

188V: Incorporates alterations of 11 April 2023 [R2023/8]  
(replaces rulebook dated 25 November 2022 [R2022/91])

**“Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union”  
known as the Australian Manufacturing Workers’ Union (AMWU)**

I CERTIFY under section 161 of the *Fair Work (Registered Organisations) Act 2009* that the pages herein numbered 1 to 139 both inclusive contain a true and correct copy of the registered rules of the “Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union” known as the Australian Manufacturing Workers’ Union (AMWU).

GENERAL MANAGER  
FAIR WORK COMMISSION

Rules of the AMWU  
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**RULES OF THE “AUTOMOTIVE, FOOD, METALS, ENGINEERING, PRINTING AND KINDRED INDUSTRIES UNION” KNOWN AS THE AUSTRALIAN MANUFACTURING WORKERS’ UNION (AMWU).**

**1 – NAME OBJECTS AND CONSTITUTION**

The Union formed under these Rules (hereinafter called the "Union") shall be named the "Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union" known as the Australian Manufacturing Workers’ Union (AMWU). It shall be a registered Trade Union.

1A. Without in any way limiting or being limited by sub-rules 1B, 1C, 1D, 1E, 1F, 1G, 1H and 1I the Union shall consist of an unlimited number of persons who are employed or usually employed in or in connection with the following trades or calling or branches thereof:

- (a) Smiths, ship smiths, angle iron smiths, drop-hammer smiths, spring smiths, oliver smiths, spring fitters, swaging machine operators, operators on smithing machines similar to swaging machines, nut and bolt makers, windmill erectors, motor, motor cycle, and cycle mechanics, tuners and testers in motor industry, enamellers, typewriter mechanics, well-borers, scale-makers, metal safe makers, locksmiths, forge hammermen, forgemen, strikers, drop-hammer stampers, forging machine workers, forge, iron, and brass furnace-men, ship's plumbers, fitters, turners, grinders, whetstone grinders and glazers, sea-going engineers, shift engineers, roll turners, patternmakers, model makers, millwrights, mechanical draughtsmen, technical assistants, planners, borers, slotters, machine drillers, milling machine workers, shapers, machinists, brass founders, brass finishers, brass smiths and operators of machines in connection with same, coppersmiths, armature winders, equipment examiners, and electrical engineers generally, radio workers, mechanical and scientific instrument makers and optical glassmakers, linotype mechanics, press mechanics, machine joiners employed in the construction of cotton, silk, flax, woollen or other machines, die sinkers, press tool makers and stampers, electroplaters, polishers, electroplate makers up, sheet metal spinners, assemblers, skilled acetylene and electrical welders, aero mechanics, duralium workers, including forgers, fitters, and all other aircraft workers who are employed on the fuselage or engine work, and all workers engaged in the engineering, shipbuilding and kindred trades.

Notwithstanding anything contained in the immediately preceding paragraph, persons employed by Donaghys Industries Pty Ltd as production employees shall not be eligible for membership of the Union.

- (b) (i) Persons other than boilermakers' helpers and labourers engaged in marking off, making templates, making jigs (except precision work associated therewith), plating, bolting (temporary or otherwise), hand and/or machine riveting, caulking, chipping, flanging, furnaceing, levelling, angle or boilersmithing, welding, staying, tapping, reaming, drilling (other than on stationary drilling machines), tube staying, tubing, operating machines for punching and shearing, rolling, bending, angle or plate straightening, hydraulic presses (except helpers and labourers to boilermakers), nipping and notching machines, operators of all gas welding and cutting plants, Anglo-Swedish or electric arc welding processors in connection with the making and/or repairing and/or demolition of iron, steel, aluminium, copper, or other metal or alloys, boilers, vats, digesters, receivers, retorts, ships, vessels other than ships, tanks, wagons, trucks, rolling-stock, bridges, girders, principals (roof or otherwise), pontoons, gasometers, pipes, mining plates, and structural iron and steel work used in connection with buildings and assemblers.

Provided that assistants or labourers, general or special employed in connection with the work of a boilermaker or other mechanic shall not be eligible for membership in the Union; Provided further that such making and/or repairing and/or demolition of classes of work as enumerated herein, of aluminium, copper, and other metal or alloys shall not extend beyond established trade practice where work is being performed by members of other organisations registered in or in connection with the Engineering and/or metal working industries.

- (ii) Agricultural smiths, coach smiths, engine smiths, farrier smiths, floor-men farriers, general smiths, implement smiths, ship smiths, tool smiths, heat treaters, heat treater operatives, angle-iron smiths, motor smiths, rolling stock smiths, wheelwright smiths, oliver smiths, forgers, forgers on hot presses, setters and spring smiths, chain makers, tool sharpeners, finn cutting machinists, profile cutters, bolt, nut and/or rivet machinists and men in charge of bull-dozers, swadging, upsetting and other machines used for Blacksmiths work, oxy acetylene welders, electric welders, carbon-arc welders, cutters and all other welders, ornamental gate, fence and balustrade smiths.
  - (iii) The provisions of subclauses (i) and (ii) of this clause (b) shall apply to all industries associated with the processes of boilermaking and black-smithing except as to the industry of agricultural implement making in Victoria and South Australia other than those employees who were members of the Boilermakers & Blacksmiths Society at the date of its amalgamation in 1965.
  - (iv) Notwithstanding the provisions of subclauses (i), (ii) and (iii) of this clause (b) all persons employed in the industries or occupations within the callings covered by the constitution of the Australian Workers' Union as registered on the 1st day of September, 1965 shall not be eligible for membership within the scope of this clause (b).
- (c)
  - (i) Producing, making, completing by any process such as oxidising or electroplating, or vitreous enamelling, or repairing, or assisting to produce, make or repair any articles, goods or chattels, in or in connection with the tinplate, tinsmithing, sheet metal working, gas meter making, motor car building or repairing so far as panel beating or sheet metal work is concerned, sheet metal trunk and box making, or canister making industries; and shall include spinners, draw moulders, ceiling fixers, welders, metal polishers and revolving shutter machinists engaged in or on or about sheet metal work.
  - (ii) Producing plastic articles in the industries set forth in sub-clause (i) hereof in a factory or in a section of a factory where the major portion of the work performed in such factory or section is work usually performed in a sheet metal and/or canister making factory and where such articles are used as substitutes for products covered by this constitution.
  - (iii) In finishing as completed, repaired marketable articles, goods or chattels, including painting, japanning, tinning, galvanising, sharadising, lacquering, oxidising or electroplating, or vitreous enamelling any articles, goods or chattels, in any wise relating to, or in connection with, the industries set forth in sub-clause (i).

- (iv) All employees in any establishments connected with manufacture, assembling, dismantling, erecting, replacing, or repairing of agricultural implements, machinery, utensils, flax making machinery, wagon building and irrigation plant; the trades connected with white and black sheet metal working, blacksmiths, general blacksmiths farriers; the manufactories of iron, copper, tin or galvanised iron utensils, stoves, ranges, grates, registers, copper casings or other heating apparatus, domestic appliances made of metal  
fireproof or other iron doors, bedsteads, wire-mattresses, or other iron work used in connection with beds, coppersmith wares or parts thereof; porcelain enamelling of steel and iron plates and hollow-ware baths, sinks, cisterns, household utensils and builders' material or in the manufacture of frit.
  - (v) Producing, making or repairing, or assisting to produce, make or repair, jewellery, metal badge making and electroplated ware, and shall include jewellers, gilders, chasers, engravers, lapidaries, metal badge workers, electroplaters, makers of electroplated ware, metal polishers, stampers and spinners.
  - (vi) Producing, making or repairing, or assisting to produce, make or repair, watches, clocks, taximeters, taxi timepieces, synchronome clocks and spring dial clocks and shall include attendants and winders.
  - (d) An unlimited number of employees engaged or usually engaged in the process, trade or business connected with or incidental to the manufacture, construction or repair of iron, steel, wooden or concrete ships, boats, vessels, punts, pontoons, floating stages, targets, preventers and torpedo netting booms and such like constructions, balsa rafts, life-saving rafts, dock gates, caissons and cofferdam gates, aircraft, sea-planes (where work on such aircraft or sea-planes is done in an establishment the principal business of which is work of the other classes hereinbefore mentioned) or any other floating structure being persons employed or usually employed as shipwrights, naval architects, ship's draughtsmen, boatbuilders, or aircraft constructors in such establishments.
  - (e) Such other persons, whether employees in the industries associated with the constitution or not, who have been appointed officers of the Union and admitted as members thereof or whilst financial members of the Union have been elected as fulltime representatives of any working class organisation to which the Union is affiliated, or as a working class member of Parliament, or as a fulltime representative on any Government Tribunal or Board, in the interests of the Union or Unions.
- Together with such trades as may be represented by trade unions hereinafter amalgamating with the Union.
- (f) All other workers engaged in any metal industry or trade provided that no applicant for membership shall be eligible for membership under this paragraph while there exists in the State in which such applicant is employed a registered organisation operating in the immediate locality of the applicant's work and dealing solely with workers of the particular class of which such applicant is a member unless arrangements can be made for the amalgamation of such organisation with this Union.

(g) In the State of Western Australia:

- (i) Tool makers, heat treaters, drill doctors, electrical fitters, electrical installers, electrical wiremen, electrical linemen and electrical workers generally, refrigeration fitters, pipe fitters, skip repairers, iron workers' assistants, moulders' assistants, boilermakers' assistants, dressers, drillers, pipe makers, riggers, die makers, press operators, fettlers and machinists engaged in the production of plastics, and all workers of any of the classifications mentioned above employed in work with fibre glass or nylon materials where such fibre glass or nylon materials replace or are substituted for other materials with which such workers formerly worked and the work is of a kind which when done in such other materials would have been done by such a worker or some other classification mentioned.
- (ii) all persons in the process, trade avocations or callings connected with or incidental to the manufacture or repairing of carriages, carts, wagons, railway cars, tram cars, motor cars, sidecars, aircrafts or any vehicle, together with farriers.

Provided that persons employed as Production Team Members by Southern Aluminium Pty. Ltd. at Bell Bay, Tasmania are not eligible, under this sub-rule, for membership of the Union.

(h) In the State of Queensland, without in any way limiting and without in any way being limited by the remainder of Rule 1A:-

- (i) All employees of Mount Isa Mines Limited who are engaged in the following Divisions or Departments:-
  - (a) Engineering Division (except for employees engaged in Control Systems Maintenance Department); or
  - (b) Surface Workshop Department of the Copper Stream and the Fans and Refrigeration Department of the Copper Stream

shall be eligible for membership in the union.

But employees of Mount Isa Mines Limited other than those described in this sub-rule, shall not be enrolled as members of the Union.

- (ii) The following classes of person shall also be eligible for membership: all employees of sugar mills, refineries, distilleries, terminals, storage operations or other sectors of the sugar industry (herein called "the sugar industry") who, on 16 December 1994, were eligible for membership of The Plumbers and Gasfitters Employees Union of Australia, Queensland Branch, Union of Employees or the Amalgamated Society of Carpenters, Joiners, Bricklayers, Plasterers, Painters and Decorators of Australasia, Union of Employees, Queensland and any persons employed in the sugar industry subsequent to 16 December 1994 who would have been eligible for membership of the abovementioned unions if so employed on 16 December 1994.

1B. Without in any way limiting or being limited by sub-rules 1A, 1C, 1D, 1E, 1F, 1G, 1H and 1I the Union shall also consist of an unlimited number of persons employed or usually employed as moulders and/or coremakers, or apprentices, or juniors, and engaged in any class of moulding and/or coremaking for the production of castings from molten metal of any kind, or making moulds for other materials in any industry or branch of any industry together with such persons who have been appointed officers of the union and admitted as members thereof.

Provided that persons employed as Production Team Members by Southern Aluminium Pty. Ltd. at Bell Bay, Tasmania are not eligible, under this sub-rule, for membership of the Union.

1C. Without in any way limiting or being limited by sub-rules 1A, 1B, 1D, 1E, 1F, 1G, 1H and 1I the Union shall also consist of -

- (a) Persons employed in, usually employed in or qualified to be and desirous of being employed in one or more of the following callings:
  - (i) Architects and Naval Architects.
  - (ii) Aerodrome Engineers, Aeronautical Engineers, Chemical Engineers, Civil Engineers, Communication Engineers, Electrical Engineers, Electronic Engineers, Hydraulic Engineers, Local Government Engineers, Marine Engineers, Mechanical Engineers, Metallurgical Engineers, Mining Engineers, Production Engineers, Radio Engineers, Railway Engineers, Road Engineers, Structural Engineers, Water and Sewerage Engineers and Wireless Engineers.
  - (iii) Airworthiness Surveyors, Building Surveyors, Engineering Surveyors, Geodetic Surveyors and Computers, Hydrographic Surveyors, Land Surveyors, Marine Surveyors, Mining Surveyors, Quantity Surveyors, Survey Computers and Topographical Surveyors.
  - (iv) Aeronautical Draughtsmen, Architectural Draughtsmen, Cartographers, Cartographic Draughtsmen, Chemical Engineering Draughtsmen, Civil Engineering Draughtsmen, Electrical Engineering Draughtsmen, Engineering Draughtsmen, Estimating Draughtsmen, Hydraulic Engineering Draughtsmen, Jig and Tool Draughtsmen, Local Government Engineering Draughtsmen, Marine Engineering Draughtsmen, Mechanical Engineering Draughtsmen, Mining Engineering Draughtsmen, Photogrammetric Draughtsmen, Production Engineering Draughtsmen, Radio Engineering Draughtsmen, Railway Engineering Draughtsmen, Road Engineering Draughtsmen, Ship Building Draughtsmen, Structural Draughtsmen, Survey Draughtsmen, Water and Sewerage Engineering Draughtsmen, Wireless Engineering Draughtsmen and Technical Illustrators.
  - (v) Tracers.
  - (vi) Aircraft Inspectors and Examiners (other than inspectors and examiners employed inspecting or examining sheet metal work elsewhere than in the Directorate of Quality Assurance, RAAF), Certified Mine Managers, Engineering Inspectors, Building Inspectors, Testers of Engineering Materials, Production Planners, Planners of Engineering Production, Manufacturing Processes, Construction or Maintenance Work, Weather Officers.
  - (vii) All persons employed in any of the industries of Architecture, Chemistry, Engineering, Science, Surveying and Draughting including Tracing as:
    - Foremen and Supervisors of Engineering Production;
    - Foremen and Supervisors of Manufacturing Processes;



Foremen and Supervisors of Construction Work except where employed in the Building and Civil Engineering Construction Industry save that Foremen and Supervisors of Construction

Work employed in the said Building and Civil Engineering Construction Industry by the Commonwealth, its departments, authorities, commissions or instrumentalities shall not be so excepted;

Foremen and Supervisors of Maintenance Work except where employed in the Building and Civil Engineering Construction Industry save that Foremen and Supervisors of Maintenance Work employed in the said Building and Civil Engineering Construction Industry by the Commonwealth, its departments, authorities, commissions or instrumentalities shall not be so excepted; or

Foremen and Supervisors of Repair Work except where employed in the Building and Civil Engineering Construction Industry save that Foremen and Supervisors of Repair Work employed in the said Building and Civil Engineering Construction Industry by the Commonwealth, its departments, authorities, commissions or instrumentalities shall not be so excepted;

Provided that all Foremen and Supervisors of Engineering Production, Foremen and Supervisors of Manufacturing Processes, Foremen and Supervisors of Construction Work, Foremen and Supervisors of Maintenance Work and Foremen and Supervisors of Repair Work who are employed in any of the Metal Industry, the Aircraft Industry or the Vehicle Industry in any of their branches and in all Industries allied thereto shall remain eligible for membership of the Union.

Provided further that the following shall not be eligible for membership of the Union pursuant to this sub-rule 1C:

- (a) Foremen and Supervisors (other than Foremen and Supervisors of Engineering Production) employed in the New South Wales Metropolitan Water, Sewerage and Drainage Board;
- (b) Foremen and Supervisors (other than Supervisors of Engineering Production) who are eligible for membership of the Gas Industry Salaried Officers Federation;
- (c) Foremen and Supervisors (other than Foremen and Supervisors of Engineering Production) who are eligible for membership of the Australian Licensed Aircraft Engineers Association;
- (d) Foremen and Sub-Foremen on Civil Engineering sites and Construction and/or Maintenance Work who are members or who are eligible for membership of the Building Workers Industrial Union or the Operative Plasterers and Plaster Workers Federation of Australia;
- (e) Foremen and Supervisors (other than Supervisors of Engineering Production) employed in or in connection with the Transport Industry whether by land, water or air when eligible for membership of the Australian Transport Officers' Federation;

- (f) Foremen and Supervisors (other than Supervisors of Engineering Production) employed in the Printing Industry.

Provided still further that notwithstanding anything contained in this clause the Union shall not be entitled to enrol as members persons who are now eligible or may become eligible for membership of the Commonwealth Foremen's Association (other than Supervisors of Engineering Production).

- (viii) Technical Assistants and Technical Officers other than those employed;

- (a) in the Public Services of the States of Australia;
- (b) in or by any of the following New South Wales Trusts, Commissions or Boards; Viz;  
The Maritime Services Board;  
The Metropolitan Water, Sewerage and Drainage Board;  
The Hunter District Water Board;  
The Public Transport Commission;  
The Water Conservation and Irrigation Commission;  
The Forestry Commission;

- (c) in the Commonwealth Scientific and Industrial Research Organisation;

Provided that any person who is employed in the Commonwealth Scientific and Industrial Research Organisation as a Technical Assistant or Technical Officer in an area of employment which since 1 November 1970 has come within the area of operation of the Commonwealth Scientific and Industrial Research Organisation and who at the time of change over is a member, shall remain eligible for membership of the Union.

- (d) in the Overseas Telecommunications Commission;
- (e) in laboratory work in the Australian Public Service unless they are employed in any of the industries of Architecture, Chemistry, Engineering, Science, Surveying and Draughting including Tracing.

Providing that any person employed in or usually employed in any of the callings prescribed in clause (a) of sub-rule 1C undergoing a fulltime course of training the object of which is to further qualify him or her for employment in any one or more of the said callings shall be classified as a student member.

- (b) (i) Persons who are employed in the work of an artisan or mechanic (other than a postal electrician) as permanent or continuing employees of:-
- (a) the Australian Public Service,  
(b) the Commonwealth Scientific and Industrial Research Organisation,  
(c) the Australian Postal Commission,  
(d) the Australian Telecommunications Commission,  
(e) Australian Defence Industries Pty Ltd,  
(f) Federal Airports Corporation, or  
(g) Civil Aviation Authority.

- (ii) Persons who are employed in the foregoing as examiners, viewers, overlookers, officers in charge of proof grounds, or proof masters or on comparable duties where duties include the inspection of work of artisans or mechanics;
- (iii) Persons who are employed as permanent or exempt employees of the Australian National Railways Commission in the Australian Capital Territory or in South Australia in the Northern Region of the Commission within the classification structure of the Commission to which those classifications covered as at 1 March 1978, by Determination No. 58 of 1948 have been translated;
- (iv) Persons who are employed in the Commonwealth Fire Brigade.

Provided that:-

- (a) a member of the Union eligible for membership under clause (b) of sub-rule 1C who is transferred in his or her employment with the Australian National Railways Commission from the Australian Capital Territory or the Northern Region of the Australian National Railways Commission in South Australia and would otherwise be eligible to be a member of the Union shall be entitled to be and remain a member of the Union, and,
- (b) the Union shall not admit as members under clause (b) of sub-rule 1C exempt employees who, at the time of application for membership, are performing work for which provision is made in awards of the Australian Industrial Relations Commission or awards or determinations of a State Industrial Authority obtained at the instance of other organisations, and,
- (c) for the purpose of clause (b) of sub-rule 1C, the Northern Region of the Australian National Railways Commission in South Australia shall mean and include that area in South Australia covered by the Commonwealth Railways prior to 1st July 1975, and
- (d) nothing contained in clause (b)(i) of sub-rule 1C of this Rule shall render eligible for membership of the Union any person who, as at 2nd May 1990, was not a member of the Association of Draughting, Supervisory and Technical Employees and is employed by or in:
  - (i) Australian Defence Industries Pty Ltd, in the classifications of Foreman (Metal Trades), Foreman (Clothing), Foreman (Ship Joiners), Foreman (Shipwrights) or Foreman (ODP),
  - (ii) Federal Airports Corporation in the classifications of Supervising Mechanic, Lines Supervisor, Foreman (Metal Trades), Electrical Foreman or Foreman, or,
  - (iii) Civil Aviation Authority in the classifications of Supervising Mechanic, Lines Supervisor, Foreman (Metal Trades), Electrical Foreman or Foreman.

- (v) Persons employed as air crew, other than as pilots, of helicopters engaged in emergency service, rescue or coastal surveillance activities.

Provided that this paragraph (v) shall not render eligible for membership of the Union:

- a) any person trained and qualified to be a nurse, firefighter or paramedic and employed as such; or
- b) any person employed by the Crown in right of a State or Territory, including any person employed in an instrumentality of a State or Territory; or
- c) any person employed by the Queensland Ambulance Service or its successors; or
- d) any person employed by a State or Commonwealth firefighting service or a State emergency service organisation; or
- e) any person employed as an air crew member in a helicopter owned and operated by a company performing offshore construction or a company whose principal business is the production, processing and transmission of or exploration for hydrocarbons; or
- f) any person employed by Hunter Region SLSA Helicopter Rescue Service Ltd at its helicopter bases at Tamworth and Newcastle in the State of New South Wales; or
- g) any person employed in coal seam gas exploration, cattle and livestock mustering or animal control; or
- h) any person employed as an air crew member in a helicopter service in the Northern Territory or the States of Queensland and Victoria the principal function of which is patient transport; or
- i) any person employed principally to provide aerial surveillance or observation for the purposes of firefighting.

Provided further that sub-paragraphs (b) to (e) inclusive shall not extend to include employees of companies providing helicopter services under contract to the employers specified in those sub-paragraphs.

- (c) persons employed in the Public Services of the Commonwealth of Australia, the Northern Territory or the Australian Capital Territory or any instrumentalities of the Northern Territory or the Australian Capital Territory in any of the following positions:
  - (i) Senior Works Supervisor;
  - (ii) Senior Furniture Officer;
  - (iii) Works Supervisor;
  - (iv) Furniture Officer;

- (v) Assistant Furniture Officer;
- (vi) Building Officer, Commonwealth Experimental Building Station; or
- (vii) Maintenance Officer, Department of Works.
- (d) Persons who are employed in clerical and administrative work in ADI Limited, Aerospace Technologies of Australia Ltd, Snowy Mountains Engineering Corporation Limited or SMEC Services Pty Ltd. Provided that, for the purposes of this clause (d), Aerospace Technologies of Australia Ltd shall not include Boeing Australia Limited.
- (e) Persons who are employed in clerical or administrative work in any of the industries of Architecture, Chemistry, Engineering, Science, Surveying and Draughting including Tracing. Provided that such persons shall:
  - (i) work in physical proximity to and in association with production, trade, technical, planning, drafting or related supervisory employees otherwise eligible to be members of the union under this Rule 1;
  - (ii) comprise 25% or less of the total number of employees in their particular workplace; and
  - (iii) perform work incidental to the principal function of that workplace; but
  - (iv) not work in a separate and distinct head office in which work outside the character of that covered by Parts I, II and IV of the Metal, Engineering and Associated Industries Award 1998 constitutes a majority of the work performed; a business may operate more than one head office.

For the purposes of paragraph (ii) of this clause:

- (v) “clerical or administrative work” shall not extend to include supervisory nor technical, planning or drafting work as understood within the context of the Metal, Engineering and Associated Industries Award 1998 - Part V Supervisors or - Part II - Draughting, Planning and Technical Employees respectively or like awards;
- (vi) “workplace” shall refer to an individual site rather than the business collectively, where a business is conducted at a number of geographically separate and distinct locations.

