in Column 2. The duties of the office holder of the office identified in Column 2 shall generally be the duties of the office of Assistant Branch Secretary set out in the preceding Rules. Should any dispute arise as to the performance of any duty amongst those in power to perform the duty it shall be resolved by the agreement and, failing agreement, by decision of the National Council.
- (iii) The term of the office set out in Column 1 shall expire on the date set out in Column 3.

Column 1	Column 2	Column 3
Western Australia Branch	Assistant Branch Secretary	1.7.15

(f) Within 3 calendar months of the date of transition, an election for the offices of Northern Territory Deputy Branch Secretary and the additional Western Australia Assistant Branch Secretary shall be conducted as far as practicable as an ordinary election in accordance with the Rules and Rule 42(d).

\*\*\*END OF RULES\*\*\*