Provided further that this clause of sub-rule 1C shall not apply to:

- (vii) persons who are members of the Australian Municipal, Administrative, Clerical and Services Union;
- (viii) persons employed by the Commonwealth or by the Crown in right of a State or Territory;
- (ix) subject to clause (d) of sub-rule 1C, persons eligible to be members of the CPSU, the Community and Public Sector Union:
  - (a) under its eligibility rules as registered at 15th May, 2002;

- (b) as a result of any rule change granted in Matter D2002/8; nor
- (x) persons eligible to be members of the Managers and Professionals Association under its eligibility rules as registered at 15th May, 2002.

This clause shall not operate such as to expand the classification coverage of any agreement which was certified prior to 1st September, 2003 pursuant to the Workplace Relations Act 1996.

This clause shall not operate prior to 1st September 2003.

- 1D. Without limiting the generality of the foregoing or by being limited in any way by the foregoing, the union shall also consist of an unlimited number of persons who are employed or usually employed by Queensland Alumina Limited at the company's Gladstone Refinery in the boiler station not being persons required to possess and apply electrical/electronic stream trade qualifications.
- 1E. Without in any way limiting or being limited by the sub-rules 1A, 1B, 1C, 1D, 1F, 1G, 1H and 1I, the Union shall also consist of an unlimited number of employees engaged in or usually engaged in the process, trade or business connected with or incidental to the manufacture, assembling or repairing of carriages, carts, wagons, trucks, railway cars, tram cars, motor cars, motorcycles, sidecars, aircraft and other vehicles used in air transit and all other vehicles or parts thereof and whether in wood and/or metal and/or other material, preparation for sale of motor vehicles (pre-delivery) and sale by auction of any motor vehicle, (including detailing work) and the rental of motor vehicles (including cleaning and detailing work but not clerical and customer service work) together with any persons appointed as officers of the Union and elected as members thereof.
- 1F. Without in any way limiting and without in any way being limited by sub-rules 1A, 1B, 1C, 1D, 1E, 1G, 1H and 1I, the Union shall also consist of persons, other than academic staff, wholly or substantially employed in the higher education industry who:

In the State of South Australia

are employed in technical, trades, scientific and engineering professional occupations by the Flinders University of South Australia.

In the Australian Capital Territory

are employed by the University of New South Wales at the Australian Defence Force Academy (other than in non-engineering professional, administrative and clerical occupations), the Australian National University and the University of Canberra.

In the Northern Territory

are employed by the Northern Territory University.

- 1G. Without in any way limiting the generality of the foregoing or being limited by sub-rules 1A, 1B, 1C, 1D, 1E, 1F, 1H and 1I, the Union shall also consist of an unlimited number of persons engaged in or in connection with:

- (a) The manufacture, preparation, processing or putting up of:-
- (i) Jams, jellies, honey, pastes, spreads, and similar preparations;
  - (ii) Pickles, salt preparations, sauces, chutneys, vinegar and other wet condiments;
  - (iii) Soups and other preparations of vegetables and/or food from animals; fish or sea food sold in containers;
  - (iv) Sliced fruit, fruit salads, and nut food;
  - (v) Pulp, fruit and vegetable juices and cordials whether such are made wholly or in part from fruit or vegetable juices or not;
  - (vi) Sugar from sugarbeet, (except in the states of New South Wales and Queensland);
  - (vii) Fish and seafood of any description and their by-products and the smoking of fish.

Provided that this paragraph shall not extend to persons engaged in or in connection with the manufacture, preparation, processing, or putting up:-

- (i) In the states of Victoria and South Australia of pastes, spreads and similar preparations of preserved meat;
- (ii) In the states of New South Wales, Victoria and South Australia of nut food;
- (iii) In the state of New South Wales and in the state of Western Australia outside a radius of 30 miles of the General Post Office, Perth, of fish and seafood sold in containers;

unless the said persons are engaged in establishments where the chief product or products or one of the chief products manufactured in such establishment is otherwise provided for herein.

- (b) (Without restricting the interpretation of the foregoing and subject to sub-rule 1G(ba)) the preparation and preservation as food of fruit and vegetables, their juices and pulp, meat, fish, sea food and the by-products of all of them together with such other persons whether employed in the industry or not as have been appointed officers of the Union or its branches and admitted as members thereof. Provided that this paragraph shall not extend to persons:- In the States of New South Wales, Queensland, South Australia and Western Australia engaged in any establishment where the predominant part of the product of such establishment is manufacture, preparation or putting up of preserved meat, rabbits, or poultry or to Berri Food Co-operative Ltd. in the manufacture, preparation, processing, or putting up of fruit juices at the company's premises as constituted as 10 July, 1974 at Berri in the State of South Australia. Provided further that this paragraph shall not extend to persons engaged in the manufacture, preparation, processing or putting up of fruit juices in establishments respondent to the Aerated Waters Award 1974 or to an establishment where the work of that establishment falls within the scope of that award and such work is the predominant work performed at the said establishment.

- (ba) Without limiting the foregoing, in the State of Western Australia, the union shall also consist of persons employed as production employees in the poultry processing industry by Inghams Enterprises Pty Ltd situated, as at 14 September 2000, in Baden Street and Powell Street, Osbourne Park or at such other location or locations at which the said enterprise at Osbourne Park may subsequently be carried out. In this paragraph, Inghams Enterprises Pty Ltd includes its successors, assignees, transmittes or any purchaser of the whole or any part of the business.

The persons identified in sub-rule 1G(ba) shall not include:

- (i) persons involved in the inspection, regulation, research or policy development in or in connection with the poultry industry in Western Australia.
- (c) The Union shall consist of all journeymen Confectioners and all employees engaged in or in connection with the manufacture of Chocolate, Cocoa, liquorice, Candy and Confectionery, including Sweetmeats, chewing gum and the like throughout the Commonwealth, together with such other persons whether employees in any industrial pursuits or not who may have been appointed officers of the Union and admitted as members thereof. Provided that persons manufacturing Chocolate, and/or cocoa in the establishments of manufacturing grocers, whose part of the manufacturing business is to manufacture Cocoa and/or Chocolate shall not be enrolled.
- (d) In New South Wales, without in any way limiting and without in any way being limited by the remainder of rule 1G, the manufacture, preparation, processing or putting up of ice cream.
- 1H. Without in any way limiting or being limited by sub-rules 1A, 1B, 1C, 1D, 1E, 1F, 1G and 1I, the Union shall consist of:-
- (a) An unlimited number of persons (excepting journalists) who are employed or whose usual occupation is that of an employee in or in connection with:-
- (i) any business, trade, manufacture, undertaking, calling, service, employment, handicraft or industrial occupation or avocation on land or water in the printing industry or a kindred industry including (without limiting the generality or ordinary meaning of the foregoing description) composing, reading, electrotyping, stereotyping, letterpress machining, lithographic machining, lithographing, machining, printing of all classes, slug-casting or type-casting machine attending and adjusting and/or repairing, type-founding, engraving, process engraving and/or photo-engraving, commercial and/or lithographic designing, writing and/or drawing, publishing, despatching, book-binding, binding, paperruling, paper cutting, paper making, paper working, calico and/or paper bag making, envelope making, stationery making, paper products working, embossing, cardboard box making, carton making (including the making of any kind of boxes and/or containers of paper and/or cardboard used alone or in combination with any other material or materials), plastics manufacturing or any of the processes of or incidental to the manufacturing of plastics or of goods manufactured therefrom or substitutes therefor; and



- (ii) Without in any way limiting and without being in any way limited by paragraph (i) of this sub-rule: the composing or imposition or assembly of matter which is to be printed and the transference of images by use of cameras or scanners or transparency duplications to obtain a relief or planographic or intaglio formation for printing, composing, reading, electrotyping, stereotyping, letter-press machining, lithographic machining, lithographing, machining, printing of all classes, slug-casting or type-casting machine attending and adjusting and/or repairing, type-founding, engraving, process engraving and/or photo-engraving, commercial and/or lithographic designing, writing and/or drawing, publishing, despatching, book-binding, binding, paperruling, paper cutting, paper making, paper working, calico and/or paper-bag making, envelope making, stationery making, paper products working, embossing, cardboard box making, carton making (including the making of any kind of boxes and/or containers of paper and/or cardboard used alone or in combination with any other material or materials), plastics manufacturing or any of the processes of or incidental to the manufacturing of plastics or of goods manufactured therefrom or substitutes therefor. The Union shall also consist of such other persons, whether employees in the foregoing industries or industrial pursuits or not, as have been appointed officers of the Union and admitted as members thereof.
- (b) An unlimited number of persons employed by:
  - (i) (A) employers in the "industry of the employer" engaged in mailing houses performing activities in folding, paging, numbering, perforating, gathering, collating, inter-leaving, wrapping, sealing, addressing, mailing, despatching, stamping, inserting, security paper working, wire stapling, envelope working, direct mail systems working, addressograph work, paper products work and machine work in or in connection with enveloping, sealing, automatic/computer addressing and/or wrapping.
  - (B) an employer hereinafter prescribed or the successor, assignee or transmittee of that employer's business:
    - Automail Pty. Limited
    - Canberra Mailing Co. Pty. Limited
    - Data Management Services
    - Data Mail Pty. Limited
    - Dynamic Direct Mail
    - Hermes Precisa Australia
    - Mail Care
    - Mail Management Australia
    - Metro Mail Pty. Limited
    - Permail Pty. Limited
    - Progress Press
    - Q.M. Industries Pty. Limited
    - R.L. Polk & Co. Pty. Limited
    - Salmat Direct Marketing
    - Security Mailing Services Pty. Limited
    - Sprintpak
    - Supermail
    - Waterford Mailing.

(ii) Provided that:

- (A) any person engaged in or in connection with the installation, maintenance or provision of postal services including but not limited to postal services such as provided by the Australian Postal Corporation shall not be eligible for membership.
- (B) all persons employed by employers in the "industry of the employer" engaged in mailing houses in the delivery of articles in or in connection with mailing houses shall not be eligible for membership.

(iii) For the purposes of paragraph (b), the "industry of the employer" shall mean:

- (A) the printing industry, which includes any business, trade, manufacture, undertaking, calling, service, employment, handicraft or industrial occupation or avocation on land or water in the industry of printing and/or any kindred industries and/or in any group or branch of such industry or industries, including (without limiting the generality or ordinary meaning of the foregoing description) composing, reading, electrotyping, stereotyping, letterpress machining, lithographic machining, lithographing, photogravure and/or rotogravure, machining, printing of all classes, slug-casting or typesetting machine attending and adjusting and/or repairing, type-founding, engraving, process engraving and/or photo engraving, commercial art and/or lithographic designing, writing and/or drawing, publishing, despatching, bookbinding, binding, paper ruling, paper cutting, paper making, paper working, calico and/or paper bag making, envelope making, stationery making, paper products working, embossing, blocking, stamping, cardboard box making, carton making (including the making of any kind of boxes and/or containers of paper and/or cardboard used alone or in combination with any other material or materials), plastics manufacturing or any of the processes of or incidental to the manufacturing of plastics or of goods manufactured therefrom or substitutes therefore.
- (B) without in any way limiting and without being in any way limited by subparagraph (A) of this paragraph (iii) mailing houses, including (without limiting the generality of the ordinary meaning of the phrase) folding, paging, numbering perforating, gathering, collating, inter-leaving, wrapping, sealing, addressing, mailing, despatching, stamping, inserting, security paper working, wire stapling, envelope working, direct mail systems working, addressograph work, paper products work and machine work in or in connection with enveloping, sealing, automatic/computer addressing and/or wrapping.

- 1I. Without in any way limiting or being limited by sub-rules 1A, 1B, 1C, 1D, 1E, 1F, 1G and 1H the Union shall also consist of employees who are wholly or substantially employed in:
- (i) technical, trades (including printing trades), assistant printing and works supervisor occupations in the Department of Defence, Department of Primary Industries and Energy, Department of Environment, Sport and Territories (other than Bureau of Meteorology), Department of Health and Family Services, Department of Administrative Services, Department of Foreign Affairs and Trade, Department of Treasury at the Mint, President of the Senate and/or Speaker of the House of Representatives, Australian Sports Commission, Australian War Memorial, Australian Nuclear Science and Technology Organisation, Nuclear Safety Bureau, Australian Institute of Marine Science, Department of Industry, Science and Tourism at Australian Space Office, Department of Communications and Arts at National Science and Technology Centre and National Film and Sound Archive, National Library of Australia, Australian National Gallery, Australian National Maritime Museum and National Museum of Australia;
  - (ii) trades occupations in Australian Maritime Safety Authority.
- 1J. Any person who is eligible for membership of the Union under the provisions of any of sub-rules 1A or 1B or 1C or 1D or 1E or 1F or 1G or 1H or 1I shall not be excluded from membership of the Union by any other of sub-rules 1A or 1B or 1C or 1D or 1E or 1F or 1G or 1H or 1I.
- And further, without in any way limiting and without in any way being limited by the remainder of these rules, the Union shall also consist of independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be employees eligible for membership of the Union.
- 1K. Persons employed in any capacity by The Crippled Children's Association of South Australia Incorporated who commenced their employment on or after 30 April 1995 are not eligible for membership of the Union.
- 1L. Provided that persons employed or to be employed by Energy Developments Limited and/or its subsidiaries or related companies shall not be eligible for membership of the union, and the union shall not have the right to represent under the Act the industrial interests of such persons.
- 1M. With effect from 22 December 1997 and for the purpose of reflecting the order made on 24 July 1997 and recorded in Print P3383, which order provides that it shall remain in force until revoked, amended or varied by further order of the Commission, notwithstanding anything elsewhere contained in this rule, no person employed or to be employed by Philip Morris Limited in Victoria in or in connection with the preparation, manufacture, processing and packaging of tobacco, cigarettes, cigars and allied products and who is eligible for membership of The Australian Workers' Union shall be eligible for membership of the Union.

1N. Without in any way limiting or being limited by subrules 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H and 1I, the Union shall consist of:

- (a) an unlimited number of persons who are employed or usually employed within the manufacturing operations and ancillary functions of ResMed Limited (including, without limitation, production, manufacturing, maintenance and warehouse workers, line level coordinators, team leaders, and local level supervisors, and also including, without limitation, all other employees working in the component of ResMed Limited's business known as at 18 January 2016 as the "Manufacturing Centre"), but not including managers.
- (b) an unlimited number of persons who are employed or usually employed in the manufacturing operations and ancillary functions of any successor, assignee or transferee of the whole or part of the business of ResMed Limited (including, without limitation, production, manufacturing, maintenance and warehouse workers, line level coordinators, team leaders, and local level supervisors, and also including, without limitation, all other employees working in the component of the business known as at 18 January 2016 as the "Manufacturing Centre"), but not including managers.
- (c) for the avoidance of doubt, an unlimited number of persons employed by any employer which supplies labour on an on-hire basis to perform work within Rule 1N(a) and/or (b) above.
- (d) for the avoidance of doubt, an unlimited number of apprentices and/or trainees engaged by a group training service and hosted by ResMed Limited in respect of work within Rule 1N(a) above or by any business in respect of work within Rule 1N(b) above.

## 2 – DESCRIPTION OF INDUSTRY

- (a) The engineering and metal industries and in or in connection with the engineering, boilermaking, shipbuilding and structural work with metals industry and in or in connection with the iron and steel, shipbuilding, engineering, rolling stock, agricultural implement making, coach building, mining, quarrying, railway, construction, building, sawmilling industries or any industry where smiths are employed and in or in connection with tinsmithing, sheet metal (including motor car building so far as panel-beating and sheet metal working is concerned and also sheet metal trunk and box making), gas meter making and canister making industries, the industries of manufacturing, assembling, dismantling, erecting, replacing or repairing of agricultural implements; manufacturing, erecting assembling, dismantling, replacing or repairing of ovens, stoves, ranges, grates, registers, copper casings or other heating apparatus (or parts thereof); the manufacturing, erecting, replacing or repairing of metal bedsteads or fenders (or parts thereof); porcelain enamelling of steel and iron plates and hollow-ware, baths, sinks, cisterns, household utensils, and builders' materials and the manufacture of frit; the industries of manufacturing, making, repairing of jewellery and the industries of manufacturing, making repairing of watches and clocks.
- (b) The industry of manufacturing, constructing or repairing ships, boats, vessels, punts, pontoons, floating stages, targets, preventers and torpedo netting booms, balsa rafts, lifesaving rafts, dock gates, caissons and cofferdam gates or any other floating structures or air-craft or sea-planes in establishments the principal business of which is work of the other classes hereinbefore mentioned.

- (c) The metal moulding industry.
- (d) The industries of Architecture, Chemistry, Engineering, Science, Surveying and Draughting including Tracing, Public Service Artisans, Commonwealth Scientific and Industrial Research Organisation Artisans, Australian Postal Commission Artisans, Australian Telecommunications Commission Artisans, Australian Defence Industries Pty Ltd Artisans, Federal Airports Corporation Artisans, Civil Aviation Authority Artisans, Australian National Railways Commission Artisans employed in the Australian Capital Territory or in South Australia in the Northern Region of the Australian National Railways Commission within the classification structure of the said Commission to which those classifications covered as at 1st March, 1978, by Determination No. 58 of 1948 have been translated. For the purposes of this sub-rule 1D the Northern Region of the Australian National Railways Commission in South Australia shall mean and include that area in South Australia covered by the Commonwealth Railways prior to 1st July, 1975.
- (e) The Coach, Motor Car, Rolling Stock and Aircraft Industry.
- (f) Those parts of the Public Service of the Commonwealth of Australia, the Northern Territory and the Australian Capital Territory and instrumentalities of the Northern Territory and the Australian Capital Territory which are concerned with the works supervision of buildings (including building services) and engineering (civil, structural, mechanical and electrical) (construction, renovation, repair and maintenance and with the construction, renovation, repair and maintenance) of furniture and furnishings performed by or for the Commonwealth, the Northern Territory, the Australian Capital Territory and instrumentalities of the Northern Territory and Australian Capital Territory and with the provisions of such furniture and furnishings.
- (g)
  - (a) Food Preserving  

The jam, sauce, pickle, wet condiments, beet sugar, cordial, and the fruit, vegetable, meat, fish and other food substances preparing, processing and preserving industry.
  - (b) Confectionery  

The industry or industries of the business, trade, manufacture, undertaking, calling, service, employment, handicraft or industrial occupation or avocation of all journeymen, confectioners and all employees engaged in or in connection with the manufacture of chocolate, cocoa, liquorice, candy, confectionery, including all sweetmeats, chewing gum and the like.

- (h) The industries of
- (a) Any business, trade, manufacture, undertaking, calling, service, employment, handicraft or industrial occupation or avocation on land or water in the printing industry or a kindred industry including (without limiting the generality or ordinary meaning of the foregoing description) composing, reading, electrotyping, stereotyping, letterpress machining, lithographic machining, lithographing, machining, printing of all classes, slug-casting or type-casting machine attending and adjusting and/or repairing, type-founding, engraving, process engraving and/or photo-engraving, commercial and/or lithographic designing, writing and/or drawing, publishing, despatching, book-binding, binding, paper ruling, paper cutting, paper making, paper working, calico and/or paper bag making, envelope making, stationery making, paper products working, embossing, cardboard box making, carton making (including the making of any kind of boxes and/or containers of paper and/or cardboard used alone or in combination with any other material or materials); and
  - (b) Without in any way limiting and without being in any way limited by paragraph (a) of this sub-rule, the following industrial pursuits - The composing or imposition or assembly of matter which is to be printed and the transference of images by use of cameras or scanners or transparency duplications to obtain a relief or planographic or intaglio formation for printing, composing, reading, electrotyping, stereotyping, letter-press machining, lithographic machining, lithographing, machining, printing of all classes, slug-casting or type-casting machine attending and adjusting and/or repairing, type-founding, engraving, process engraving and/or photo-engraving, commercial and/or lithographic designing, writing and/or drawing, publishing, despatching, book-binding, binding, paper ruling, paper cutting, paper making, paper working, calico and/or paper-bag making, envelope making, stationery making, paper products working, embossing, cardboard box making, carton making (including the making of any kind of boxes and/or containers of paper and/or cardboard used alone or in combination with any other materials).

### 3 - OBJECTS

The objects of the Union shall be:-

The control of industry in the interests of the community.

The organisation of all workers qualified for membership, the development of the most cordial relations with other unions in the industry with a view to the bringing into existence of one union for the foundry, engineering ship-building and kindred trades, and the obtaining and maintaining of just and proper hours of work, rates of wages, and conditions of labour.

The negotiation and settlement of differences and disputes between the members of the Union and employers by collective bargaining and agreement withdrawal of labour or otherwise.

To provide superannuation and long service leave and like benefits for the paid officers and or employees of the Union.

Generally to promote the welfare of the members of the Union.

To promote ethical behaviour within the Union by members, officials, officers and employees including but not limited to democratic, non-discriminatory, and accountable practices; financial practices which are transparent and free from corruption, and appropriate business and financial behaviour by union officials. In furtherance to this object to establish an Ethical Practices Code determined by National Conference from time to time and to promote ethical conduct by AMWU Officials and Officers in accordance with such Code.

The provision of benefits to members as follows:-Assistance to members when out of employment or in distressed circumstances, assistance in cases of sickness, accident and disablement, superannuation, assistance for funeral expenses, and for compensation for loss of tools and such other assistance as may from time to time be decided by the Union, together with all such forms of assistance as are already provided for by these rules.

The provision of legal advice and assistance to members where necessary or expedient.

The provision of grants for rest and convalescent treatment and grants and endowment to colleges and institutions having for their object independent working-class education.

The furtherance of political object as provided by these rules.

The transaction of insurance business.

The extension of co-operative production to assist in altering the competitive system of society for a co-operative system.

The establishment of carrying on or participation, financial or otherwise, directly or otherwise, in the business of printing or publishing of a general newspaper or newspapers, or of books, pamphlets, or publications of any other kind whatsoever in the interests of and with the main purposes of furthering the objects of this Trade Union or of Trade Unionism generally, namely:-The regulation of the relations between workers and employers or between workers and the provision of benefits to members of Trade Unions together with such subsidiary purposes as may be calculated to enhance the prosperity of the publications and the business generally.

The advancement of the interests of women and non English speaking background workers in the work place and within the Union through the development of equal opportunity and affirmative action policies.

The promotion of Australian ownership and control of the Australian vehicle industry.

To organise and promote the interests of employees engaged in the printing and kindred industries.

The furthering of, or participation, financial or otherwise, directly or indirectly, in the work or purpose of any association or federal body having for its objects the furthering of the interests of Labour, Trade Unionism, or Trade Unionists.

The furthering of any other purpose, or the participation, financial or otherwise, directly or indirectly, in any other purpose, so far as may be lawful, which is calculated in the opinion of the Union to further the interests of Labour, Trade Unionism, or Trade Unionists.

The holding, purchase, or leasing, or mortgaging, or other dealing with land, including the assistance of members in acquiring houses and real property.

To enter into agreements pursuant to section 151 of the Fair Work (Registered Organisations) Act 2009 ("the Act") with State unions as defined in section 150 of the Act, or to enter into similar agreements under any successor section or legislation to section 151 of the Act, to the effect that members of the State union concerned who are ineligible State members in relation to the Union, are eligible to become members of the Union under the agreement.

In order to achieve the above objects the Union shall have power, in addition to any other powers conferred by law or by these rules to impose such restraints upon the labour of its members or generally to interfere whether such interference is in restraint of trade or not but so far only as may be lawful, with the trade or conduct of such industries, businesses and occupations as may be deemed expedient.

In particular the Union shall have in relation to the investment of the funds of the Union the legal capacity of a natural person and power to provide funds for maintaining all or some of the benefits from time to time authorised in pursuance of these rules, and for the establishment or maintenance of any undertaking of any kind, financial or otherwise authorised by the Union, and for any action, including collective bargaining, striking, withholding of labour, taking action under the Australian and State Industrial Acts or other statutes, either severally or jointly or in conference, securing agreements concerning wages or other conditions of the contract of service, whether in defence of its own members or in support of other workers of allied or other industries, which may in the opinion of the Union or of its National Council be deemed to be calculated to further the interests of the Union or of the Trade Union Movement generally. There shall be a registered office of the Union at 133-137 Parramatta Road, Granville, 2142. Any change in this address shall be forthwith notified to the Registrar by the Secretary.

The registered state offices of the Union shall be:-  
N.S.W.- 133-137 Parramatta Road, Granville 2142.  
Victoria- 251 Queensberry Street, Carlton South, 3053.  
Queensland- 366 Upper Roma Street, Brisbane, 4000.  
South Australia- 53- 61 Dale Street, Port Adelaide, SA 5015.  
Western Australia- 121 Royal Street, East Perth, 6004.  
Tasmania- 28 Station Street, Moonah, 7009.

## 4 - DEFINITIONS

### 1. Definitions

- (a) "rank and file" means a member of the Union who is not employed by the Union.
- (b) "vehicle membership area" means that group of members who, as at 30 June, 2019 were allocated to the Vehicle Division of the Union as the Rules applied on 1 March 2018, and all members who on and from 1 July, 2019 are eligible for membership of the Union and who are admitted to membership of the Union pursuant to the provisions of sub-rule 1 E of Rule 1 of the Rules of the Union, or are otherwise allocated to the "vehicle membership area".
- (c) "food and confectionery membership area" means that group of members who, as at 30 June, 2019 were allocated to the Food and Confectionery Division of the Union as the Rules applied on 1 March 2018, and all members who on and from 1 July 2019 are eligible for membership of the Union and who are admitted to membership of the Union pursuant to the provisions of sub-rule 1 G of Rule 1 of the Rules of the Union, or are otherwise allocated to the "food and confectionery membership area".



- (d) "print membership area" means that group of members who, as at 30 June, 2019 were allocated to the Print Division of the Union as the Rules applied on 1 March 2018, and all members who on and from 1 July 2019 are eligible for membership of the Union and who are admitted to membership of the Union pursuant to the provisions of sub-rule 1 H of Rule 1 of the Rules of the Union, or are otherwise allocated to the "print membership area".
- (e) "manufacturing membership area" means that group of members who, as at 30 June, 2019 were allocated to the manufacturing membership area of the Union as the Rules applied on 1 March 2018, and all members who on and from 1 July, 2019:
  - (i) are eligible for membership of the Union and who are admitted to membership of the Union pursuant to the provisions of Subrules 1A, 1B, 1C, 1D, 1F, 1I and/or 1N of Rule 1 of the Rules of the Union of these Rules, except for the printing trades and assistant printing occupations within the coverage of sub-rules 1F and 1I; or
  - (ii) any other persons eligible for membership of the Union, who are not allocated to the vehicle membership area, the food and confectionery membership area or the print membership area of the Union; or
  - (iii) are otherwise allocated to the "manufacturing membership area".
- (f) None of the definitions of "vehicle membership area", "food and confectionery membership area", "print membership area", or "manufacturing membership area" includes Retired Members.

## **SECTION 5 – GOVERNANCE**

### **5 - PREAMBLE TO SECTION 5. UNION GOVERNANCE – STATEMENT OF PRINCIPLE AND PROVISIONS FOR REVIEW OF DIVERSITY OF REPRESENTATION**

#### **Statement of Principle**

The AMWU is the product of many amalgamations going back to the 19th Century and has a proud tradition of membership from a broad and diverse range of industries, occupations and regions. Honouring this tradition, members from across our industries, occupations and regions are encouraged to stand for offices on our governing Conferences and Councils.

The diversity of the men and women on the Conferences and Councils of the Union will be a key indicator of the success of our new Union.

## **5A1 - NATIONAL CONFERENCE**

- 1 The government of the Union shall be entrusted to a National Conference which shall meet in every second year or at any Special National Conference convened by National Council.
2. National Conference shall consist of:
  - (a) Rank and file delegates - one rank and file Delegate for each 1,250 financial members or part thereof elected by and from the membership in each State;
  - (b) Additional rank and file women Delegates - each State shall be entitled to elect additional rank and file women delegates such that the number of additional rank and file women delegates shall be equal to either 10% of the rank and file Delegates entitled to be elected under paragraph (a) of this subrule or the proportion of women financial members to total financial members in the State, whichever is the greater, rounded up to the nearest whole number;
  - (c) The members of National Council;
  - (d) Members of the Union employed by the Union elected by the membership in each State calculated at 20% of the number of Rank and File Delegates entitled to be elected under paragraph (a) of this subrule and rounded up to the nearest whole number;
  - (e) One additional apprentice rank and file member, or rank and file member under the age of 30 years, elected by and from the membership in each State.
3. In any election (or in concurrent elections) a person may not nominate for more than one office, whether honorary or full time, which provides, directly or ex-officio, the holder of such office to sit on National Conference. If such multiple nominations are received for such honorary or full time offices, the Returning Officer will act in accordance with the provisions of rule 6A.6(g).
4. National Officers and members of the National Council shall have the same voting and other rights as all other delegates of the National Conference.
5. The location, opening and closing dates for National Conference shall be determined by the National Council and notified to all State Secretaries.

### 6. Travelling and Other Expenses

Subject to decisions of the National Conference the travelling and other expenses of delegates to the Conference shall be decided by the National Council provided the payment of lost time shall be the day rate of wages they are in receipt of when following their usual occupation. Delegates shall be allowed economy air travel or first class rail travel where air travel is not available. Expenses shall be paid for the period the delegate is involved in attending Conference, this shall include any reasonable time engaged in travelling to and from the Conference. Wages shall be paid for the days the delegates are absent from their ordinary days' work. The National Conference shall also decide the travelling and other expenses to be paid to representatives and delegates on the National Council when away from home on Council business and other National officers when similarly engaged.

### 7. The decisions of National Conference shall be published and available to members at State and Regional offices of the Union.

### 8. Any member elected or appointed to an office that, directly or ex-officio, entitles the holder of such office to sit on National Conference shall upon their election or appointment notify the National Secretary of an email address by which they shall be contactable for the purpose of discharging their functions and duties as a member of National Conference.

## 5A2 - POWERS OF NATIONAL CONFERENCE

### 1. Authority of Conference

The National Conference shall be the supreme governing body of the union and its powers shall include the following:-

- (a) To take all such steps as it shall think fit to carry out all or any of the objects of the union and to raise or spend such funds as are in the opinion of Conference necessary to carry out the objects.
- (b) To decide the general policy of the union and take steps to enforce the carrying out of such policy.
- (c) To impose levies in accordance with these rules.
- (d) To give directions relating to budgets adopted by National Council.
- (e) To impose penalties in accordance with these rules.
- (f) To hear and decide any appeal, subject to the provisions of Rules 10A, 10B, 10C and 10D, by a member, State Council or State Conference, against any act or decision of the National Council.
- (g) To deal with and decide any matter submitted to it by any District Committee, Industry Sector Committee, Workshop (provided the item has been endorsed by at least five members), State Council, State Conference of the Union, by the National Council or any matter which a majority of members voting at Conference decide should be dealt with.
- (h) To make, alter, amend or rescind these Rules or to adopt new Rules.

- (i) To delegate any of its powers other than its powers under paragraphs (c), (d), (e), (f), (i) and (j) hereof to any State Council or Conference or to the National Council or to any officer of the Union provided that such delegation shall not prevent the National Conference from its exercising such powers and that any exercise of power pursuant to such delegation shall be subject to appeal to and review by National Conference.
- (j) To confirm, over-rule or otherwise deal with any decision of the National Council.
- (k) To exercise all or any of the powers of National Council.
- (l) To fix the salary, conditions of employment and allowances for all full-time officials and salaried officers.
- (m) To select a National Returning Officer and Deputy Returning Officer. Any member of the Union being financial and having been a member for the previous seven consecutive years and who resides in the State where the National office is situated and who is not the holder of any other office in nor an employee of the Union or of a section of the Union shall be eligible to be nominated at the conference for the position of National Returning Officer and Deputy Returning Officer. The persons elected to these positions shall hold office until the next scheduled Conference or until a successor is elected. The Returning Officer shall conduct plebiscites decided upon by National Conference or National Council.

2. Voting of Conference

All decisions of Conference shall be made by a majority of the members present. The method of voting shall be on the voices or show of hands. Provided that if 20 per cent of the delegates present demand a division it shall be granted and the method of voting shall be proportional as provided in subrule 3 below. The decisions of Conference shall be binding on all members and bodies of the Union.

3. Proportional Voting

- (a) Where a division is granted consistent with sub-rule 2 above, the subsequent vote must be conducted in accordance with this sub-rule.
- (b) A decision of the National Conference under this sub-rule will be made by each Delegate to National Conference present at that meeting of National Conference casting the proportional votes he or she has been allocated under this sub-rule in relation to the matter in which a division has been demanded under sub-rule 2 above.
- (c) Each Delegate to the National Conference who is a member of the National Conference by virtue of holding one of the following national offices shall be entitled to cast (one) 1 vote:
  - i) National Secretary
  - ii) National President
  - iii) Assistant National Secretaries.

- (d) Each Delegate to the National Conference who is a member of the National Conference by virtue of holding the office of;
- i) State Secretary,
  - ii) Delegate to National Conference elected by and from the members of a State Branch, or
  - iii) a member of the National Council elected by the members of a State Conference, or
  - iv) the member of the Union employed by the Union representing the South Australian, Western Australian or Tasmanian Branches on the National Council,
- shall be known as a State Branch Representative for the purposes of this subrule.
- (e) Each of the State Branch Representatives shall be entitled to cast a proportional vote as a value determined as follows:

The total number of votes available to each State Branch, shall be determined by the formula:

$(A/B) * 100$  where:

- "A" is the number of financial members of the Union as a whole, not including Retired Members, that were attributable to the membership of the respective State as at 30 June prior to the current ordinary meeting of National Conference in session or otherwise the most recent ordinary meeting of National Conference.
- "B" is the number of financial members, not including Retired Members, that of the Union as a whole as at 30 June prior to the current ordinary meeting of National Conference in session or otherwise the most recent ordinary meeting of National Conference.
- "100" is the total sum of votes available to the State Branch Representatives from all States.

The proportional vote to be held by a State Branch Representative shall be determined in turn by the formula:

$X/Y$  where:

- 'X' is the result of the calculation 'A/B' as provided in subrule A above for the respective State Branch of the State Branch Representative; and
- 'Y' is the number State Branch Representatives on the National Conference from the respective State Branch, whether or not those State Branch Representatives are in attendance.

The proportional vote held by each State Branch representative as determined in subrule (v) above shall only be exercised by a State Branch Representative present when the vote by division is being conducted.

4. At every meeting of the Conference, a majority of delegates entitled to attend shall form a quorum.
5.
  - (a) Where matters cannot be determined by the National Council a majority of members of the National Council may resolve to refer the matter to delegates of the National Conference for a decision by a postal ballot of all delegates.
  - (b) A matter shall be referred for decision by delegates to the National Conference by postal ballot where the National President receives a request from three State Councils provided that such request is made at a special meeting of the Councils making the request.
  - (c) A decision of the majority of delegates to National Conference voting at a postal ballot in accordance with this sub-rule shall be deemed to be a resolution of the National Conference in meeting assembled and shall have full force and validity unless and until such acts or decisions are reversed or amended by a Conference.
  - (d) Any postal ballot held under this subrule may be conducted by a ballot of all delegates of National Conference by email to the email address provided by each delegate or to the union email address used by any full-time officer or via the internet.

### **5A3 - NOTICE AND AGENDA FOR NATIONAL CONFERENCE**

1. The National Secretary shall, by a notice placed in a publication of the Union and circulated to all members at least 13 weeks prior to the opening of the Conference, call on District Committees, State Industry Committees, Work Shops, State Councils, State Conferences, and National Industry Committees to forward items for the National Conference Agenda Paper. In addition, the National Council shall schedule annual meetings in each State which are open to all workplace delegates and these meetings may forward items for the State Council, State Conference, National Council and or National Conference Agendas.
2. The National Council shall have power to group agenda items, make recommendations on the items submitted for the National Conference, and shall itself also have power to submit items for the National Conference agenda.

#### **Closure of Agenda**

The agenda shall close not less than six weeks before the opening of the conference. Any matter appearing on the agenda paper and any business agreed to by the Conference when sitting, may be dealt with by the Conference in any manner it sees fit.

Other items may be added to the agenda paper if agreed to by a resolution of the Conference when assembled.

3. Notice of every National Conference together with a copy of the agenda paper shall be posted to each Delegate to the National Conference and to each State Secretary. Such notice and agenda paper shall be sent not less than fourteen days before the date on which the Conference is due to commence.

## 5B1 - NATIONAL COUNCIL

### 1. Composition

From the conclusion of the elections for National Council Delegates scheduled to occur at the 2023 National Conference, there shall be a National Council comprised of:

- (a) The rank and file National Councillors
  - (i) each State Branch shall be entitled to a minimum of one elected one rank and file National Councillor;
  - (ii) there shall be an additional 9 rank and file National Councillors elected pursuant to Rule 6C.1(c) from across the State Branches with the number from each Branch to be calculated on the proportion of financial membership as at the final day of the December quarter immediately prior to the biennial meetings of the State Conferences and elected by the relevant State Conference;
- (b) The additional female National Councillor(s) - entitled to be elected according to subrule 5B1.2 below;
- (c) The National President;
- (d) The National Secretary;
- (e) The Assistant National Secretaries;
- (f) The State Secretaries from each State;
- (g) A State Conference Delegate who is employed by the Union from each of the three State Branches with the most financial members as at the final day of the December quarter immediately prior to the biennial meetings of the State Conferences and elected by the relevant State Conference;
- (h) To represent the three State Branches with the fewest financial members as at the final day of the December quarter immediately prior to the biennial meeting of the National Conference, a National Conference Delegate who is employed by the Union in one of those three States and who shall be elected at each ordinary meeting of the National Conference by the members of the National Conference from those three States;
- (i) The National Secretary - Retired Members' Division, who shall be a nonvoting member consistent with paragraph 7G1.27(a).

2. Representation of Women on the National Council

- (a) The number of female National Councillors shall be not less than 10% of the members of National Council or not less than the proportion of female members of the union whichever is greater. This shall be known as "the Proportion" for the purposes of this sub-rule. If following the conduct of any other election for Delegates to National Council required at an ordinary meeting of the National Conference the number of female National Councillors is less than the Proportion, additional female National Councillors will be elected to National Council consistent with Rule 6B - Honorary Elections at National Conference.
- (b) Female National Councillors elected under this sub-rule comprise an additional representative of the State from which they were elected.
- (c) For the purposes of subrule (a) above, the "Proportion" shall be calculated on the basis of the proportion of female financial members to total financial members as at final day of the quarter immediately prior to the biennial National Conference.

3. Status of Delegates

- (a) A person who is a rank and file Delegate to National Conference under Rule 5A1.2 may nominate for and hold the position of rank and file National Councillor.
- (b) A woman who is a rank and file Delegate to National Conference under Rule 5A1.2 may nominate for and hold the position of an additional female National Councillor.
- (c) Notwithstanding Rule 5A1.3, any member of the Union employed by the Union who is elected to National Council pursuant to subrules 5B1.1(g) or (h) may nominate for and hold the position of National Conference Delegate pursuant to subrule 5A1.2(d).

4. Any member elected or appointed to an office that, directly or ex-officio, entitles the holder of such office to sit on National Council shall upon their election or appointment notify the National Secretary of an email address by which they shall be contactable for the purpose of discharging their functions and duties as a member of National Council.

5. Transitional provision

Until the conclusion of the elections for National Council Delegates scheduled to occur at the 2023 National Conference, the National Council shall be composed of Delegates elected consistent with subrule 5B1 immediately prior to the certification of this Rule which was in the following terms:

**5B1 – NATIONAL COUNCIL**

*1. Composition*

*There shall be a National Council comprised of:*

- (a) *The rank and file National Councillors - each State shall be entitled to elect one rank and file National Councillor for each 2,500 members or part thereof in each State, elected by the Delegates to and members of the State Conference and from the rank and file Delegates to State Conference.*



- (b) *The additional female National Councillor(s) - entitled to be elected according to subrule 5B1.2 below;*
- (c) *The National President;*
- (d) *The National Secretary;*
- (e) *The Assistant National Secretaries;*
- (f) *The State Secretaries from each State;*
- (g) *A State Conference Delegate who is employed by the Union from each of the three State Branches with the most financial members as at the final day of the December quarter immediately prior to the biennial meetings of the State Conferences and elected by the relevant State Conference;*
- (h) *To represent the three State Branches with the fewest financial members as at the final day of the December quarter immediately prior to the biennial meeting of the National Conference, a National Conference Delegate who is employed by the Union in one of those three States and who shall be elected at each ordinary meeting of the National Conference by the members of the National Conference from those three States;*
- (i) *The National Secretary - Retired Members' Division, who shall be a nonvoting member consistent with paragraph 7G1.27(a).*
- (j) *In addition, for the transitional period from 1 July, 2019 to 30 June, 2023, there shall be three additional Delegates to the National Council with one to be elected from each of the Vehicle, Food and Confectionery, and Print membership areas.*

## **2. Representation of Women on the National Council**

- (a) *The number of female National Councillors shall be not less than 10% of the members of National Council or not less than the proportion of female members of the union whichever is greater. This shall be known as "the Proportion" for the purposes of this sub-rule. If following the conduct of any other election for Delegates to National Council required at an ordinary meeting of the National Conference the number of female National Councillors is less than the Proportion, additional female National Councillors will be elected to National Council consistent with Rule 6B -Honorary Elections at National Conference.*
- (b) *Female National Councillors elected under this sub-rule comprise an additional representative of the State from which they were elected.*
- (c) *For the purposes of subrule (a) above, the "Proportion" shall be calculated on the basis of the proportion of female financial members to total financial members as at final day of the quarter immediately prior to the biennial National Conference.*

3. *Status of Delegates*

- (a) *A person who is a rank and file Delegate to National Conference under Rule 5A1.2 may nominate for and hold the position of rank and file National Councillor.*
  - (b) *A woman who is a rank and file Delegate to National Conference under Rule 5A1.2 may nominate for and hold the position of an additional female National Councillor.*
  - (c) *Notwithstanding Rule 5A1.3, any member of the Union employed by the Union who is elected to National Council pursuant to subrules 5B1.1(g), (h) or (j) may nominate for and hold the position of National Conference Delegate pursuant to subrule 5A1.2(d).*
4. *Any member elected or appointed to an office that, directly or ex-officio, entitles the holder of such office to sit on National Council shall upon their election or appointment notify the National Secretary of an email address by which they shall be contactable for the purpose of discharging their functions and duties as a member of National Council.*

**5B2 - POWERS OF NATIONAL COUNCIL**

1. **Power & Authority**

The National Council shall be the Committee of Management of the Union and shall subject to the powers and decisions of the National Conference and these rules, have the care, control, superintendence, and management in all respects of the affairs, business, funds and property of the Union and without limiting the generality of the foregoing it may:-

- (a) Interpret the rules and interpret and enforce the general policy as decided by the National Conference.
- (b) Determine matters of policy not covered by Conference decisions.
- (c) Control and conduct the business and affairs of the Union while the National Conference is not in session and delegate such matters to the National Steering Committee for control and conduct while the National Council is not in session.
- (d) Appoint the Editor of the Union Journal and manage and control the policy of the Journal.
- (e) Expend such money as may, in the opinion of the Council be necessary and invest such money as may, in the opinion of the Council, be necessary or desirable.
- (f) Submit any matter to the members of the Union or to the members of any separate State or States where the matter involved affects only the members of that separate State or States, or to any section of the members where the matter affects only that section of members for decision by ballot.

- (g) Negotiate any agreement for amalgamation with any other union or unions.
- (h) Ensure that officers and Committees of the Union carry out the rules, decisions and policies of the Union and impose penalties in accordance with these rules.
- (i) Control and supervise the work of the National officers of the Union.
- (j) Change the location of the registered office of the Union or of any of the registered State Offices.
- (k) Convene any Special National Conference of the Union considered necessary or desirable, the agenda for which shall be determined by the National Council and limited to those matters notified in accordance with Rule 5A3.
- (l) Fix the salary conditions of employment and allowances for all clerical and administrative staff employed by the Union.

2. Decisions of National Council

All decisions of the National Council shall be made by a majority of the members present at the meeting unless otherwise provided for in these rules.

3. Deleted

- 4. All acts and decisions of the National Council are binding on all members of the Union and shall have full force and validity unless and until such acts and decisions are reversed or amended by Conference.
- 5. The National Council shall have the power at any time to order and arrange for the audit of the books of any State body of the Union or of the National Council itself.
- 6. No loan, grant or donation of an amount exceeding \$1,000 shall be made by the Union unless the National Council:-

- (a) has satisfied itself-
  - (i) that the making of the loan, grant or donation would be in accordance with the other rules of the organisation; and
  - (ii) in the case of a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and
- (b) has approved the making of the loan, grant or donation.

7. The National Council shall develop and approve each year a National Budget and State Budgets..

The Budgets shall be based on clear and consistent criteria to ensure an equitable distribution of resources amongst States. They shall have as their guiding principle that allocations be in proportion to membership revenue of each State having regard to the need for effective national operations of the Union and subsidies at agreed levels of the operations of smaller States.

8. Only National Conference shall have the power and authority to authorise expenditure on any matter where such expenditure exceeds, will exceed or is otherwise inconsistent with the relevant Budget.

Otherwise the National Union and each State shall operate within their Budget and shall be responsible for the expenditure of funds in accordance with the Budget and consistent with National Conference and National Council policy governing the administration and finances of the Union. They shall not otherwise expend money.

9. Each ordinary meeting of the National Council shall review the income and expenditure levels of the Union. Following each review the National Council may give such directions and make such decisions as in its opinion are necessary to ensure that future income and expenditure for the Union more closely correspond to the income and expenditure targets as determined.

In any directions or decisions given and made under this sub-rule and/or all other parts of this rule National Council shall have regard to and act consistently with the following principles:

- (a) States are resourced in proportion to their membership revenue and expenditure;
  - (b) National operations of the Union must be appropriately supported and underpinned;
  - (c) Subsidies are provided at agreed levels for the operations of the smaller States; and
  - (d) Subject to paragraphs (b) and (c) herein, any inequitable and/or disproportionate distributions of resources amongst the States should be reduced.
10. The National Budget and State Budgets shall be determined by means of the following processes:
- (a) "Asset Income". The asset income of the Union shall include the following sources of income as reported in the audited accounts of the Union in the previous year:
    - (i) Interest;
    - (ii) Dividends;
    - (iii) Rent paid by third parties for use of the Union's premises and other properties
  - (b) Prior to any allocation of asset income to the Union's budget, the following amounts shall be deducted and retained as part of the Union's accumulated assets:
    - (i) An amount equivalent to ten percent of the amount calculated pursuant to sub-paragraph (a) above to maintain the Union's asset base; and
    - (ii) An additional amount equivalent to any increase in the Union's liabilities for the annual leave and long service leave entitlements of its employees as reported in the audited accounts.

- (c) Projections of membership, membership income and expenditure shall be determined for the Union and for each State consistent with procedure adopted by the National Council.
- (d) The level of expenditure required to support each of the national functions of the Union as determined by the National Conference shall also be projected.
- (e) The balance of asset income determined consistent with sub-paragraphs (a) and (b) above shall be allocated to the National Budget to support the national functions of the Union.
- (f) The amount required to support any balance of the national functions of the Union as determined in sub-paragraph (d) above after the allocation of asset income in sub-paragraph (e) above shall be allocated from the projected membership income determined in sub-paragraph (c) above.
- (g) The allocation of projected membership income required in sub-paragraph (f) above shall be deducted proportionally from the membership income projected for each State in proportion to the membership income projected for that State compared with the overall membership income projected for the Union.
- (h) An appropriate level of support for smaller States as determined by the National Conference shall be provided from the projected membership income of the larger States.
- (i) The balance of projected membership income for each State shall be allocated to the Budget of that State.
- (j) Where the projected expenditure for a State exceeds the projected membership income (and any allocation to support a small State) allocated to that State's State Budget under paragraph (i) above, steps must be taken to balance the budget for that State prior to the commencement of the budget year.
- (k) At the end of each year, budgeted income from membership dues, asset income and budgeted expenditure will be reconciled.
  - (i) If, at the end of a budget year, the National Budget or a particular State Budget is left with a deficit, then that deficit must be repaid over a period to be determined by the National Council.
  - (ii) If, at the end of a budget year, the National Budget or a particular State Budget is left with a surplus, then that surplus is retained for the use of that State for purposes determined by the National Council upon advice from the relevant State provided that the first use of any surplus must be the repayment of any deficits attributable to that State.

#### 11 Expenditure of the Union's Accumulated Assets

The National Conference may resolve to allocate funds from the accumulated assets of the Union for operational purposes.

### **5B3 - MEETINGS AND VOTING OF NATIONAL COUNCIL**

1. Meetings

Meetings of the National Council shall be held at least half yearly at the office of the National Council unless otherwise decided. A meeting of the Council shall also be held when deemed necessary by the National President and National Secretary and as quickly as possible on demand by any four members of the National Council.

2. Notice of meetings of the National Council shall be given by letter or email or other electronic means as may be adopted by the National Council from time to time.

3. Quorum

At every meeting of the National Council not less than half plus one of the total persons constituting the Council shall form a quorum.

4. The business of the National Council when not in meeting assembled may be transacted by correspondence or email or other electronic means as may be adopted by the National Council from time to time. The matter or matters for consideration by the National Council shall be communicated by the National Secretary and/or an Assistant National Secretary to all Councillors and their vote shall be given to the National Council office by letter or email or other electronic means as may be adopted by the National Council from time to time. Where not less than half the members of the National Council vote, the decision of the majority so voting shall be deemed to be a resolution of the National Council at meeting assembled. In addition to the other provisions of this Clause, the business of National Council when not in meeting assembled may be transacted by teleconference or other electronic means as may be adopted by the National Council from time to time when deemed necessary by the National President and National Secretary or by majority of the National Steering Committee. The matter or matters for consideration by the National Council shall be communicated by the National Secretary and/or an Assistant National Secretary to all Councillors at least on the day prior to the hook-up taking place. When not less than half plus one of the members of National Council participate in the hook-up the National Council will be deemed to have met as if it had met in meeting assembled.

#### Replies of Council Members

All communications from the National Office to a member of the National Council, requiring a decision or expression of opinion, shall be answered within fourteen days and should any member fail to comply with this requirement, the National Secretary shall notify the State Secretary of the State which the member of Council concerned represents, and the State Council of that State may take whatever action the members of the State Council deem necessary in accordance with these rules.

#### **5B4 - DECISIONS OF THE NATIONAL COUNCIL**

1. A State Council may request any decision made by the National Council to be submitted to members of the National Conference for vote by post, by email or via the internet in accordance with subrule 5A2.5. Where 3 or more State Councils makes such a request in relation to a particular decision or decisions the National President shall take steps as quickly as possible to have such a vote taken.

#### **5C - NATIONAL STEERING COMMITTEE**

1. National Steering Committee

##### Composition

- (a) The National Steering Committee (NSC) is made up of:
  - (i) The National President
  - (ii) The National Secretary
  - (iii) The Assistant National Secretaries
  - (iv) Each of the State Secretaries
  - (v) The State Secretary of the Tasmanian Branch is not required to attend meetings of the NSC and, in their absence, they will be represented by the National Secretary.

##### Meetings/Quorum

- (b) Meetings of the NSC will be conducted in the following manner:
  - (i) The NSC must meet at least once in each four week period except that, during the period falling between each December National Council and the first meeting of the NSC scheduled for the following February, NSC may meet only as required.
  - (ii) The NSC may conduct its business by telephone hook-up, email, video conference or other electronic means as adopted by the NSC from time to time.
  - (iii) A quorum for the NSC is four members of the NSC. At least one member must be the National President or the National Secretary.
  - (iv) The National President will preside at the meeting. When the National President is absent or is unable to attend meetings of the NSC the members in attendance will elect a Chairperson from amongst themselves to carry out the duties of the President at these meetings. The National President or Chairperson will, on adoption, sign the minutes of the respective meetings.

- (v) Where a member is appointed by an appointment body under rule 6A.8(b)(iv) to exercise the functions of an office listed at subrule 5C.1(a) for a period during the temporary unavailability of the holder of that office, that appointment will also authorise the appointee to exercise the vote of the office at a meeting of the National Steering Committee during the period of the appointment.

#### Responsibilities

- (c) The NSC will have the following responsibilities:
  - (i) The NSC will be responsible for the administrative affairs of the Union in accordance with the rules and policies of the National Conference and the National Council between meetings of those bodies.
  - (ii) The NSC will develop and present draft budgets for consideration by National Council and, subject to any decisions of National Council, shall monitor and administer the implementation of the budgets adopted by National Council.
  - (iii) The NSC will refer any matters involving the Union's rules, policy and/or organization to the National Conference or National Council.
- (d) Review of Diversity of Representation

At the conclusion of each election for National Conference Delegates, State Conference Delegates, National Council Delegates and State Council Delegates, the National Steering Committee shall review the occupational and industry representation on the National Conference, the State Conferences, the National Council and the State Councils. Where the National Steering Committee resolves that an industry or occupation is materially under-represented on a Conference or Council in proportion to the number of members from that industry or occupation in the relevant area, the following provisions will apply:

- A. The relevant National Industry Committee or State Council will be asked to nominate a specific number of members from industries or occupations identified as being proportionally under-represented on a Conference or Council;
- B. Except where resolved to the contrary by the relevant Conference or Council when dealing with a charge laid under rule 10A, or dealing with a suspected or alleged breach under rule 10B, such nominees shall have equivalent rights of attendance and participation at all meetings of the relevant Conference or Council as those Delegates who have been elected to the Conference or Council except that they will not be entitled to vote on any matter.

The NSC shall further report to each meeting of the National Conference on the representation of women on the Conferences and Councils of the Union.



- (e) The business of the National Steering Committee when not in meeting assembled may be transacted by correspondence or email or other electronic means as may be adopted by the National Steering Committee from time to time. The matter or matters for consideration by the National Steering Committee shall be communicated by the National Secretary to all members of the National Steering Committee and their vote shall be given to the National Union by letter or email or other electronic means as may be adopted by the National Steering Committee from time to time. Where not less than half the members of the National Steering Committee vote, the decision of the majority so voting shall be deemed to be a resolution of the National Steering Committee at meeting assembled.

### 5D1 - STATE CONFERENCE

1. There shall be established for each State a State Conference.
2. The State Conference shall consist of:
  - (a) Rank and file Delegates elected by and from the membership in each State on the following basis:
    - (i) In State Branches with 5,000 financial members or fewer: 15 Delegates;
    - (ii) In State Branches with more than 5,000 financial members: 15 Delegates plus one additional Delegate for each 1,000 additional financial members or part thereof;
    - (iii) In Tasmania: 12 Delegates.
  - (b) Additional rank and file women Delegates - each State shall be entitled to elect additional rank and file women delegates such that the number of additional rank and file women delegates shall be equal to either 10% of the rank and file delegates entitled to be elected under paragraph (a) of this subrule or the proportion of women financial members to total financial members in the State, whichever is the greater, rounded up to the nearest whole number;
  - (c) the State President, the State Vice-President, the State Secretary and the Assistant State Secretaries, and
  - (d) A number of members of the Union who are employed by the Union to be elected by the membership in each State which number shall be calculated as follows:
    - (i) Where the number of Rank and File Delegates is 15 as determined by subrule 2(a)(i) above, the number of number of members of the Union who are employed by the Union entitled to be elected shall be 10% of the number of Rank and File Delegates entitled to be elected under paragraph (a) of this subrule and rounded up to the nearest whole number;
    - (ii) Where the number of Rank and File Delegates is more than 15 as determined by subrule 2(a)(ii) above, the number of number of members of the Union who are employed by the Union entitled to be elected shall be 20% of the number of Rank and File Delegates entitled to be elected under paragraph (a) of this subrule and rounded up to the nearest whole number;
    - (iii) In Tasmania: one member of the Union who is employed by the Union.
  - (e) The State Secretary - Retired Members' Division, who shall be a nonvoting member consistent with paragraph 7G1.29(a);
  - (f) One additional apprentice rank and file member, or rank and file member under the age of 30 years, elected by and from the membership in each State.
3. The relevant date for determining the relevant proportion for paragraph (b) of subrule 5D1.2 above, above shall be based upon the number of financial members at the end of the Quarter immediately preceding the opening of nominations.

4. The State Secretary shall call for agenda items from the State Council, District Committees, State Industry Committees and Workshops (provided that the items have been endorsed by at least five financial members) in the State in accordance with the principles of Rule 5A3. In addition, annual Delegate meetings held in accordance with Rule 5A3 may also forward items for the State Conference and or State Council agendas.
5. Any member elected or appointed to an office that, directly or ex-officio, entitles the holder of such office to sit on State Conference shall upon their election or appointment notify the relevant State Secretary of an email address by which they shall be contactable for the purpose of discharging their function and duties as a member of State Conference.

### **5D2 - POWERS OF STATE CONFERENCE**

1. The State Conference shall meet each two years except when a Special State Conference is convened by the State Council.
2. Authority

Subject to the powers and authority of the National Conference and National Council, State Conference shall exercise the following powers:-

- (a) To make all necessary decisions to strengthen the Union and advance the interests of its members within the State.
  - (b) To take all steps within the State necessary to achieve any and all of the objects of the Union.
  - (c) To take all steps necessary to implement within the State the decisions of the National Council and or National Conference.
  - (d) To exercise all and any of the powers and carry out all or any of the responsibilities conferred on a State Conference and/or State Council by these rules.
  - (e) To amend, over-ride and where necessary to replace any and all decisions of the State Council.
  - (f) To conduct elections in accordance with 6C of these Rules.
  - (g) To select a State Returning Officer and Deputy Returning Officer as provided for in 6D.
3. Decisions of Conference

The decisions of State Conference shall be published and available to members at State and Regional offices of the Union in the State. The decisions of State Conference shall be binding on all members in the State.
4. The State Council may at any time refer any matter to members of the State Conference for vote by post or by email or via the internet.

## 5E1 - STATE COUNCIL

1. There shall be a State Council in each State. The State Council shall consist of:
  - (a) Rank and file State Councillors - each State with the exception of Tasmania shall be entitled to elect such number of rank and file State Councillors being half the number of the rank and file delegates entitled to be elected to the State Conference rounded up to the nearest whole number. In Tasmania, there shall be eight rank and file State Councillors;
  - (b) Rank and file female State Councillors - each State shall be entitled to elect such rank and file female State Councillors such that the number shall be equal to 10% of the rank and file State Councillors in sub-rule (a) or the proportion of financial women members to total financial members in the State, whichever is the greater, rounded up to the nearest whole number;
  - (c) the State President;
  - (d) the State Vice-President;
  - (e) the State Secretary;
  - (f) the Assistant State Secretaries;
  - (g) The State Secretary - Retired Members' Division, who shall be a nonvoting member consistent with paragraph 7G1.29(a);
  - (h) Members of the Union who are employed by the Union calculated at 20% of the number of Rank and File State Councillors entitled to be elected under paragraph (a) of this subrule and rounded up to the nearest whole number except in Tasmania where the number shall be one;
  - (i) The additional apprentice rank and file member or rank and file member under the age of 30 years, elected to the State Conference.
  - (j) For the transitional period from 1 July, 2019 to 30 June, 2023, there shall be an additional office of State Councillor elected from the following membership areas:
    - (i) The vehicle membership area in NSW
    - (ii) The print membership area in South Australia
    - (iii) The print membership area in Western Australia
2. The relevant date for determining the financial membership of each State Branch, and the relevant proportion for paragraph 1(b) above, shall be the last day of the quarter immediately preceding the determination of the number of positions to be elected by the Australian Electoral Commission.
3. Status of Delegates

A person who is a rank and file Delegate to State Conference under Rule 6A and who holds the position of rank and file State Councillor does not vacate the position of rank and file Delegate to State Conference because he or she also holds the position of rank and file State Councillor.

4. Any member elected or appointed to an office that, directly or ex-officio, entitles the holder of such office to sit on State Council shall upon their election or appointment notify the relevant State Secretary of an email address by which they shall be contactable for the purpose of discharging their functions and duties as a member of State Council.

## **5E2 - POWERS OF STATE COUNCIL**

1. The State Council shall meet no less frequently than quarterly.

In addition, the State Council can set a schedule of further meetings as it deems necessary.

In addition, meetings may be called up to three times in a calendar year by agreement between the State Secretary and the State President.

In addition to this, meetings may be convened by agreement between the State Secretary and State President by telephone conference in accordance with 5E3.

Additional special meetings may be convened to deal only with urgent matters that cannot reasonably be dealt with at the regular meeting of State Council. Such a special meeting may be convened by a request of a majority of members of State Council. Where a meeting is requested by a majority of the members of State Council:

- (a) The majority of members requesting the State Council to meet must provide the State Secretary and State President with a signed copy of that request. In the absence of the State Secretary on leave or interstate, an Assistant State Secretary or the Acting State Secretary shall be provided with a signed copy of that request. In the absence of the State President on leave or interstate, the Vice President shall be provided with a signed copy of that request.
  - (b) Where a request has been received in accordance with paragraph (a) the State Secretary and State President must call a meeting of State Council.
  - (c) All State Councillors must be given 3 working days' notice of a meeting of State Council called at the request of a majority of the members of State Council. Such notice must be given in writing and specify the agenda for that meeting. Matters not contained in the agenda must not be dealt with at the meeting of State Council.
2. The State Council shall generally serve the purpose of an executive body of the State Conference in the State concerned and may convene any Special State Conference of the Union considered necessary or desirable, the agenda for which shall be determined by the State Council and limited to those matters notified in accordance with the principles of Rule 5A3. It shall, subject to the powers of the State Conference, National Conference and the National Council generally direct the work of the Union in the State, carry out particular responsibilities allocated to it under these rules and take all steps necessary and in accordance with these rules to strengthen the Union and further the interests of the members.

3. No loan, grant or donation of an amount exceeding \$1,000 shall be made by any State Council of the Union unless that State Council:-

(a) has satisfied itself-

- (i) that the making of the loan, grant or donation would be in accordance with the other rules of the organisation; and
- (ii) in the case of a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

(b) has approved the making of the loan, grant or donation.

4. Supervision

The State Council shall supervise and direct all work of all full-time Officers, District Committees and other Committees of the Union established in the State.

5. In all States where State established wage tribunals exist the State Council shall be the body to act in relation to matters coming within the jurisdiction of such bodies on behalf of the Union and also be the body to act on behalf of the Union in relation to industrial agreements limited to the State, subject always to the powers of the State Conference, National Conference and the National Council.

6. State Council shall have power to call aggregate meetings of members or sections of members or shop meetings of members for any purpose consistent with the objects of the Union.

7. Delegates

State Council shall authorise the appointment of or election by members, of delegates, deputy delegates and workplace committees in workplaces in the State, and may also delegate that authority to the Administrative Committee. Such elections shall be conducted annually in September.

The powers of delegates and workplace committees shall be defined by the State Councils with the approval of the National Council. The delegates or the workplace committee may appoint a convenor and deputy convenor who themselves must be a delegate whose powers and duties shall be defined in like manner as the powers and duties of delegates and workplace committees. In country areas, following upon the election of delegates to facilitate and ensure their proper authorisation by the State Council, notification of their election shall be made by the District Committee.

#### Powers of Delegates

The powers of delegates, workplace committees and convenors shall include the following:

To enrol persons qualified to be members of this Union under these rules.

When authorised by State Council to collect from them all contributions, fines, levies, etc. payable under these rules.

To issue them with a receipt for such money and to account for such money by paying them into the office of the State Council. Such collection and payment of money shall be carried out in the manner determined by the State Council and expenses for collection of such money shall be paid as determined by the National Council.

#### Duties

They shall see that all employees starting are duly qualified trade unionists and that all persons are receiving the approved rates and complying with the practice of the workplace and district and for these purposes to examine membership contribution card, Union receipts or other form of acknowledgment of payment of Union contributions and to report to any State officer any case in which the position is not satisfactory and cannot be adjusted within the shop.

The delegates' proof of payment of Union contributions shall be examined by their convenors and the State Branch.

They shall be authorised to interview supervisors or any other persons representing the management on any questions arising within the workplace. Any question involving a principle or change of practice shall be reported to a State official, authorised by an Administrative Committee or State Council. Where any dispute occurs, the officials shall try by conciliation to reach a settlement. All disputes shall come immediately under the control of the State Councils.

In all matters delegates, convenors and committees shall act within the rules and principles laid down by the State Council and the National Council.

#### 8. Meetings of Delegates

The State Council shall convene meetings of delegates when and where necessary on an area basis. District Committees shall, subject to the approval of State Council, convene meetings of delegates at least once each quarter in the area covered by their respective District Committee. Payment for attending shall be determined by State Council. Such meetings to be for the purpose of discussing industrial campaigns, workshop problems and any other matters submitted by delegates for consideration. Any resolutions adopted shall be in the form of recommendations to the State Council and District Committee and may be implemented only if they are not at variance with the policy of the Union.

#### 9. To issue publications for the information of members.

#### 10. The State Council may submit any matter to the State Conference Delegates for vote by post or by email or via the internet and the vote taken in this manner shall be regarded as a decision of Conference in meeting assembled.

#### 11. State Council Minutes

A copy of the Minutes of each meeting of the State Council shall be forwarded to the National Council and State Conference Delegates within 14 days of each council meeting.

#### 12. The State Councils in NSW, Victoria, Queensland and South Australia will establish a State Steering Committee consistent with the provisions of sub rule 5F.2.

### **5E3 - MEETINGS AND VOTING OF STATE COUNCIL WHEN NOT ASSEMBLED**

1. The business of State Council when not in meeting assembled, may be transacted by correspondence or email or other electronic means as may be adopted by the National Council from time to time. The matter or matters for consideration by the State Council shall be communicated by the State Secretary and/or an Assistant State Secretary to all Councillors and their vote shall be given to the State Council Office by letter or email or other electronic means as may be adopted by the National Council from time to time. Where not less than half the members of the State Council vote, the decision of the majority so voting shall be deemed to be a resolution of the State Council at meeting assembled.

In addition to the other provisions of this Clause, the business of State Council when not in meeting assembled may be transacted by teleconference or other electronic means as may be adopted by the National Council from time to time when deemed necessary by the State President and the State Secretary, or by majority by the State Administrative Committee. The matter or matters for consideration by the State Council shall be communicated by the State Secretary and/or an Assistant State Secretary to all Councillors at least on the day prior to the hook up taking place. When not less than half plus one of the members of the State Council participate in the hook up the State Council will be deemed to have met as if it had met in meeting assembled.

2. Replies of Council members.

All communications from the State office to a member of the State Council, requiring a decision or expression of opinion, shall be answered within fourteen days.

### **5F - STATE ADMINISTRATIVE COMMITTEE AND STATE STEERING COMMITTEE**

1. State Administrative Committee

(a) There shall be an Administrative Committee in each State comprised of:

- (i) the State President;
- (ii) the State Vice President;
- (iii) the State Secretary;
- (iv) the Assistant State Secretaries; and
- (v) 2 Rank and file State Conference Delegates or a number of Rank and File State Conference Delegates equivalent to the number of Assistant State Secretaries whichever is the greater.

(b) The Administrative Committee shall act as the Administrative Committee of the State Conference and the State Council and administer the affairs of the State Branch when neither the State Conference nor the State Council is in session and in accordance with the rules and policies of the National Conference, National Council, State Conference and State Council.



- (c) The Administrative Committee may refer matters to the State Council. The Administrative Committee may also refer matters to the State Conference as required.
- (d) The State President or Vice-President shall sign the minutes of meetings of the Administrative Committee on their adoption.

2. State Steering Committee

- (a) The State Steering Committees shall be comprised of:
  - (i) The State Secretary
  - (ii) The Assistant State Secretaries
  - (iii) Subject to subrule (b) below, any other member of the State Branch as determined by the State Council.
- (b) The composition of the State Steering Committee as set by resolution of the NSW, Victorian, Queensland and South Australian State Council meetings prior to 15 March, 2018 shall not be amended in the period to 30 June, 2023 unless by unanimous agreement of the State Steering Committee and the subsequent endorsement of the State Council.
- (c) Where established, the State Steering Committees shall commence meeting from 1 July, 2019 and shall meet no less frequently than the State Council.
- (d) Where the person representing the Vehicle, Food and Confectionery or Print membership areas on a State Steering Committee prior at 15 March, 2018:
  - (i) leaves the employment of the Union in the period to 30 June, 2023; and
  - (ii) is not replaced by another eligible member filling the office of Assistant State Secretary the State Secretary and the Assistant National Secretary representing the relevant membership area shall confer on a suitable replacement for consideration of the State Council provided that such replacement shall be from the same membership area as the person being replaced.
- (e) A State Secretary or an Assistant National Secretary may refer any dispute arising from the operations of the State Steering Committee to the National Steering Committee for review.
- (f) The State Steering Committee will monitor and support:
  - (i) the implementation of Branch Operational Plans; and
  - (ii) The State and National Industry Plans; and
  - (iii) such other responsibilities as delegated by State Council.

The State Steering Committee shall operate under the supervision of the State Council and provide regular reports thereto.

- (g) The State Secretary shall ensure that the agenda for meetings of the State Steering Committee is circulated prior to the meeting and that minutes of the previous meeting are circulated for endorsement at the subsequent meeting.

## **5G - DISTRICT AND SECTION COMMITTEES**

### **1. District Committees**

For the purpose of organisation and administration the State Council may establish in any area a District Committee to consist of representatives elected from the Delegates and members in that area and shall be empowered to adopt by-laws and issue directives for the functioning of such Committees, provided however, that such Committees shall not be empowered to exercise any of the authority prescribed by these rules for State Conference or State Council.

The State Secretary may appoint a state official to assist in the functioning of a District Committee.

District Committees shall elect one of their number to Chair meetings of the Committee.

### **2. Section Committees**

The State Council shall have power to establish and refer to a Trade or Section Committee apart from their own body questions affecting any separate trade or section. Such Committees shall only have power to consider and report to the State Council on questions affecting their own trade interests.

A full-time State officer shall be given the responsibility of assisting the functioning of any such Committees. Trade or Section Committees shall elect one of their number to Chair meetings of the Committee.

## **5H1 - POWERS OF STATE OFFICIALS, STATE CONFERENCES AND STATE COUNCILS**

1. The powers conferred on National Conference and National Council by this rule are in addition to, and not in derogation of, the powers conferred on those bodies under the remainder of these Rules.
2. In order to avoid doubt, and without otherwise affecting the powers of National Conference or National Council:
  - (a) The powers and duties allocated to State Secretaries, State Conferences and State Councils under rules 5D2, 5E2, 5H4 (in respect to State Secretaries) and rule 9B of these rules must only be exercised in accordance with the Rules and with all decisions or policies affecting the exercise of those powers and duties, adopted by National Conference or National Council;
  - (b) Where a specific power is conferred upon or a specific duty allocated to, State Secretaries, State Conferences and State Councils under rules 5D2, 5E2, 5H4 (in respect to State Secretaries) and rule 9B of these Rules, that power or duty must only be exercised subject to and in accordance with all decisions or policies affecting the exercise of that power or duty, adopted by National Conference or National Council; and

- (c) The powers and duties allocated to the State Secretaries under Rule 5H4.3 pertaining to the engagement and supervision of the work of the staff at State offices must only be exercised in accordance with the Rules and with all decisions or policies affecting the exercise of those powers and duties adopted by National Conference or National Council;
- (d) Where, in the opinion of National Conference or National Council, the powers and duties described in Paragraph (c) of this sub-Rule have not been exercised in accordance with these Rules, including this Rule, or the decisions or policies of National Conference or National Council, National Conference or National Council may:
  - (i) resolve that any powers exercised or decisions made are void and are of no effect;
  - (ii) resolve on any matters affecting the Union arising out of the purported exercise of powers or purported decisions made that have been resolved to be void and of no effect; and
  - (iii) resolve to exercise all or any of the powers itself or to give such directions affecting the exercise of these powers or the performance of those duties as National Conference or National Council considers appropriate.

## **5H2 - DUTIES OF NATIONAL OFFICIALS**

### **1. Duties of National President**

The National President shall when he or she is present preside over all meetings of the National Conference and National Council. He or she shall see that the business of each such meeting is properly conducted according to the rules, upon adoption sign the minutes of each meeting and all accounts sanctioned by the Conference or Council.

The President shall carry out such other duties including, general organising duties as provided for in these Rules as determined from time to time by the National Conference or National Council.

In conjunction with the National Secretary and Assistant National Secretaries be responsible for the implementation of union policy.

When the National President is absent or unable to attend meetings of the National Conference or National Council, the members in attendance shall elect a Chairperson from amongst their number to conduct the proceedings.

### **2. Duties of National Secretary**

The National Secretary shall be the Chief Executive and Administrative Officer of the Union and unless otherwise prevented, attend all meetings of the National Conference and National Council and arrange for the keeping of a correct record of all business transacted there. He/she shall have all correspondence replied to promptly, arrange for the payment of all accounts in accordance with these rules and discharge all other liabilities properly incurred in carrying out the affairs of the Union. He/she shall keep an account of all moneys received and of all moneys expended, all banking shall be done in the name of the Union in a bank approved by National Council. He or she shall keep a register of all members of the Union together with such other records as are required by the Fair Work (Registered Organisations) Act 2009 or any amendment.

He or she shall prepare an annual report and financial statement and submit all books, vouchers, accounts etc. to the Council's auditor at least once in each yearly period ending 30th September, and afford every facility to the auditor to ascertain its correctness or otherwise. The Auditor shall be a Registered Public Accountant appointed annually by the National Council. The financial statement and auditor's report shall be published following completion of the audit.

The National Secretary may institute proceedings on behalf of the Union.

### Control of Staff

He or she shall be responsible, in consultation with the National Council, for engaging the necessary staff, to see that appropriate attention is given to the administration of the Union, to correspondence, etc., and to decisions of the National Conference and National Council. The whole staff at the National Office shall be under the control of the National Secretary. Wherever possible appointment shall be open to members of the Union who possess the necessary qualifications.

He or she shall transact such business belonging to the Union where the National Council may be meeting. He or she shall make arrangements for each State Council to be supplied with the necessary books and stationery for the keeping of accounts and maintenance of records. He or she shall be responsible to the National Council for the general supervision and direction of the work of the National Organisers and Assistant National Secretaries. He or she shall visit States for the purpose of the work and duties of the National Conference and Council, and in conjunction with the National President and Assistant National Secretaries be responsible for the implementation of Union policy.

### 3. Duties of Assistant National Secretaries

- (a) The Assistant National Secretaries shall attend, unless otherwise prevented, all meetings of the National Conference and the National Council and carry out such duties as provided for in these Rules or as directed by the Conference, Council or the National Secretary. In general, they shall assist the National Secretary in carrying out his or her duties.
- (b) Subject to subrule (a) above, during the transitional period from 1 July, 2019 to 30 June, 2023, the Assistant National Secretaries shall coordinate the work of the Union in the relevant membership areas from which they were elected pursuant to Rule 6A.10(d).

### 4. All full-time National Officials shall be entitled to attend any meetings of a State Conference or Council or any other meeting of members and to speak at any such meeting, but shall not be entitled to move or second motions and to vote only at meetings of the National Conference and Council.

### 5H3 - STATE OFFICIALS

1.
  - (a) Each State shall have as State officials, a State President, Vice-President, State Secretary and such number as Assistant State Secretaries as may be determined from time to time by the State Conference subject to the approval of National Council and/or Conference and subject to any budget requirements or determinations made by the National Council in accordance with 5B2.
  - (b) Each State may have as State officials such number of State Organisers as may be determined from time to time by the State Conference subject to the approval of National Council and/or Conference and subject to any budget requirements or determinations made by the National Council in accordance with 5B2.
  - (c) Each State shall have a State Returning Officer.
2. During the transitional period from 1 July, 2019 to 30 June, 2023, the number of Assistant State Secretaries will not be reduced unless by way of voluntary redundancy consistent with the provisions of Rule 6A.10(g).
3. A member who holds the office of Honorary Regional Secretary in the State of New South Wales, Victoria, Queensland or South Australia at 30 June 2019 and is employed by the Union shall not have that employment terminated in the period to 30 June, 2023, except in the following circumstances:
  - (a) where the employee is found guilty, pursuant to rules 10A and 10B, of misconduct or breach of Rule sufficient to warrant removal from office or expulsion; or
  - (b) by agreement between the relevant State Secretary and the Assistant National Secretary from the membership area of which the employee is a member.
4.
  - (a) Notwithstanding subrule 1(a) above, from 1 July 2023 the number of Assistant State Secretaries for each State shall be as follows:
    - (i) In Victoria, there shall be 2 Assistant State Secretaries;
    - (ii) In New South Wales, there shall be 1 Assistant State Secretary;
    - (iii) In Queensland, there shall be 2 Assistant State Secretaries;
    - (iv) In Western Australia, there shall be 1 Assistant State Secretary; and
    - (v) In South Australia, there shall be 1 Assistant State Secretary.

For the avoidance of doubt, there shall not be any Assistant State Secretaries in Tasmania.

- (b) From 1 July 2023, the number of State Organisers for each State shall be no greater than as follows:
    - (i) In Victoria, there shall be 16 State Organisers;
    - (ii) In New South Wales, there shall be 5 State Organisers;
    - (iii) In South Australia, there shall be 3 State Organisers;

For the term commencing 1 July 2023, at least two out of the total sixteen allocated State Organisers in Victoria must be female.

For the avoidance of doubt, there shall be no State Organisers in the states of Queensland, Western Australia and Tasmania.

- (c) For the term commencing 1 July 2027, and every subsequent term thereafter, the total number of State Organisers for each state shall be determined by the relevant State Conference provided that the total number so determined shall not be greater than the total number allocated to each state in Rule 5H3.4(b) above, or any other cap on the total number of State Organisers as may be imposed by the National Conference from time to time, whichever is the lower.

#### **5H4 --DUTIES OF STATE OFFICIALS**

##### **1. STATE PRESIDENT**

The State President shall:

- (a) preside at all meetings of the State Conference, State Council, State Administrative Committee and meetings convened by these bodies during his/her period of office and shall have the same voting and other rights as other delegates to the Council and Conference; and
- (b) take all necessary steps to ensure the proper conduct of the business of such meetings, upon adoption sign the minutes and initial all accounts passed for payment.

2. STATE VICE-PRESIDENT

The State Vice-President shall officiate at meetings of the State Conference, State Council, State Administrative Committee or any meetings convened by those bodies where the State President is unable or unwilling to be present. In the absence of the State President the State Vice-President shall be responsible to ensure the proper conduct of the business of any meetings, upon adoption sign the minutes dealt with at such meetings. He or she shall place before the meeting all motions which personally concern the State President and assist that Official to carry out all duties quickly and efficiently.

When the State President and the State Vice-President are absent or unable to attend State Conference, State Council, State Administrative Committee and meetings convened by these bodies the members in attendance shall elect a Chairperson from amongst their number to conduct the proceedings.

3. STATE SECRETARY

The State Secretary shall be entrusted and authorised to act on all matters concerning the activities of the Union in the State, subject to these Rules. He or she shall be responsible for the co-ordination of the work of the State Organisers and shall for all purposes be the main Executive and Administrative Officer of the Union in the State.

Power to Speak

He or she shall be entitled to attend and speak at any meeting of members in the State, but shall have the power to move and second motions and cast a vote only at the State Conference and at meetings of the State Council, the State Administrative Committee and the State Steering Committee.

Control of Staff

He or she shall be responsible, in consultation with the State Council and subject to rule 5B2 of these rules, for the engagement and supervision of the work of the staff at the State office, for the maintenance of all necessary records of the Union, for the maintenance of complete record of the names, addresses and financial standing of all members in the State, and he or she shall forward an account to each member at least quarterly.

Reports

He or she shall report to each meeting of the State Council and the State Conference on the affairs of the Union in the State and on all matters of which he or she has information concerning the welfare of the Union and its members.

He or she shall carry out such other duties as are allocated to him or her by the National Conference, National Council, State Conference or State Council.

#### Accounts

He or she shall deposit all money received for use by the Council to the credit of the Union in a Bank Account as directed by the National Council.

He or she shall maintain a strict and accurate record of all moneys received and expended by the State Council and shall account for these to the National Council and State Council.

He or she shall arrange for an audit of the books and records of the State Council annually and at such other times as directed.

He or she shall submit to the State Conference and to the National Council an audited statement of the financial transactions of the State Council and shall publish this to members.

#### Publications

Subject to any policies determined by and/or decisions of National Conference or National Council relating to Union publications (including their content, timing, and manner of distribution) the Secretary shall edit and arrange for the distribution of any publication to be issued by the State Council, State Conference, National Council or National Conference.

### 4. ASSISTANT STATE SECRETARIES

- (a) Each Assistant State Secretary shall generally assist the State Secretary and carry out such duties as are allocated to him or her by the State Council, State Conference, National Council or National Conference.
- (b) Subject to subrule (a) above, during the transitional period from 1 July, 2019 to 30 June, 2023, the Assistant State Secretaries shall coordinate the work of the Union in the relevant membership areas from which they were elected pursuant to Rule 6A.10(e).

### 5. STATE ORGANISERS

State Organisers shall be responsible for the general organising of the Union in the State. They shall carry out such other organising duties as are allocated to them by the State Council and shall be responsible to the State Secretary. The State Organisers shall be entitled to attend other meetings of members and shall have the right to speak at all such meetings, provided however, that they shall have the right to move and second motions and vote only at bodies within the Union to which they have been duly elected in accordance with these Rules.

- 6. During the transitional period from 1 July 2019 to 30 June 2023, a person who both held the office of Honorary Regional Secretary and was employed by the Union as at 30 June 2019, shall coordinate the work of the Union in the membership area from which their office of Honorary Regional Secretary arose, subject to:
  - (a) subrule 5H4.4(a) above; and
  - (b) their continued employment by the Union during that transitional period.



## 5I - QUORUM RULE

At any meeting of the National Conference, National Council, State Conference or State Council, one half plus one of the members of the body concerned shall constitute a quorum for any meeting. No meeting attended by less than that number shall transact the business or exercise any of the powers prescribed by these rules for the body concerned

## 5J - INDUSTRY COMMITTEES

### 1. Preamble

The Union values and includes all of the trades and occupations within our coverage and on this basis the following principles will be used by the relevant union bodies in making determinations under this rule:

- (a) members campaigning together nationally to deliver industry standards helps build sustainable power and influence through the union.
- (b) AMWU members work across a broad scope of industries, some of which have traditionally been organised nationally and it is a key indicator of success of our union that the Union continues to build on this rich history.
- (c) members in a number of other industries could also benefit from a new approach to coordinated national campaigning.

### 2. A number of National and State Industry Committees will be established to support members to organise their workplaces and industries in order to build power and jobs and to improve working conditions across the sector.

### 3. Where it will assist to build power and deliver growth and better conditions for members, State Conference may likewise establish State Industry and Skilled Trades Committees.

### 4. Determination of National Industries and Skilled Trades Groups by National Council

- (a) The National Council may determine that specific members would benefit from their industry being deemed a 'national industry'.
- (b) National Council may determine that specific members would benefit from the establishment of a skilled trades group.
- (c) A number of factors will assist in the consideration of making a determination under this clause, including but not limited to the types of products and services our members are engaged with and the relationships between suppliers, competitors and customers for those products and services.

5. Determination of the number and scope of National Industry Committees

- (a) The National Conference will determine the number and scope of National Industry Committees.
- (b) In making such determinations, National Conference may consider, but is not limited to considering, the following factors:
  - (i) Has the industry traditionally had a level of national coordination?
  - (ii) Does it have a significant number of national employers?
  - (iii) Does the Union have a significant number of members across 2 or more States?
  - (iv) Are there a significant number of potential members in 2 or more States?
  - (v) Is the industry reliant on, or vulnerable to, policy decisions of the Federal Government?
  - (vi) Does the Industry have (or did it have) its own underpinning award?
  - (vii) Does the Industry have (or did it have) its own training package?
  - (viii) Does the Industry have a high level or history of member / delegate engagement and activity?
  - (ix) Is there a history of national agreements covering national employers in the industry?
  - (x) Is it likely that a national approach will build power for members and help grow the Union?
- (c) In determining the membership and workplace scope of a National Industry Committee, the National Conference shall also consider the full range of occupations which the Union is eligible to cover within the industry.

6. The National Steering Committee shall ensure that the National and State Industry Committees are adequately resourced to enable campaign and organising work in their sector with plans and budgets approved by National and State Councils and supported by the State Branches.

7. Upon this Rule coming into operation, the following Industry Committees will be established:

- Print and Packaging
- Food
- Automotive and Transport
- Defence and Aerospace
- Shipbuilding
- Engineering and Mining Services
- Rail

### **5K- MINUTES**

1. Minute books must be used to record the proceedings and resolutions of all meetings of the National Conference, National Council, National Steering Committee, State Conference, State Council, State Administrative Committee and State Steering Committee.
2. Such minutes of the State Conference, State Council, State Administrative Committee and State Steering Committee must be forwarded to the National Secretary by the relevant State Secretary within 14 days of their adoption by the relevant Committee.

## **SECTION 6 – ELECTIONS**

### **6A - DIRECT ELECTIONS**

Direct Elections shall take place in 2019 and each four years thereafter.

1. Offices to be Elected

This rule shall apply to elections for the following offices –

- (a) National President;
- (b) National Secretary;
- (c) Assistant National Secretaries;
- (d) State Secretaries;
- (e) Assistant State Secretaries;
- (f) State Organisers;

- (g) Delegates to National Conference;
- (h) Delegates to State Conference.

1A From 1 July, 2023, the number of Assistant National Secretaries shall be set at two.

2. Electorates and Voting

- (a) The offices of National President, National Secretary and Assistant National Secretary shall be elected by a secret postal ballot of the financial members of the Union;
- (b) The offices of State Secretary, Assistant State Secretary, State Organiser, Delegate to National Conference and Delegate to State Conference shall be elected by a secret postal ballot of the financial members in the State in which they reside.
- (c) For the purposes of this Rule, elections for the positions listed in 2(b):
  - (i) In New South Wales, shall include members who reside in the Australian Capital Territory; and
  - (ii) In Queensland, shall include members who reside in the Northern Territory.
- (d) For the purposes of this Rule, elections for the positions of Delegates to National Conference and Delegates to State Conference:
  - (i) A total number of Rank and File Delegates to the National Conference shall be determined for each State consistent with Rule 5A1.2.
  - (ii) The determination of the total number consistent with paragraph (i) above shall be based upon the number of financial members at the end of the Quarter immediately preceding the opening of nominations.

3. Eligibility.

A member may be nominated as a candidate under this Part if the member:

- (a) has been a member for the continuous period specified below relating to that office immediately preceding the closing date for lodging nominations and was financial for the 12 months immediately preceding the closing date for lodging nominations.
  - (b) is financial at the closing date for lodging nominations and in the case of offices at a State level, was financial in that State; and
- (c) was for the 12 months immediately preceding the closing date for lodging nominations:
  - (i) employed as an employee in a trade or calling or branch thereof in or in connection with which the Union is registered; or
  - (ii) unemployed on account of illness, incapacity or inability to obtain employment; or
  - (iii) engaged in a full-time office of the Union after having been elected or temporarily appointed thereto; or

- (iv) employed as a salaried officer of the Union or another union associated enterprise specifically endorsed by the National Council.
- (d) The continuous periods of membership required before a member can be nominated as a candidate are as follows:
  - (i) for the offices of National President, National Secretary, Assistant National Secretary, State Secretary and Assistant State Secretary: 4 years;
  - (ii) Subject to subrule (iii) below, for the offices of delegate to National Conference, delegate to State Conference, and State Organiser: 2 years.
  - (iii) for the office of additional apprentice rank and file member, or member under the age of 30 years: 1 year.
- (e) Additional eligibility criteria apply as follows:
  - (i) for the office of Rank and File Delegate to National and State Conference, a nominee must not be employed by the Union in any capacity at the close of nominations.
  - (ii) for the office of rank and file members on the National and State Conferences pursuant to subrule 5A1.2(e) and subrule 5D1.2(f), the nominee must be either an apprentice (but not an adult apprentice) or under 30 years of age at the close of nominations.

4. Tenure and Nature of Office

- (a) Persons declared elected to an office referred to in subrule 1 shall take up office on the 1<sup>st</sup> January or the 1<sup>st</sup> July, whichever sooner occurs, after the declaration of the result of the election and, subject to paragraph (d), shall hold office until such time as their successors have been elected and taken office consistent with this subrule.
- (b) Persons declared elected or appointed to fill a casual vacancy in an office referred to in subrule 1 shall take up office immediate on the declaration of the casual vacancy election or immediately following the appointment and, subject to paragraph (d), shall hold office for the remainder of the unexpired term.
- (c) The initial election under this rule shall take place in the first half of 2019 with the new offices to commence from 1 July, 2019 and shall be conducted in accordance with subrule 6A.10.
- (d) A member elected to the positions National President, National Secretary, Assistant National Secretary, State Secretary, Assistant State Secretary or State Organiser:
  - (i) shall be a full-time officer and shall not, at the same time, hold another full-time office in the Union;
  - (ii) shall cease to be eligible to hold office where he or she has been unfinancial for a period longer than 3 months.

- (e) Except as provided in sub rule (f) below, a rank and file member elected to the office of National Conference Delegate or State Conference Delegate shall be an honorary officer and shall cease to hold office where they are no longer eligible to nominate as a candidate in accordance with sub-rule 3.
- (f) A rank and file member elected to the office of National Conference Delegate or State Conference Delegate who is or was employed by the Union after the close of nominations for that office may continue to hold the office for a period of up to one year from the commencement of the term of office.

5. Returning Officer

Direct elections shall be conducted by Returning Officers appointed by the Australian Electoral Commission or any successor thereto.

6. Conduct of Elections

The Returning Officer shall conduct elections in the following manner.

- (a) The Returning Officer shall ensure that nominations for positions shall be called for in the national journal of the Union or in a national daily newspaper or in a manner determined by the Returning Officer after consultation with the union having regard to the type of election. In addition, the notice shall be published on the national Union website.
- (b) Nominations shall open on the 14<sup>th</sup> of January and close at a time to be determined by the Returning Officer on the 21<sup>st</sup> of February. Where either of these two dates falls on a Saturday, a Sunday, or a public holiday, the nominations will open or close on the next business day.
- (c) Nominations must be in writing and signed by the member who is nominated and by the number of nominators listed below:
  - (i) for the offices of National President, National Secretary and Assistant National Secretary, State Secretary, Assistant State Secretary and State Organiser: 10 nominators are required;
  - (ii) for the offices of National Conference Delegate and State Conference Delegate: 5 nominators are required.

All nominators must be financial members of the Union in the relevant State at the close of nominations.

- (d) Nominations must also include other information as required by the Returning Officer for the good conduct of the ballot.
- (e) Nominations may be delivered or forwarded by mail or email or by any other means that ensures delivery to the Returning Officer at the required location.

- (f) As soon as practicable after the close of nominations, the Returning Officer shall proceed to check all nominations received for compliance with these rules and shall reject any that do not so comply; provided that in the event that a defect is found in any nomination, 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 seven days of being notified.
- (g) Multiple Nominations
  - (i) Where in any election (or in concurrent elections) a person nominates for more than one full time office, the person shall, before the closing time for the receipt of nominations, withdraw all necessary nominations so that only one such nomination remains with the Returning Officer.
  - (ii) If a person has not withdrawn sufficient nominations so as to comply with this rule, the Returning Officer shall consider only the nomination that was received first in time.
  - (iii) Where nominations have been received simultaneously, or where the Returning Officer is unable to determine which nomination was received first in time, the Returning Officer shall invite the person to withdraw all necessary nominations so that only one nomination remains with the Returning Officer.
  - (iv) If 7 days after the person is invited to withdraw all necessary nominations the person has not withdrawn sufficient nominations so as to comply with this rule, the Returning Officer shall reject all nominations for that person.
- (h) If there be no more nominations than the number to be elected for any position, the Returning Officer shall declare the nominated person/s to be elected to the position/s.
- (i) A candidate who has been nominated in an election may, by notice in writing addressed to the Returning Officer, withdraw the nomination at any time before the printing of the ballot papers.
- (j) After the close of nominations, the Returning Officer shall advise each of the candidates the names of the other candidate or candidates.
- (k) The day on which the roll of voters for the ballot is to be closed shall be on the seventh day prior to the opening of nominations. The Returning Officer shall compile the roll of voters and may for that purpose direct the National or State Secretary of the Union to provide such membership information as is required.
- (l) Candidates shall have the right on request, to scrutinise the roll of voters.
- (m) If more than the required number of nominations are received for any position, the Returning Officer shall have ballot papers printed containing the name of the candidates for each position in an order chosen in accordance with subrule (n) herein, indicating the number to be elected to each position, the manner in which votes shall be recorded and the date and the time of closing of the ballot.

- (n) The order of candidate's names on the ballot papers will be determined by lot, the drawing of which shall be conducted at a time that will be determined by the Returning Officer. The candidates will be notified of such date and time.
- (o) The ballot shall open on a date to be determined by the Returning Officer provided that such date shall fall between the 1<sup>st</sup> and the 15<sup>th</sup> of April. The ballot shall close at 12pm on a date to be determined by the Returning Officer provided that such date must be no earlier than 21 days after the opening of the ballot.
- (p) The Returning Officer shall initial and forward by prepaid post to every member entitled to vote a ballot paper together with an envelope containing the ballot paper marked "Ballot paper – Australian Manufacturing Workers' Union", a declaration envelope and a prepaid envelope addressed to the Returning Officer.
- (q) At the opening of the ballot, the envelope posted to voters containing the ballot papers shall be marked: "if undeliverable return to P.O. Box No.....".
- (r) The Returning Officer shall check the number of ballot papers printed and obtain a certification from the printers. All surplus ballot papers shall be returned to the Returning Officer.
- (s) A voter shall cast their vote by completing their ballot paper in accordance with any direction to voters and by posting the ballot paper so as to reach the Returning Officer no later than the closing date of the ballot.
- (t) Replacement Election Material and Alternative Voter Address
  - (i) Where a ballot paper, envelope, any directions to voters or any other document for use in the ballot forwarded to a person on the roll of voters has not been received by him/her or has been lost or destroyed, the person may, before the closing date of the ballot, on stating the grounds of his/her application and that he/she has not previously voted in the ballot, applying in writing to the Returning Officer for a duplicate ballot paper, replacement envelopes, directions or other document for use in the ballot, as the case may be.
  - (ii) Where an application is made under paragraph (i) and the Returning Officer is satisfied that the ballot paper, envelope, directions and other document has not been received or has been lost or destroyed, and that the applicant has not previously voted in the ballot he/she shall forward to the applicant a duplicate ballot paper, replacement envelopes, directions or document, as the case may be.
  - (iii) Subject to the Returning Officer being satisfied as to the identity of the applicant, a person on the roll of voters may request that the Returning Officer forward the voting material circulated pursuant to paragraph 6(p) above to an address other than that included on the roll of voters.
- (u) As soon as practicable after the closing date of the ballot, the Post Office Box shall be cleared by the Returning officer to begin the counting.



- (v) A ballot paper shall be informal if:-
  - (i) it does not bear the initials of the Returning Officer;
  - (ii) it has upon it a mark or writing by which the voter can be identified;
  - (iii) it is not marked substantially in accordance with any directions to voters by the Returning Officer and the intention of the voter is not clear; or
  - (iv) it is not returned in the declaration envelope provided to the voter with the ballot paper and/or the declaration envelope is not in the prepaid or business reply paid envelope addressed to the Returning Officer provided to the voter with the ballot paper.
- (w) No later than 14 days after completion of the count of the ballot, the Returning Officer shall declare the result by issuing to the National Council or State Council as the case may be a statement in writing setting out:-
  - (i) the number of ballot papers printed;
  - (ii) the number of ballot papers posted to persons on the roll of voters;
  - (iii) the number of duplicate ballot papers issued;
  - (iv) the number of formal votes cast;
  - (v) the number of votes rejected as informal; and
  - (vi) the number of votes received by each candidate.

The Returning Officer shall, at the time of issuing the statement, cause a copy of the statement to be forwarded to each candidate at the election.
- (x) In the event of a tie occurring in any ballot, the result shall be determined by the Returning Officer drawing lots provided that if one of the tied candidates is a retiring office holder from the position subject of the ballot he or she shall be declared elected.

7. Scrutineers

- (a) Each candidate shall have the right to appoint a Scrutineer(s), who shall be entitled to be present at all stages of the ballot, without cost to the Union. The candidate appointing the scrutineer(s) shall, before the closing of nominations, notify the Returning Officer in writing of the name of such scrutineer(s). The Returning Officer may limit the number of scrutineers nominated by each candidate as they deem reasonable in the circumstances.
- (b) Scrutineers may be present during the whole conduct of the ballot and at every operation from receipt of nominations to final count of the ballot.
- (c) Scrutineers shall be entitled to be present throughout the ballot and may query the inclusion or exclusion of any vote in the count, but the Returning Officer shall have final determination of any vote so queried.

- (d) Scrutineers shall not be entitled to remove, make, alter or deface any ballot paper or other document used in connection with the election.
- (e) Scrutineers shall not interfere with or attempt to influence any member at the time such member is casting his or her vote.

8. Extraordinary or Casual Vacancies

Where an extraordinary or casual vacancy arises (howsoever occurring) in an office which is the subject of this Rule, it is to be filled according to this subrule:

(a) Elections to office

Where the unexpired part of the term of office exceeds three years, a casual vacancy is to be filled by an election for all or part of the unexpired term of office, in accordance with subrule (1) below and then in accordance with rule 6A – Direct Elections subrules 1, 2, 3, 4, 5, 6, 7 and 9.

- (i) The Returning Officer shall, as soon as practical, conduct an election for the office in accordance with rule 6A – Direct Elections subrules 1, 2, 3, 4, 5, 6, (excluding 6(b) and 6(o)) and subrules 7 and 9 except that the Returning Officer shall:

A. determine the dates for the opening and closing of nominations; and

B. subject to subrule (ii) below, determine the dates for the opening and closing of the ballot.

- (ii) Where practicable, the Returning Officer will open the ballot for a casual vacancy election or an election arising from there being insufficient nominations in the election for the previous election for the relevant office there in the months of December, May or October immediately following the declaration of the ballot as required by subrule 6(w).

- (iii) until the casual vacancy election is concluded, the appropriate “Appointment Body” listed for a particular office at paragraph (c) below may appoint to the office a person eligible for election to the office.

(b) Appointments to office

Where the following conditions are met, the “Appointment Body” listed for a particular office at paragraph (c) below may appoint to an office a member of the Union eligible to hold the office:

- (i) A casual vacancy may be filled by the appointment for all or part of the unexpired term of office provided that the appointment does not exceed three years except that a casual vacancy in an office of State Organiser shall:

A. not be filled if to fill that vacancy would be contrary to the budget requirements or determinations of National Council; and

B. in the state of Victoria, the requirement for the minimum of two State Organiser positions provided for in 5H3.4 (b) shall be maintained, and the respective casual vacancies filled by a female financial member.

- (ii) Temporarily, pending the conduct of an election to fill a casual vacancy, where a casual vacancy may not be filled by the appointment because the unexpired part of the term of office exceeds three years;

- (iii) Temporarily, pending the commencement of a term of office of a person elected to fill a casual vacancy;
  - (iv) During a temporary unavailability of the holder of an office to exercise the functions of the office for the period of the temporary unavailability.
- (c) Appointment body:
  - (i) The National Council is the appointment body for the positions of National President, National Secretary and Assistant National Secretary.
  - (ii) The relevant State Council is the appointment body for the positions of State Secretary, Assistant State Secretary, State Organiser, Delegate to National Conference, Delegate to State Conference, State Councillor and Member of the State Administrative Committee in or from that State.

9. System of Voting

- (a) Where in a ballot under this rule no more than one candidate is to be elected to an office, voting shall be on an optional standard preferential basis, namely, the successful candidate shall be:-
  - (i) where any one candidate receives more than one half of the primary votes cast, that candidate;
  - (ii) in any other case, the candidate who first receives more than half of the votes cast after the elimination of the candidate or candidates receiving the least or a lesser number of primary votes cast and the distribution of the votes cast in favour of that candidate or those candidates in accordance with the next preference of the voters concerned.
- (b) Where in a ballot under this rule more than one candidate is to be elected to the offices voting shall be on an optional multi preferential basis, namely, the successful candidate or candidates shall be the candidate or candidates who receive the highest or a higher number of primary votes cast after the elimination of the candidate or candidates receiving the least or a lesser number of primary votes cast and the distribution of the first preferences cast in favour of that candidate or those candidates in accordance with the next preference of the voter or voters concerned.

A member voting shall indicate preference in order at least up to the number required to be elected to cast a valid vote. The indication of preference beyond the number required to be elected is optional.

In this paragraph the phrase “primary votes cast” shall refer only to all votes cast up to the required number of persons needed to fill the relevant multiple offices, and the phrase “preferences cast” refers only to preference votes recorded by a voter beyond the required number of persons needed to fill the relevant multiple offices.

**6A.10 – DIRECT ELECTIONS – TRANSITIONAL PROVISION**

- (a) There shall be a Transitional Period for the purposes of elections under this subrule.
- (b) Except as provided below, the offices listed in this sub rule 6A.10 shall be subject to election consistent with sub rules 6A.1 to 6A.9 above.
- (c) The transitional provisions below will apply in respect of the Direct Elections scheduled for the first six months of 2019 only.
- (d) **Assistant National Secretaries**

During the transitional period, there shall be Assistant National Secretaries who shall be elected by a secret postal ballot as follows:

- (i) One shall be elected by and from the financial members of the Manufacturing Membership.
- (ii) One shall be elected by and from the financial members of the Vehicle Division.
- (iii) One shall be elected by and from the financial members of the Printing Division.

- (e) **Assistant State Secretaries**

During the transitional period, there shall be Assistant State Secretaries who shall be elected by a secret postal ballot as follows:

- (i) In NSW:
  - A. one shall be elected by and from the financial members of the Manufacturing Membership;
  - B. one shall be elected by and from the financial members of the Food and Confectionery Division;
  - C. one shall be elected by and from the financial members of the Printing Division.
- (ii) In Victoria:
  - A. one shall be elected by and from the financial members of the Manufacturing Membership;
  - B. one shall be elected by and from the financial members of the Vehicle Division;
  - C. one shall be elected by and from the financial members of the Food and Confectionery Division;
  - D. one shall be elected by and from the financial members of the Printing Division.

- (iii) In Queensland:
  - A. one shall be elected by and from the financial members of the Manufacturing Membership;
  - B. one shall be elected by and from the financial members of the Vehicle Division;
  - C. one shall be elected by and from the financial members of the Printing Division.
- (iv) In South Australia:
  - A. one shall be elected by and from the financial members of the Branch as a whole excluding those members allocated to the Vehicle Division;
  - B. one shall be elected by and from the financial members of the Vehicle Division;
- (v) In Western Australia:
  - A. one shall be elected by and from the financial members of the Branch;

(f) **Additional State Councillors**

During the transitional period, there shall be Additional State Councillors pursuant to subrule 5E.1(j) who shall be elected by a secret postal ballot as follows:

- (i) In NSW:
  - A. one shall be elected by and from the financial members of the Vehicle Membership Area.
- (ii) In South Australia:
  - A. one shall be elected by and from the financial members of the Print Membership Area.
- (iii) In Western Australia:
  - A. one shall be elected by and from the financial members of the Print Membership Area.

(g) **Casual Vacancies**

Where a vacancy arises in any office listed in sub rules d), e) and f) above between the conclusion of the transitional elections scheduled for the first six months of 2019 and 30 June, 2023, the following provisions will apply:

- (i) Where a vacancy arises in the office of Assistant National Secretary from the Manufacturing, Vehicle or Printing membership areas other than by way of a voluntary redundancy, the office will be filled consistent with the casual vacancy provisions of these Rules.
  - (ii) Subject to subrule (v) below, where a vacancy arises in the office of Assistant National Secretary from the Manufacturing, Vehicle, or Printing membership areas by way of a voluntary redundancy, the office will be abolished.
  - (iii) Where a vacancy arises in the office of Assistant State Secretary from the Manufacturing, Vehicle, Food and Confectionery or Printing membership areas or in the office Additional Honorary State Councillors pursuant to subrule 5E.1(j) other than by way of voluntary redundancy, the Assistant National Secretary from the same membership area in which the vacancy has arisen (either Manufacturing, Vehicle, Food and Confectionery or Printing) shall determine whether for the remainder of the transitional period the vacant position shall be filled. In making that determination the Assistant National Secretary shall consult the National Secretary and the relevant State Secretary.
  - (iv) Subject to subrule (V) below, where a vacancy arises in the office of Assistant State Secretary from the Manufacturing, Vehicle, Food and Confectionery or Printing membership areas by way of a voluntary redundancy, the office will be abolished.
  - (v) The abolition of any redundant position arising from subrules (ii) and (iv) above may be avoided where National Council resolves that another office or position is consequently abolished or not filled.
- (h) The transitional provisions in sub rules (i), (j) and (k) below will apply to the Direct Elections scheduled for the first six months of 2019 only.

(i) **Delegates to National Conference**

During the transitional period, the elections for the Delegates to the National Conference shall be determined and conducted as follows:

- (i) A total number of Rank and File Delegates to the National Conference shall be determined for each State consistent with Rule 5A1.2, provided that the number may be varied to take account of rounding consistent with subparagraph (iii) below.
- (ii) The determination of the total number consistent with paragraph (i) above shall be based on the number of financial members at the end of the December Quarter, 2018.

- (iii) The total number of Rank and File Delegates so determined for each State shall then be proportionally allocated across the Manufacturing, Vehicle, Food and Confectionery and Print membership areas (where they are established in a given State), and then rounded up to the nearest whole number of Rank and File Delegates for each membership area, based on the number of financial members of each membership area at the end of the December Quarter, 2018.
- (iv) The elections will otherwise be conducted pursuant to the Direct Election provisions of these Rules.
- (v) Where a casual vacancy arises during the period from the declaration of the election for the office of Delegate to National Conference in the first six months of 2019 to 30 June, 2023, the vacancy shall be filled pursuant to the Casual Vacancy provisions of the Rules except that eligibility to nominate for the vacancy shall be restricted to a member who at 31 December, 2018 was allocated to the same membership area from which the vacancy has arisen, or - for persons who were not members of the Union at 30 June 2019 - would have been allocated to that membership area.

(j) **Delegates to State Conference**

During the transitional period, the elections for the Delegates to the State Conferences shall be determined and conducted as follows:

- (i) A total number of Rank and File Delegates to the State Conference shall be determined for each State consistent with Rule 5D1.2, provided that the number may be varied to take account of rounding consistent with subparagraph (iii) below.
- (ii) The determination of the total number consistent with paragraph (i) above shall be based on the number of financial members at the end of the December Quarter 2018.
- (iii) The total number of Rank and File Delegates so determined for each State shall then be proportionally allocated across the Manufacturing, Vehicle, Food and Confectionery and Print membership areas (where they are established in a given State), and then rounded up to the nearest whole number of Rank and File Delegates for each membership area, based on the number of financial members of each membership area at the end of the December Quarter, 2018.
- (iv) The elections will otherwise be conducted pursuant to the Direct Election provisions of these Rules.
- (v) Where a casual vacancy arises during the period from the declaration of the election for the office of Delegate to State Conference in the first six months of 2019 to 30 June, 2023, the vacancy shall be filled pursuant to the Casual Vacancy provisions of the Rules except that eligibility to nominate for the vacancy shall be restricted to a member who at 31 December, 2018 was allocated to the same membership area from which the vacancy has arisen, or - for persons who were not members of the Union at 30 June 2019 - would have been allocated to that membership area.



(k) **State Organisers**

During the transitional period, the elections for the State Organisers shall be determined and conducted as follows:

- (i) The National Conference shall determine a formula which shall set the maximum number of State Organisers for election in 2019 from each membership area of the Union in each State.
- (ii) Subject to the maximum number set in paragraph (i) above, each State Conference or, where Conference is not in session, each State Council, shall determine the number of State Organisers for election in 2019.
- (iii) The elections will otherwise be conducted pursuant to the Direct Election provisions of these Rules.

Where a casual vacancy arises during the period from the declaration of the election for the office of Delegate to State Conference in the first six months of 2019 to 30 June, 2023, the vacancy shall be filled pursuant to the Casual Vacancy provisions of the Rules except that eligibility to nominate for the vacancy shall be restricted to a member who at 31 December, 2018 was allocated to the same membership area from which the vacancy has arisen, or - for persons who were not members of the Union at 30 June 2019 - would have been allocated to that membership area.

**6B -HONORARY ELECTIONS AT NATIONAL CONFERENCE**

Elections will be held at each ordinary meeting of National Conference.

1. **Female Delegates to National Council**

If required by the operation of sub-rule 5B1.2(a), elections may be conducted at each ordinary meeting of National Conference in accordance with this rule for the honorary office of female Delegates to National Council

- (a) Such elections shall be conducted by the National Returning Officer.
- (b) Conduct of Elections

Elections at National Conference as required shall be conducted consistent with the provisions of Rule 6C - Honorary Elections at State Conference and specifically sub rules 2, 3, 4, 5, 6, 8, 9, 10, 11, 13, 15, 16, 17, 18, 19, 20, 21, 22, 24 except that for the purpose of elections at the National Conference, any reference in those subrules to 'State Conference' shall be read as 'National Conference' and any reference in those subrules to 'State Council' shall be read a 'National Council'.

**2. Delegate to National Council Representing the Three Smallest States**

Elections will be conducted at each ordinary meeting of National Conference in accordance with this rule for the honorary office of Delegate to National Council Representing the Three Smallest States pursuant to subrule 5B1.1(h).

- (a) Such elections shall be conducted by the National Returning Officer.
- (b) Eligibility for this election shall be determined consistent with sub-rule 5B1.1(h).
- (c) Conduct of Elections

Elections at National Conference as required shall be conducted consistent with the provisions of Rule 6C - Honorary Elections at State Conference and specifically sub rules 2, 3, 4, 5, 8, 9, 10, 11, 13, 15, 16, 17, 18, 19, 20, 21, 22, 24 except that for the purpose of elections at the National Conference, any reference in those subrules to 'State Conference' shall be read as 'National Conference' and any reference in those subrules to 'State Council' shall be read as 'National Council'.

Elections at National Conference as required shall further be conducted consistent with the provisions of Rule 6C.6 except that a nominator must be a National Conference Delegate who is employed by the Union in one of those three States Branches with the fewest financial members as at the final day of the quarter immediately prior to the biennial meeting of the National Conference.

**3. Casual Vacancies**

Casual vacancies arising in the offices subject to subrules 1 and 2 above shall be subject to the election and appointment provisions of Rule 6C.23 except that any reference to 'State Council' in that subrule shall be read as 'National Council'.

**Transitional Elections**

- 4. The offices listed in subrules 5, 6 and 7 below shall be elected at the 2019 National Conference and shall cease on 1 July, 2023.
- 5. Assistant National Secretary from the Food and Confectionery Membership Area
  - (a) At the first meeting of the National Conference convened after 30 June, 2019, there shall be an election for the honorary transitional office of Assistant National Secretary from the Food and Confectionery membership area:
    - (i) by the Delegates to National Conference allocated to the Food and Confectionery membership area; and
    - (ii) from the Assistant State Secretaries from the Food and Confectionery Division who are employed by the Union at the time of the election.
  - (b) Where a vacancy arises following the election referred to in subrule (a) above, the vacancy will be filled:
    - (i) by a ballot of the National Conference Delegates who are allocated to the Food and Confectionery membership area at the time of the casual vacancy election; and

- (ii) from the Assistant State Secretaries who, at the time of the casual vacancy election, are employed by the Union and allocated to the Food and Confectionery Division membership area.
  - (c) The elections referred to in subrules (a) and (b) above shall be conducted subject to the provisions of subrule 6C.23 except that any reference to 'State Council' in that sub rule shall be read as 'National Council'.
6. **Additional Delegates to the National Council from the Vehicle, Food and Confectionery and Print Membership Areas**
- 1. For the transitional period, there shall be an additional Delegate to the National Council from each of the Vehicle, Food and Confectionery and Print membership areas as follows:
    - (a) the Assistant State Secretary from the Vehicle membership area in Victoria;
    - (b) the Assistant State Secretary from the Food and Confectionery membership area in NSW; and
  - (c) A. From the certification of this Rule Change until 30 June, 2023, the Assistant State Secretary from the Print Membership Area in Victoria.
  - 2. In the event that the office of Assistant State Secretary from the Vehicle membership area in Victoria is abolished during the transitional period consistent with rule 5H3.2, the Additional Delegate to the National Council representing the Vehicle membership area shall be the Assistant State Secretary representing the Vehicle membership area in South Australia.
  - 3. In the event that the Assistant State Secretary from the Food and Confectionery membership area in NSW should subsequently be elected to the Office of Assistant National Secretary of the Food and Confectionery Membership Area consistent with Rule 6B.5, the office of Additional Delegate to the National Council from the Food and Confectionery membership area shall be held by the Assistant State Secretary from the Food and Confectionery membership area in Victoria.
  - 4. In the event that the office of Assistant State Secretary from the Print membership area in Victoria is abolished during the transitional period consistent with rule 5H3.2, the Additional Delegate to the National Council representing the Printing membership area shall be the Assistant State Secretary representing the Print membership area in NSW.
7. **Additional Rank and File Delegates to the National Council**
- (a) For the transitional period, there shall be additional Rank and File Delegates to the National Council elected by and from the Rank and File Delegates to the National Conference.
  - (b) The number of additional Rank and File Delegates to the National Council to be elected shall be determined by the Returning Officer in the following manner:
    - (i) The total number of Delegates to be elected to the National Council under Rule 6C.1 and subrule 6 above shall be determined.
    - (ii) The total number of Rank and File Delegates to be elected to the National Council under Rule 6C.1 shall be determined.

- (iii) Where the proportion of Rank and File Delegates to the National Council in paragraph (b)(ii) is less than **51%** of the total number of Delegates in paragraph (b)(i), the Returning Officer shall determine the number of additional Rank and File Delegates to National Council to be elected to ensure that the proportion of Rank and File Delegates to the National Council is a minimum of 51%.
- (c) Where a vacancy arises in the offices referred to in paragraph (a) above, the vacancy will be filled by a ballot of the Rank and File Delegates to the National Conference.
- (d) The elections referred to in paragraphs (a), (b) and (c) above shall be subject to the provisions of subrule 6C.23 except that any reference to 'State Council' in that subrule shall be read as 'National Council' and any reference to the 'State Conference' in that subrule shall be read as "National Conference".

## 6C - HONORARY ELECTIONS AT STATE CONFERENCE

Elections will be held at each ordinary meeting of State Conference.

### 1. **Honorary Offices to be Elected**

The following offices are the honorary offices of the Union to be elected at each ordinary meeting of the State Conference of each Branch of the Union in accordance with this rule:

- (a) State President and Vice President
  - (i) by the delegates to State Conference; and
  - (ii) from the rank and file delegates to State Conference who do not hold a full-time office and are not an employee of the Union.
- (b) State Councillors pursuant to subrules 5E1.1 (a), (b), (h) and (i) and Rank and File Delegates to State Administrative Committee by and from the delegates to State Conference.
- (c) Rank and File National Councillors
  - (i) by the delegates to State Conference; and
  - (ii) from the rank and file delegates to State Conference who do not hold a full-time office and are not an employee of the Union.
- (d) Three Delegates to the National Council with one to be elected from each of the three largest States:
  - (i) by the delegates to the **relevant** State Conference; and
  - (ii) from the delegates **to the relevant** State Conference who are employed by the Union.

2. The conduct of elections under this Part shall be by the State Returning Officer of the relevant Branch of the Union.
3. A person elected to an office under this rule shall take up office on the conclusion of the meeting of the Conference at which the election is conducted except:
  - (a) where a ballot is not counted during the meeting of the Conference because of the operation of subrule 6C.22, a person elected to an office under this rule shall take up office from the declaration of election to office.
4. Subject to these rules a person elected to an office under this rule may stand for re-election.

#### **Nominations**

5. No less than twenty-one days before the first day of the meeting of the State Conference at which an election is to be conducted, the State Returning Officer shall, by notice in writing to each delegate to and member of the State Conference:
  - (a) advise the delegate or member of the conduct of the election, the office, and where there is more than one office bearing the same name, the number of the offices to which the election relates; and
  - (b) call for nominations by advising the delegate or member of:
    - (i) the opening and closing dates for the lodging of nominations;
    - (ii) the place for lodging nominations; and
    - (iii) the place or places where nomination forms for use in the election are available.
6. A nomination under this Rule -
  - (a) shall be in writing, on the form prescribed by this rule, signed by the nominee and by one nominator, each of whom is:
    - (i) in the case of the election for State President, State Vice-President or National Councillor, a rank and file delegate to State Conference who does not hold a fulltime office and is not an employee of the Union;
    - (ii) where the election relates to the State Administrative Committee and State Council, a delegate to the State Conference.
  - (b) shall be forwarded to the State Returning Officer at place for lodging nominations advised under subrule 6C.5 so as to reach him/her no later than the time specified by this rule on the closing date of lodging nominations.
7. DELETED.

8. The prescribed form of nomination shall -
  - (a) set out the name of the office, the number of nominators required, the opening and closing dates for lodging nominations and the place for lodging nominations;
  - (b) shall be available on request by a delegate to or member of the State Conference during a period of not less than seven days immediately before the first day of the meeting of the State Conference at which the election is to take place; and
  - (c) shall, during the period specified in paragraph (b) be available to the delegate or member -
    - (i) at the registered State Office of the Union during its normal business hours; and
    - (ii) where a regional office has been established in a State, at that office during its normal hours of business.
9. At an election under this rule -
  - (a) the opening date for lodging nominations shall be at 10.00 a.m. on the first day of the meeting of State Conference at which the election is to be conducted;
  - (b) the closing date for lodging nominations shall be at 2.00 p.m. on the first day of the meeting. -
10. If the State Returning Officer finds a nomination to be defective, the State Returning Officer shall, before rejecting the nomination, notify the person concerned of the defect and, where practicable, give the person an opportunity of remedying the defect within a reasonable time under the circumstances.
11. At the expiration of the closing date for lodging nominations:
  - (a) where:
    - (i) the election relates to one office, only one candidate is nominated for election to the office; or
    - (ii) in any other case, the number of candidates nominated is not greater than the number of offices each bearing the same name, the subject of the election, the State Returning Officer shall declare to the State Conference that candidate or those candidates, as the case may be, elected unopposed to the office or offices respectively.
  - (b) where the number of nominations exceeds the number of positions to be filled, the State Returning Officer shall make arrangements for the conduct of the secret ballot at the meeting of State Conference for each office referred to in subrule 1, and give such directions and take such action as he/she considered necessary for ensuring the secrecy of the ballot and for ensuring that no irregularities occur in or in connection with the ballot.

**Ballots**

12. At a ballot under this rule the rolls of voters shall be the delegates to State Conference.
13. A ballot under this rule shall commence no sooner than 3.00 pm. on the first day of the meeting of the State Conference. Subject to a determination by the Returning Officer to extend the period, the ballot period shall be 45 minutes.
14. Order of Ballot
  - (a) Where at an election under this rule a delegate has nominated as a candidate for the office of vice-president and for the office of State Councillor or delegate to the Administrative Committee, the State Returning Officer, shall conduct the ballot in respect of the office of vice-president before the ballot, if any, in respect of the other office or offices.
  - (b) Where a delegate, being a successful candidate at an election for the office of Vice-President has also nominated as a candidate at an election for the other offices referred to in paragraph (a), that delegate shall become ineligible to continue as a candidate at the election in respect of that other office or other offices.
15. Subject to subrule 6C.22, a voter shall cast his/her vote in a ballot under this rule by completing the ballot paper provided to him/her by the State Returning Officer in accordance with the directions, if any, to voters and by placing the completed ballot paper in the ballot box in the control of the State Returning Officer at the meeting.
16. Before the opening of the ballot, the Returning Officer shall cause ballot papers to be printed on which the names of the candidates appear in order determined by lot drawn by him/her, together with directions, if any, to voters for completing the ballot paper. A candidate may prior to the ballot papers being printed withdraw his/her nomination.
17. A ballot paper shall be informal if:-
  - (a) it does not bear the initials of the Returning Officer or a facsimile of those initials; or
  - (b) it is not marked substantially in accordance with any directions to voters by the Returning Officer and the intention of the voter is not clear.
18. Where in a ballot under this rule no more than one candidate is to be elected to an office, voting shall be on an optional standard preferential basis, namely, the successful candidate shall be:-
  - (a) where any one candidate receives more than one half of the primary votes cast, that candidate;
  - (b) in any other case, the candidate who first receives more than half of the votes cast after the elimination of the candidate or candidates receiving the least or a lesser number of primary votes cast and the distribution of the votes cast in favour of that candidate or those candidates in accordance with the next preference of the voters concerned.

19. Where in a ballot under this rule more than one candidate is to be elected to the offices:
- (a) voting shall be on an optional multi preferential basis, namely, the successful candidate or candidates shall be the candidate or candidates who receive the highest or a higher number of primary votes cast after the elimination of the candidate or candidates receiving the least or a lesser number of primary votes cast and the distribution of the first preferences cast in favour of that candidate or those candidates in accordance with the next preference of the voter or voters concerned.
  - (b) a member voting shall indicate preference in order at least up to the number required to be elected to cast a valid vote. The indication of preference beyond the number required to be elected is optional.
  - (c) in this paragraph the phrase "primary votes cast" shall refer only to all votes cast up to the required number of persons needed to fill the relevant multiple offices, and the phrase "preferences cast" refers only to preference votes recorded by a voter beyond the required number of persons needed to fill the relevant multiple offices.
20. In the event of a tie occurring in any ballot, the result shall be determined by the Returning Officer drawing lots provided that if one of the tied candidates is a retiring office holder from the position subject of the ballot he or she shall be declared elected.
21. Counting and Declaration of the Ballot
- (a) Subject to subrule 6C.22, where the time for the conduct of a ballot under this rule has expired the State Returning Officer shall forthwith proceed to the counting of the ballot papers completed by voters in accordance with this rule.
  - (b) After the completion of the counting of ballot papers, the State Returning Officer shall declare the result of the election by issuing to the State Conference a statement in writing setting out:
    - (i) the number of ballot papers distributed to voters
    - (ii) the number of formal votes cast
    - (iii) the number of votes rejected as informal; and
    - (iv) the number of votes received by each candidate.
  - (c) The State Returning Officer shall preserve and keep for a period of one year after the completion of the election under this rule all ballot papers and other documents coming into his/her possession in or in connection with the conduct of the election.



**22. Absent voting**

(a) Absent voting

- (i) Any member who is entitled to vote at any election held under this rule and who will be unable to attend the meeting at which the election is to be conducted, may apply to the returning officer for ballot material to be sent to an address that the member so nominates. An application for an absentee ballot consistent with this rule must be received by the Returning Officer by 4pm on the day immediately preceding the Conference.
- (ii) The Absent Voting form to the returning officer shall be in writing signed by the voting delegate or member of the State Conference and shall set out the member's name and usual address and the address to which the member elects to have ballot material sent, and must be delivered to the returning officer prior to the time for the closing of nominations.
- (iii) Where a returning officer receives a request for an absent vote made in the form described in this rule, the returning officer shall comply with that request. No ballot shall be counted until 14 days from the date of posting of the ballot paper/s by the returning officer, to provide the absent voter with reasonable opportunity to return the ballot paper/s to the returning officer.

**23. Casual vacancies for offices**

- (a) A casual vacancy of an office elected under this rule may be filled by appointment by the State Council in the State in which the vacancy arises in the following circumstances:
  - (i) for all or part of the unexpired term of office provided that the appointment does not exceed three quarters of the term of the office;
  - (ii) temporarily, pending the conduct of an election to fill a casual vacancy, where a casual vacancy may not be filled by the appointment because the unexpired part of the term of office exceeds three quarters of the term of the office;
  - (iii) temporarily, pending the commencement of a term of office of a person elected to fill a casual vacancy;
  - (iv) during a temporary unavailability of the holder of an office to exercise the functions of the office for the period of the temporary unavailability.
- (b) A casual vacancy of an office elected under this rule is to be filled by a secret postal ballot in accordance with subrules (i) and (ii) below before applying any other rules or subrules:

- (i) As soon as practicable after the occurrence of the vacancy the Returning Officer shall:
  - A. determine the dates for the opening and closing of nominations the latter being a day no later than twenty-one days after the former date; and
  - B. determine the place for lodging nominations; and
  - C. call for nominations by advising each member on the roll of voters, identified at subrule 1 above, at the opening date for lodging nominations, by notice in writing posted to each member on the roll of voters setting out the dates and place so determined and the place or places where nomination forms for use in the election are available.
- (ii) Subject to subrule B below, the Returning Officer shall determine the opening and closing dates of the ballot:
  - A. where the opening date of the ballot is a day no sooner than two week after the closing date for lodging nominations and the closing date of the ballot is a day no sooner than 21 days after the opening of the ballot; and
  - B. where practicable, the Returning Officer will open the ballot for a casual vacancy election in the months of September or March immediately following the declaration of the ballot as required by subrule 21.
- (iii) As soon as practicable after the closing date of the ballot, the Post Office Box shall be cleared by the Returning Officer to begin the counting.
- (iv) Subrules 6(a), 6(b), 8(a), 10, 11(b), 12, 14, 16, 17, 18, 19, 20, 21(b)-(d) and 24 of this rule shall apply;
- (v) The declaration shall be made no later than three days after completion of counting of ballot papers.
- (c) A person elected to fill the unexpired portion of a term of office under paragraph (b) of this subrule:
  - (i) shall take up office on the declaration of the result of the election;
  - (ii) shall, subject to these rules, hold office until the election of a successor; and
  - (iii) until the person elected to the vacancy takes up office, the relevant State Council may appoint to the office a person eligible for election to the office.

24. **Scrutineers**

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

**6C.25 - HONORARY ELECTIONS AT STATE CONFERENCE - TRANSITIONAL PROVISIONS**

- (a) The offices listed in this subrule shall be subject to election consistent with Rule 6C – Honorary Elections at State Conference.
- (b) The elections for rank and file State Councillors for the term of office commencing on 1 July, 2019 and ceasing on 30 June, 2023 shall be determined and conducted as follows:
  - (i) a total number of rank and file State Councillors shall be determined for each State consistent with Rule 5E1.1(a), provided that the number may be varied to take account of rounding consistent with subparagraph (iii) below.
  - (ii) the determination of the total number consistent with paragraph (a) above shall be based on the number of financial members at the end of the December Quarter 2018.
  - (iii) the total number of Rank and File Delegates so determined for each State shall then be proportionally allocated across the Manufacturing, Vehicle, Food and Confectionery and Print membership areas (where they are established in a given State), and then rounded up to the nearest whole number of Rank and File Delegates for each membership area, based on the number of financial members of each membership area at the end of the December Quarter, 2018.
  - (iv) where a casual vacancy arises for the office of State Councillor, the vacancy shall be filled pursuant to the Casual Vacancy provisions of the Rules except that eligibility to nominate for the casual vacancy shall be restricted to members who are allocated to the same membership area from which the vacancy has arisen.

## **6D- STATE RETURNING OFFICERS**

### **Qualifications**

Each State shall select a State Returning Officer and Deputy Returning Officer at each State Conference. Any member of the Union being financial and having been a member in the State concerned for the previous four consecutive years and who is not the holder of any other office in, nor an employee of, the Union or of a section or division of the Union shall be eligible to be nominated at the conference for the position of State Returning Officer and Deputy Returning Officer.

The State Returning Officer shall, in accordance with these rules, conduct elections in the State or Region not conducted by the Australian Electoral Commission.

## **SECTION 7- MEMBERSHIP**

### **7A - MEMBERSHIP**

#### **1. Admission of New Members**

An application for membership may be made in any of the following ways:

- (a) By completion of a standard application form which must be forwarded by the applicant, or the member enrolling the applicant, to the State Office of the Union;
- (b) By telephone;
- (c) By email or via the internet; or
- (d) By any other means as determine by the National Conference.

Details of applications made in accordance with paragraph (b) or (c) shall promptly be forwarded to the relevant State Office of the Union.

Details of all applications shall be sent to the National Council within three months.

The union shall inform all applicants for membership, in writing, of their financial obligations arising from membership of the Union. All applicants for membership shall also be informed, in writing, of the circumstances, and the manner, in which a member may resign from the Union.

#### **2. The relevant State Secretary shall, having ascertained that the applicant is engaged in an occupation covered by the Union and is otherwise suitable and qualified to be a member:-**

- (a) place the new member on the roll of members in the State where the member resides; and
- (b) forward to the member an account for any moneys owing to the Union from the day on which he or she is admitted as a member.

3. On and from the days upon which the amalgamations with the Association of Draughting, Supervisory and Technical Employees ("ADSTE"), the Vehicle Builders Employees' Federation of Australia ("VBEF"), the Confectionery Workers and Food Preservers' Union of Australia ("CW & FPU") and the Printing and Kindred Industries Union ("PKIU") took effect, all persons who were members of ADSTE, VBEF, CW&FPU, PKIU and the Union or the predecessor unions to this Union on the days immediately preceding those dates shall have become and be treated as members of the Union, and where pursuant to any of these Rules a period of membership of the Union is a qualification for nomination and/or election to any office, any period of membership in any of the unions referred to in this sub-rule immediately preceding those dates shall be counted as membership of the Union.
4. The standard application form must contain a clause to the effect that the applicant undertakes to abide by the Rules of the Union as they are at the time of admission and as subsequently amended.

Where an application is made in accordance with paragraph 7A.1(b) or (c) above, an applicant shall be informed, in writing, that members of the Union must abide by the Rules of the Union as they are at the time of admission and as subsequently amended.

A rule book will be made available free on application to the State or Regional Office.

5. In order to demonstrate that a person is entitled to membership of the Union under the rule 1 - Eligibility, of these Rules and for related purposes under this rule he or she may, where appropriate, be requested by the State Secretary of the State in which an application for membership is made, to produce satisfactory evidence of the person's trade certificate or equivalent qualification, and the application for membership will not be further processed until such evidence is provided by or on behalf of the applicant.
6. Juniors and Transfers of Apprentices  
  
Junior and Apprentice members shall be automatically transferred to an adult section on completion of apprenticeship or on attaining the full adult wage for his/her classification and members so transferred shall be advised at that time by the State Secretary of the new section of membership and the rate of contribution applicable to that section.
7. Honorary Members
  - (a) All members who were honorary members and who were retired from the paid workforce as at the date of certification of this rule shall be placed in the Retired Members' Division pursuant to the transitional provisions in rule 7G.1.
  - (b) Persons who were life members of ADSTE or life/honorary members of the CW&FPU and became honorary members of the Union on the amalgamation of those former unions, shall be counted as part of the Union's membership for all purposes, and shall be entitled to stand for elected offices and vote in elections for elected offices in the Union provided those persons are engaged in occupations that are covered by, or are officers of, the Union.
  - (c) Notwithstanding paragraph (a), persons who became honorary members of the Union as a consequence of the amalgamation with the PKIU shall, subject to rule 9K, continue to be entitled to a Mortality or Mortuary benefit.

8. Honorary Life Membership (National)

- (a) The distinction of Honorary Life Membership (National) may be conferred on a member of the Union, including a member of the Retired Members Division of the Union, by the National Council as a mark of appreciation of especially meritorious services to the Union.
- (b) Honorary Life Members (National) shall not be required to pay any dues, levies or other contributions.
- (c) Except as provided in sub-rule 8A(d) and (e) below, an Honorary Life Member (National) shall not be entitled to take any part in any elections or to vote on any matter.
- (d) Except as provided by sub-rule 8A(e) below, where an Honorary Life Member (National) is otherwise qualified to be a member, they will be deemed to be a financial member of the Union for all purposes.
- (e) Where an Honorary Life Member (National) is otherwise qualified to be a Retired Member, they will be deemed to be a financial member of the Retired Members' Division for all purposes.

8A Honorary Life Membership (State)

- (a) The distinction of Honorary Life Membership of a State Branch of the Union may be conferred on a member of the Union, including a member of the Retired Members Division of the Union, by the relevant State Council as a mark of appreciation of especially meritorious services to the Union. Where Honorary Life Membership of a State Branch is conferred on a member, the provisions of sub-rules 8B(b) and (c) shall apply:
- (b) Where an Honorary Life Member (State) is otherwise qualified to be a member, they must pay the relevant dues to be a financial member of the Union for all purposes.
- (c) Where an Honorary Life Member (State) is otherwise qualified to be a Retired Member, they must pay the relevant dues to be a financial member of the Retired Members' Division for all purposes.
- (d) State Council may exempt an individual Life Member (State) from the payment of dues pursuant to sub rule 7B.5

9. Special Cases

If it is found that an applicant for membership was previously expelled from the Union in another State the State Secretary in the State where the applicant is seeking to rejoin the Union shall obtain from the Secretary in the State, where the applicant was previously a member, the fullest information concerning the reasons for expulsion before deciding on the applicant's suitability for renewed membership.

- 10. If in the opinion of the State Council it is desirable to organise any shop or area, persons working in any such shop or area may be admitted as members of the union.
- 11. Rejected applicants shall have any moneys paid into the Union returned to them.

12. Any member rejoining this Union shall occupy a position in all respects as if he/she had never been a member.

13. Change of Address

Where a member changes his or her postal or residential address he or she shall, no later than 30 days after the change of address, advise the State Secretary in writing of the new postal or residential address.

14. Where a Returning Officer or a State Returning Officer has reason to believe that the address of a member recorded in the Union's membership register is not the current address of the member, the Returning Officer is not, where that member is included in a roll of voters for a ballot, required to observe that address as the address of the member but may, on application by that member, provide him or her, no later than the closing date of the ballot, with a ballot paper.

15. Members shall be members in the State in which they reside.

16. National Council may determine that one or more members are members in the State in which they work for all purposes where National Council determines that this supports the objects of the Union.

17. Community Membership and Associate Membership

- (a) Any person who is not otherwise eligible to be a member of the Union may apply to be admitted as a Community Member of the Union or an Associate Member of the Union and may be admitted to such Membership by the State Council in the State in which the applicant resides.
- (b) A Community Member and an Associate Member shall receive such benefits of membership as may be determined from time to time by the National Conference but they shall not be entitled:
  - (i) to hold any office in or to nominate any person for election to any office in or to vote or otherwise participate in any way in any ballot, plebiscite or election in the Union; or
  - (ii) to any rights or privileges of membership.
- (c) Community Membership or Associate Membership shall not in any way be construed as membership for the purposes of the assessment and/or reporting of the number of members of the Union and does not constitute membership of the Union for the purposes of the Fair Work (Registered Organisations) Act 2009.
- (d) The National Conference may from time to time determine the fee for any category of Community Membership or Associate Membership of the Union.

## **7B - CONTRIBUTIONS AND ARREARS**

1. Rate of Contribution

The National Conference shall determine the maximum amount of contributions to be paid by members and the National Council, from time to time, shall set, within the decision of National Conference, the rates of contributions to be paid by members between National Conferences.

2. Contributions as set out in this rule include payment for the Union's regular periodicals.

3. Financial Member

Quarters for purposes of this Rule shall be January-March, April-June, July-September, October-December.

Fines and levies decided upon in accordance with these rules shall be a first charge on all payments made.

#### Expulsion for Arrears

A special file to be kept in the State Office of those members twelve months or more in arrears and any such member may be expelled from the Union following a final notice of the payment due and the National Council informed immediately.

4. Any moneys overpaid to the Union by members deceased or retired shall, upon application by them or their next of kin, be refunded.

5. Exemption

Exemption of contributions may be granted to any member in special circumstances with the approval of State Council and subject to the consent of the National Council.

Members who are in receipt of workers' compensation make-up pay equal to wages shall not be entitled to exemption from contributions.

6. Suspension of membership- Casual and Seasonal Workers in Food and Confectionery Industry  
State Council may, subject to the consent of National Council, suspend the membership and the associated liability for the payment of contributions and levies, if any, of a person who has temporarily ceased to work as a casual or seasonal worker in an industry of the Union as specified in Rule 2(g). A person whose membership has been suspended may resume financial membership at any time and shall not be liable for the payment of an entrance fee or any other fees at the end of their period of suspension. A period of suspended membership shall be regarded as a period of membership but not a period of financial membership for the purpose of those Rules which define a member's eligibility to stand for office.

7. Benefit Improperly Obtained

Any member having improperly received any benefit, the amount of such shall, if not repaid within 14 weeks from the date of receiving notice from his or her State Secretary, be placed to his or her arrears of contributions.

8. Contribution Card

Every member not more than 3 months in arrears shall be supplied with a membership contribution card which shall be proof of membership. The member shall be held responsible for its presentation for all purposes of these rules.



9. Resignation

A member may resign his or her membership by notifying his or her State Secretary in writing, addressed and delivered to that officer.

A notice of resignation from membership takes effect:

- (a) where the member ceases to be eligible to become a member of the organisation:
  - (i) on the day on which the notice is received by the organisation; or
  - (ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;whichever is later; or
- (b) in any other case:
  - (i) at the end of two weeks, after the notice is received by the organisation; or
  - (ii) on the day specified in the notice;whichever is later.

Any dues payable but not paid by a former member of the organisation, in relation to a period before the member's resignation from the organisation took effect, may be sued for and recovered in the name of the organisation, in a court of competent jurisdiction, as a debt due to the organisation.

A notice delivered to the State Secretary shall be taken to have been received by the organisation when it is delivered.

A notice of resignation that has been received by the organisation is not invalid because it was not addressed and delivered to the State Secretary.

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 organisation that the resignation has been accepted.

10. This rule does not apply to Retired Members. Provisions dealing with Retired Members are contained in Rule 7G1.

### **7C - FINANCIAL MEMBER**

1. Unless otherwise specified in these Rules a member shall not be financial whilst in arrears with the payment of any contributions, fines, or levies such having to be paid by the last day of the quarter in which they fall due; once so paid the member again becomes financial.

Quarters for the purposes of this Rule shall be January-March, April-June, July-September, October-December.

2. This rule does not apply to Retired Members. The financiality of Retired Members is dealt with in rule 7G 1 which deals exclusively with Retired Members.

3. Notwithstanding anything contained in these rules-

- (a) the Union may make arrangements with an employer whereby, with the authority of any member or members of the Union contributions payable to the Union are to be deducted by the employer from the salary or salaries of the member or members on a regular basis and paid to the Union;
- (b) a member may make arrangements with a bank, building society, credit union or other financial institution whereby, with the authority of the member, contributions payable to the Union by the member are to be deducted by such institution from the member's account or accounts with such institution on a regular basis and paid to the Union;
- (c) a member who has authorised such deduction of his or her contribution to the Union from the member's salary or account(s) shall be deemed to be financial for so long as such authority remains in force and provided that such member owes no arrears of contributions, fines or levies in respect to any period prior to the date upon which such authority came into force; and
- (d) where an arrangement referred to in this clause is terminated by the Union, the employer, the financial institution or the member as the case may be, the appropriate State Secretary may notify in writing any member affected by such termination and a member so notified shall thereupon become liable to pay and shall, within 28 days from the date of such written notice, pay to the Union the balance of any contribution owing of the relevant quarter (which amount shall be specified in such notice and shall be the amount of the quarters contribution payable by that member less such amount or amounts as have or have been deducted in respect of such quarter's contribution by the employer from that member's salary and/or by the financial institution from that member's account(s) as the case may be) and thereafter shall be liable to pay contribution in accordance with this Rule.

## **7D - REMOVAL FROM REGISTER OF MEMBERS**

National Council may remove a person from the register of members if that person has ceased to be eligible under Rule 2 to become a member of the Union.

National Council shall not remove a person from the register of members without giving at least 28 days written notice to the person of its intention to remove them from the register of members and providing the person of its intention to remove them from the register of members and providing the person with an opportunity to show cause either in writing or in person why they should not be removed from the register of members.

A person shall not be removed from the register of members on the grounds that they are unemployed on account of illness, incapacity or inability to obtain employment. A person shall not be removed from the register of members on the grounds that they are no longer employed in the industries and occupations under Rule 2 where they have a history of membership of the union and employment in the industries or occupations covered by the union under Rule 2 over a period of several years but are temporarily employed.

## **7E - BENEFIT PAYMENTS AND LEGAL AID**

### **1. Eligibility for Benefit**

#### **Entitlement**

To be eligible for any of the benefits provided for in this rule a member must be financial in accordance with Rule 7C.

If unfinancial a member may obtain a benefit from the date that he or she pays contributions, fines and levies to the end of the quarter in which his or her claim is made. No claim shall be granted for the period prior to the date of payment.

### **2. National Benefit Payments**

Funeral Benefits and Special Grants are to be paid from the National Office when approved by the National Council.

### **3. Special Grants**

State Council may provide special grants to members where it is satisfied the member is suffering distressed circumstances.

Such grant shall not exceed \$1,000 per member without approval of National Council.

### **4. Funeral Benefit.**

All members who at 23 September 2002 were entitled to a funeral benefit under the provisions of the previous sub-rule 44.4, shall continue to be entitled to the same level of funeral benefit as payable to them under the former sub-rule.

5. Legal Aid.

Legal Assistance

Any financial member who sustains an injury whilst delegated on union business, or during his or her employment, or when going to and from work or who is considered to have a legal claim against his or her employer arising out of his or her employment, desiring to seek legal aid and/or advice must make application and supply full details of the case to the State Council who may if it is considered advisable give such assistance as they may deem proper, including legal proceedings on behalf of such member (or his or her dependents if an accident results in the death of such member) under any Act or at Common Law. The member, if successful, shall refund to the Union such expenses as may have been incurred on his or her behalf.

**7F - PROVISION RE PREVIOUS BENEFITS**

All members who at 23 September 2002 were entitled to a benefit under the provisions of the previous rule 45, shall continue to be entitled to the same level of benefit as payable to them under the former rule.

**7G1- RETIRED MEMBERS' DIVISION**

1. (a) There shall be a Retired Members' Division of the Union which shall consist only of Retired Members.
- (b) Retired Members are former members who have chosen to maintain a connection to their Union beyond their working life. The organisation of retired members is consistent with the Objects of these rules and the Retired Members' Division provides formal recognition of this important work. It is recognised that the scope of membership of the Retired Members' Division does not constitute membership of the Union for the purposes of the *Fair Work (Registered Organisations) Act 2009* or extend beyond the provisions of Rules 7G1 and 7G2.

**Objects of the Retired Members' Division**

2. The objects of the Retired Members' Division shall include:
  - (a) promotion of goodwill and friendship amongst Retired Members and to demonstrate that one's work for the betterment of others has not ended on retirement from the industry and that an ongoing association with the Union is desirable;
  - (b) encouragement of Retired Members to actively campaign for improved social services for the community;
  - (c) co-operation with the Union in its activities for improved living, environmental, social and economic standards; and
  - (d) assisting the Union wherever possible.

### **Becoming a Retired Member**

3. A member may retain their membership in the union after retiring from the paid workforce by becoming a Retired Member and transferring to the Retired Members' Division provided:
  - (a) the member has retired from the paid workforce; and
  - (b) immediately before retiring, the member was a financial member of the union for a period of at least two years, or for periods which taken together total at least two years.
4. Where a State Secretary has received a valid application from a member to transfer to the Retired Members' Division, or where a State Secretary is otherwise advised by a member that he or she has retired, and the State Secretary is satisfied that the member meets the requirements of subrule 3, the State Secretary shall allocate the member to the Branch of the Retired Members' Division in their state as soon as practicable.
5. A member becomes a Retired Member when he or she has been allocated to the Retired Members' Division in accordance with the above subrule.

### **Ceasing to Be a Retired Member**

6. A person shall cease to be a Retired Member in the following circumstances:
  - (a) If a Retired Member resigns. In order to resign, a Retired Member must notifying the relevant State Secretary in writing.
  - (b) If a Retired Member is otherwise removed from the union's membership register in accordance with the union's rules.

### **Categories of Retired Members - Financial Status of Retired Members**

7. There shall be the following categories of Retired Members:
  - (a) financial Retired Members
  - (b) unfinancial Retired Members
  - (c) honorary Retired Members

#### *Financial Retired Members*

8. A financial Retired Member is a Retired Member who is not in arrears in the payment of Retired Members' dues.

#### *Unfinancial Retired Members*

9. An unfinancial Retired Member is a Retired Member who is in arrears in the payment of Retired Members' dues.
10. An unfinancial Retired Member shall become a financial Retired Member upon the payment of all dues in arrears.

*Honorary Retired Members*

11. An honorary Retired Member is an unfinancial Retired Member who has not paid an amount due for a continuous period of 24 months. An honorary Retired Member is no longer required to pay dues in relation to their membership of the union and any amounts outstanding are no longer payable.
12. An honorary Retired Member shall become a financial Retired Member upon the payment of the Retired Members' dues for the year in which the payment is made.
13. National Council may periodically review the membership of an honorary Retired Member or honorary Retired Members to determine whether maintaining such membership is appropriate in the context of the objectives and policies of the union. This review may lead to the termination of membership of an honorary Retired Member or honorary Retired Members. However, no Retired Member's membership shall be terminated in accordance with this subrule if to do so would exclude the payment of a mortality, mortuary or other funeral benefit in relation to that Retired Member if such a benefit is otherwise payable under the union's rules.

**Rights and Responsibilities of Retired Members**

*Retired Members' Dues*

14. Subject to subrule 15, Retired Members' dues for each year (1 July to 30 June) are to be paid by 30 June. The amount due for each Retired Member will be an amount set by National Conference.
15. A member of the union who becomes a Retired Member is not liable to pay Retired Members' dues for the year (1 July to 30 June) in which they became a Retired Member.

*Participation in Elections and other Ballots*

16. Notwithstanding any other rule, except as otherwise provided by this rule and rule 7G2, Retired Members have no voting rights in any ballot, including those ballots relating to elections, levies or amalgamations.
17. Retired Members may not stand for any office in the union other than those relating specifically to the Retired Members' Division.
18. Unfinancial Retired Members and honorary Retired Members have no voting rights and may not stand for any office within the Retired Members' Division.

*Levies*

19. Notwithstanding rule 8E, Retired Members shall not be subject to any additional levies as described in rule 8E.

*Printing Division Mortality Benefits and Other Funeral Benefits*

20. Nothing in this rule shall disqualify a person's entitlement to receive a mortality benefit, mortuary benefit or other funeral benefit where it arises elsewhere under the rules of the union.

21. For the purposes of the payment of a mortality or mortuary benefit, a member in the Retired Members' Division, may also be considered to be in the Printing Division if the member was formally in the Printing Division and being placed in the Retired Members' Division would otherwise disqualify such benefits being paid in relation to a such a member.

**Representation on Committees and Budgetary Allocations**

22. Notwithstanding any other rule, Retired Members shall not be counted as members for the purposes of determining the representation of a Division, State or Region of the union on any committee of the union or for the purposes of determining the proportion of funds to be allocated to State, Regions or Divisions in the budgets developed and approved under rule 8.

**Branches Within The Retired Members' Division**

23. The Retired Members' Division shall have the following branches:
- (a) New South Wales / Australian Capital Territory
  - (b) Victoria
  - (c) Queensland / Northern Territory
  - (d) South Australia
  - (e) Western Australia
  - (f) Tasmania
24. Retired members shall be allocated into an appropriate branch on the basis of where they reside.

**Offices and Positions Within The Retired Members' Division**

25. The Retired Members' Division shall have the following offices and positions:
- (a) National Secretary - Retired Members' Division
  - (b) In each Branch, a State Secretary - Retired Members' Division
  - (c) Such other positions as determined by the Retired Members' Constitution.
26. All offices and positions in the Retired Members' Division are honorary.

**Powers and Responsibilities of Office Holders in the Retired Members' Division**

27. The powers and responsibilities of the National Secretary -Retired Members' Division shall include:
- (a) being a non-voting member of National Council member of National Council and thereby National Conference, in that except where resolved to the contrary by the relevant Conference or Council when dealing with a charge laid under rule 10A, or dealing with a suspected or alleged breach under rule 10B, such nominees shall have equivalent rights of attendance and participation at all meetings of the relevant Conference or Council as those Delegates who have been elected to the Conference or Council except that they will not be entitled to vote on any matter.;
  - (b) providing an annual report on the activities and expectations of Retired Members to National Council;
  - (c) reporting to the union's triennial meeting of National Conference on the activities of the Retired Members' Division; and
  - (d) carrying out such duties as are assigned by the National Conference, National Council, National Secretary and the Retired Members' Division.
28. Where the National Secretary- Retired Members' Division is unavailable to attend National Conference or National Council to provide a report on the Retired Members' Division, the National Council may select an appropriate State Secretary - Retired Members' Division to attend either National Conference or National Council as a non-voting delegate or member with full speaking rights.
29. In each Branch, the powers and responsibilities of the State Secretary - Retired Members' Division shall include:
- (a) being a non-voting member of State Council and the State Conference, in that except where resolved to the contrary by the relevant Conference or Council when dealing with a charge laid under rule 10A, or dealing with a suspected or alleged breach under rule 10B, such nominees shall have equivalent rights of attendance and participation at all meetings of the relevant Conference or Council as those Delegates who have been elected to the Conference or Council except that they will not be entitled to vote on any matter.
  - (b) reporting to the triennial meeting of the relevant State Conference of the union on the activities of the Retired Members' Division;
  - (c) providing an annual report to State Council on the activities and expectations of Retired Members; and
  - (d) carrying out such duties as are assigned by the relevant State Conference and State Council of the union and by the relevant Branch of the Retired Members' Division.
30. Where the State Secretary - Retired Members is unavailable to attend the relevant State Conference or relevant State Council, the relevant State Council may select an appropriate substitute Retired Member as a non-voting delegate or member with full speaking rights.



### **Removal of Holders of Offices in the Retired Members Division**

31. Office holders in the Retired Members' Division may be removed following the processes contained in rule 10A of the Union's rules. For the purposes of the operation of that rule with respect to the Retired Members' Division:
- (a) "National Official" includes the National Secretary - Retired Members' Division; and
  - (b) "State Official" includes the State Secretary - Retired Members' Division.

### **Affiliations with Other Bodies**

32. Subject to the approval of National Council, the Retired Members' Division, and/or any of the branches of the Retired Members' Division, may affiliate to other international, national, or state based organisations.

### **Payment to Retired Members' Division**

33. Subject to National Council approval of the Retired Members' Constitution, a payment shall be made to the Retired Members' Division from the General Fund of the Union, according to the number of financial Retired Members in the Division at 30 June each year. Such payment shall be on a per capita basis as determined from time to time by National Council.

### **Retired Members' Division Constitution**

34. The National Secretary - Retired Members' Division and the State Secretaries – Retired Members' Division shall develop a Retired Members' Division Constitution. Following National Council approving the Retired Members' Division Constitution, the Retired Members' Division Constitution shall be binding on the Retired Members' Division and Retired Members. Any proposed amendment to the Retired Members' Division Constitution must be similarly approved by National Council.
35. Subject to the other provisions of this rule, the Retired Members' Constitution shall include, but not be limited to, provisions on:
- (a) offices and / or positions within the Retired Members' Division;
  - (b) representative bodies;
  - (c) meeting procedure not otherwise dealt with in these rules; and
  - (d) accounting for funds.

**Definitions relating to Retired Members' Division (Rule 7G1 and 7G2)**

36. For the purposes of this rule and rule 7G1:

- (a) "the Act" means the Fair Work (Registered Organisations) Act 2009.
- (b) "candidate" means a person who seeks or is nominated for an office. Also known as a nominee.
- (c) "Close of Roll Day" means the day on which the roll of voters for the ballot is closed. Any Retired Member who is eligible to vote on that day is included in the roll of voters. The Close of Roll Day is a day no earlier than 30 days and no later than 7 days prior to the day on which nominations open as prescribed in subsection 143(3) of the Act. Wherever the last day of a Quarter falls within this period, Close of Roll Day shall be that day. Otherwise Close of Roll day shall be the day 7 days prior to the date for the opening of nominations.
- (d) "irregularity" has the same meaning as the definition contained in section 6 of Schedule 1 of the Act.
- (e) "nominator" means a person who nominates another person for office.
- (f) "nominee" means the person nominated for office. Also known as a candidate.
- (g) "prescribed officer" means either the National Secretary or where the election relates to an office of State Secretary - Retired Members' Division, the appropriate State Secretary.
- (h) "Quarter" means the period of three months beginning either on 1 January, 1 April, 1 July or 1 October as the context requires.
- (i) "relevant State Conference of the union" means the union's State Conference in the State in which a retired member resides, or, where a retired member lives in either the Australian Capital Territory or the Northern Territory, the New South Wales State Conference or Queensland State Conference respectively.
- (j) "relevant State Council of the union" means the union's State Council in the State in which a retired member resides, or, where a retired member lives in either the Australian Capital Territory or the Northern Territory, the New South Wales State Council or Queensland State Council respectively.
- (k) "relevant State Secretary" means the union's State Secretary in the State in which a person resides, or, where a person lives in either the Australian Capital Territory or the Northern Territory, the New South Wales State Secretary or Queensland State Secretary respectively.

## **7G2 - ELECTION OF OFFICES IN THE RETIRED MEMBERS' DIVISION**

### **Conduct of Elections**

1. All elections for offices in the Retired Members' Division shall be conducted by the Australian Electoral Commission.

### **Method of Election - Direct Voting**

2. All offices in the Retired Members' Division shall be elected by direct election.
3. All direct elections for offices in the Retired Members' Division shall be by secret postal ballot.  
  
In spite of anything else contained in his or her Rule, a person is eligible to vote in a ballot if they are, on Close of Roll Day, a financial Retired Member of the part of the Retired Members' Division that the office represents.
4. All offices in the Retired Members' Division shall be elected every 2 years.
5. The term of office for successful candidates will commence on 1 January or from the date of the declaration of the result of the election, whichever is later. Candidates shall hold office for 2 years or until their successors are elected and take office.

### **Returning Officer**

6. All elections for offices in the Retired Members' Division shall be conducted by a returning officer who is an officer of the Australian Electoral Commission.
7. The returning officer shall prepare and circulate a notice calling for nominations in accordance with these rules.
8. After the close of nominations the returning officer shall consider all nominations received during the nomination period. The Returning officer shall reject any nominations received after the nomination period has closed.
9. The returning officer shall accept all nominations which satisfy the requirements of these rules.
10. The returning officer shall treat any defective nominations in the manner prescribed in these rules.
11. Where a ballot is required, the returning officer shall conduct the ballot in accordance with the provisions of these rules.
12. In respect to any matter pertaining to the conduct of any election, and in spite of anything else contained in these rules, the returning officer shall take such action and give such directions as the returning officer considers necessary, including but not limited to making void a step already taken in the election, to ensure the secrecy of the ballot and to prevent or remedy an irregularity.

## **Advertising**

### *Publication*

13. The returning officer shall cause an election notice to be published:
- (a) on the union's website; and
  - (b) in a journal or bulletin or newsletter published by the organisation and circulated to all Retired Members eligible to participate in the election, directly to the member's last known postal address; or
  - (c) if no journal or bulletin or newsletter is available at the time nominations are called; in a newspaper circulating throughout the region to which the functions of the office or offices relate; or
  - (d) instead of (b) or (c) above if it is more cost effective; by distribution of such notice directly to each member eligible to participate in the election, at the Retired Member's postal address.

### *Election notice*

14. The election notice shall:
- (a) state that the election is being conducted by the returning officer;
  - (b) list the offices for which nominations are sought;
  - (c) invite nomination for election from all eligible persons;
  - (d) fix the time and date for the opening and closing of nominations;
  - (e) fix the time and date for the opening and closing of the ballot;
  - (f) specify the place where nomination forms may be obtained;
  - (g) specify the place where nominations must be lodged;
  - (h) specify the accepted method/s of lodgement; and
  - (i) fix a time and date for withdrawal of nominations.

## **Scrutineers**

### *Appointment*

15. Each candidate may appoint, in writing, one person as scrutineer to represent the candidate's interests in the conduct of the ballot. A scrutineer shall not be a candidate for any position which is also included in a ballot in the election. The candidate may appoint one or more substitute scrutineers, if required.

*Rights and obligations*

16. A scrutineer may be present at any stage in the ballot. This includes:
  - (a) countersigning any seals or placing their own seal on any receptacle being used for the ballot;
  - (b) bringing to the attention of the returning officer any alleged irregularity in:
    - (i) the issue of ballot papers;
    - (ii) the admission of envelopes to scrutiny;
    - (iii) the formality or informality of ballot papers; and
    - (iv) the counting of votes.
17. A scrutineer shall not:
  - (a) interrupt the scrutiny without lawful reason;
  - (b) disclose any knowledge acquired by him/her concerning the votes of any particular voter or voters;
  - (c) fail to carry out any lawful request by the returning officer;
  - (d) touch any ballot material; or
  - (e) act in a manner which will interfere with the proper conduct of the election.
18. Failure of a scrutineer to attend any scheduled event will not delay any step in the election.

**Timetable - Nominations and Voting**

*Nominations*

19. Nominations for all offices shall open on the twenty eighth day of the first month of the Quarter which immediately precedes the Quarter in which the term of office of the offices for election expires.
20. Nominations shall close at 12 noon on the twenty-first day after nominations have opened. Nominations received by the returning officer after that time shall not be accepted.
21. If any of the above dates fall on a weekend or a public holiday, the relevant day shall be the returning officer's next standard working day after that date.
22. Nominations shall be called in the manner prescribed in these rules.

23. Nominations lodged with the returning officer shall be in writing and include the following information:
- (a) the full name of the nominee;
  - (b) the form in which the nominee's name is to appear on a ballot paper if different to the name shown above;
  - (c) the nominee's contact details;
  - (d) the name and address of one nominator;
  - (e) the office for which the nominee is nominating;
  - (f) the signed endorsement/consent of the nominee;
  - (g) the signature of the nominator; and
  - (h) any further documentation required by the returning officer.

### **Voting**

24. Voting for all elections conducted under these rules shall open on the twenty first day of the last month of the Quarter in which nominations are called.
25. The ballot shall close at 10 am on the twenty-first day after the day that the ballot opened. Ballot material received by the returning officer after that time shall not be included in the scrutiny.
26. If any of the above dates fall on a weekend or a public holiday, the relevant day shall be the returning officer's next standard working day after that date.
27. In spite of the provisions of this Rule, if the returning officer is unable to commence the nomination period so as to comply with this Rule, the election timetable shall be established by applying the timeframes identified in this Rule, but commencing from the date of the opening of nominations.

### **Eligibility to Nominate**

#### *Nominations*

28. Each Retired Member's eligibility to participate as a nominee or nominator shall be determined as at the close of nominations.
29. A nominee for any office must be a financial Retired Member of the part of the organisation that the office represents. The nominee must be nominated by one nominator.
30. A nominator for any office must be a financial Retired Member of the part of the organisation that the office represents.

### **Defective nominations**

#### *Notification*

31. Where the returning officer finds that a nomination is or may be defective, the returning officer shall, before rejecting the nomination, notify the person concerned of the defect and where practicable, give the person the opportunity of remedying the defect or providing further information in support of the nomination, within a period of not less than seven days after being notified.
32. Where the returning officer has notified a person of a defective nomination, and where that person has remedied the defect and advised the returning officer within the time prescribed by the returning officer, the returning officer shall accept the nomination.
33. Where the returning officer has notified a person of a nomination defect, and where that person has not corrected the defect and advised the returning officer within the time prescribed by the returning officer, the nomination shall be rejected.

### **Withdrawal of Nominations**

#### *Notification of withdrawal*

34. A Retired Member nominating for any office may withdraw the nomination by notice in writing to the returning officer up to, but not later than 7 days after the close of nominations.
35. The notification in writing referred to above must include the signed endorsement of the nominee and be in a form acceptable to the returning officer.
36. Once a nominator has endorsed the nomination of another Retired Member for election to any office in the organisation, that nominator may not subsequently withdraw that endorsement.

### **Uncontested Elections**

#### *Declaration*

37. If, after the close of nominations, the number of valid nominations received for an office does not exceed the number of positions to be filled, the returning officer shall declare elected the person or persons nominated.

### **Roll of Voters**

38. The only persons eligible to appear on the roll of voters in a ballot are those persons who, on Close of Roll Day, are financial Retired Members of the part of the organisation that the office represents.
39. The office of National Secretary- Retired Members' Division shall represent and be elected by all financial Retired Members.
40. The offices of State Secretary- Retired Members' Division shall represent and be elected by all financial Retired Members in the Branch they represent.

41. Close of Roll Day shall be a day which is no earlier than 30 days and no later than 7 days before the day on which nominations for the election open. Wherever the last day of a Quarter falls within this period, Close of Roll Day shall be that day. Otherwise Close of Roll day shall be the day 7 days prior to the date for the opening of nominations.
42. The returning officer shall request the prescribed officer to supply the name and postal address of every Retired Member eligible to vote at an election. The returning officer may also request the prescribed officer to supply additional information which does not form the roll of voters but is to be used to ensure no irregularity occurs, and to supply the information in electronic form. The prescribed officer shall comply with such a request.
43. Any Retired Member entitled to vote in an election may inspect the roll for the purposes of the election only. In addition to inspecting the roll, a candidate for election may obtain a copy of the roll for the purposes of the election only. A copy of the roll may be provided in an electronic form.

#### **Absent Voting**

44. Any Retired Member who is entitled to vote at any election held under these rules and who will be absent from their usual address during the period in which the ballot is to be conducted, may apply to the returning officer for ballot material to be sent to another address that the Retired Member so nominates.
45. Notification to the returning officer shall be in a form acceptable to the returning officer and shall set out the Retired Member's name and usual address and the address to which the Retired Member elects to have ballot material sent.
46. Where a returning officer receives a request for an absent vote made in the form described in this rule, the returning officer shall comply with that request.

#### **Contested Elections**

##### *Ballot*

47. If the number of valid nominations received for an office exceeds the number of positions to be filled, the returning officer shall conduct a secret postal ballot of Retried Members entitled to vote. The returning officer may include a number of ballots on the same ballot paper.

#### **Ballot Papers**

##### *Ballot paper wording*

48. The following features shall appear on all ballot papers prepared in respect of a secret postal ballot for an election for office:
  - (a) the name of the organization
  - (b) the initials of the returning officer or other authenticating mark
  - (c) the name and number of office/s to be filled
  - (d) instructions for marking the ballot paper



- (e) the names of the candidates in the format and order required by these rules
  - (f) instructions for returning the ballot paper
  - (g) name of the returning officer
  - (h) any other instruction considered necessary by the returning officer
49. The returning officer shall arrange for the printing of ballot papers and distribution to Retired Members eligible to vote.
50. The ballot papers shall contain the names of the candidates with the surname first followed by the given names. No other candidate information will be printed on the ballot paper.
51. The order of names in each ballot on the ballot paper shall be determined by lot drawn by the returning officer.
52. The ballot shall be conducted under the standard preferential voting system. That voting system being the voting system which is identified as the "standard preferential system - election of one candidate" where only one candidate is to be elected or the "standard preferential system - election of more than one candidate" where more than one candidate is to be elected found in Part 4 of the Model Rules Guideline developed by the Electoral Commissioner under Section 147(2) of the Act, and dated March 2004.
53. The ballot paper shall contain instructions for the voter to place numbers opposite the name or names of the candidates for whom the voter wishes to vote.

### **Postal Ballot**

#### *Postal facilities for ballot material*

54. The returning officer shall, for the purpose of receiving ballot material in respect of a ballot, use a private box or other secure postal facility at a post office or mail centre. Access to the private box mentioned in this rule shall be limited to:
- (a) persons authorised by Australia Post,
  - (b) the returning officer, and
  - (c) persons authorised in writing by the returning officer.

#### *Issue of ballot material*

55. On or before the opening day of the ballot the returning officer shall forward ballot material in a sealed envelope by prepaid post to each person on the roll of voters at the address shown on the roll of voters.
56. Ballot material shall include:
- (a) one or more ballot papers showing the time and date of the close of the ballot,
  - (b) a Reply Paid envelope addressed to the private box referred to in this rule, being an envelope that may be posted without expense to the voter,

- (c) an inner 'Declaration Envelope' as prescribed by the Act, suitable for containing the ballot paper/s.

*Replacement ballot material*

- 57. Where a Retired Member whose name is on the roll of voters claims that the ballot material has not been received or has been lost, destroyed or spoilt, the member may make an application to the returning officer for the issue of replacement ballot material.
- 58. The application shall:
  - (a) be in writing
  - (b) set out the applicant's full name and postal address
  - (c) set out the grounds on which the application is made
  - (d) contain a declaration that the applicant has not voted in the ballot
  - (e) be accompanied, if practicable, by any evidence that is available of the loss, destruction or spoiling of the ballot material
- 59. If the returning officer is satisfied that the information contained in the application is true and correct, the returning officer shall issue replacement ballot material to the applicant.

**Scrutiny**

*During the ballot*

- 60. During the course of the ballot the returning officer may collect returned envelopes from the private post box and keep them in safe custody until the commencement of the scrutiny. The returning officer shall make a final clearance of returned envelopes so that all envelopes received by the returning officer prior to the closing time for the ballot are admitted to the scrutiny. No envelopes returned after the close of the ballot shall be admitted to the scrutiny.

*Preliminary scrutiny of envelopes*

- 61. The returning officer shall conduct a preliminary scrutiny of returned declaration envelopes to ensure that only one returned envelope from each eligible voter is admitted to the count. The returning officer may commence the preliminary scrutiny prior to the close of the ballot.
- 62. Before proceeding to count the votes to ascertain the result of the ballot, the returning officer shall:
  - (a) remove the 'Declaration Envelope' from the Reply Paid envelopes, and
  - (b) examine the voter's declaration attached to each 'Declaration Envelope', and mark off the voter's name against a copy of the roll of voters.

63. A voter's returned ballot material shall be rejected and set aside if:
- (a) the 'Declaration Envelope' has not been returned, or
  - (b) the voter has not completed the declaration on the 'Declaration Envelope' to satisfy the returning officer,
  - (c) the voter is ineligible to vote, or
  - (d) the returning officer is unable to identify the voter on the roll of voters.
64. Where a voter returns more than one set of ballot material, only one set of ballot material shall be admitted into the count. The returning officer shall decide which set of ballot material is to be rejected.
65. The returning officer shall note on the ballot material that it has been rejected and the reason for rejection and set it aside for separate custody.

*Scrutiny of ballot papers*

66. When the returning officer has determined which declaration envelopes are accepted for the count, the declaration section of each envelope is detached and removed so that the envelope can no longer be identified. Each envelope shall then be opened and the ballot papers extracted to be counted.
67. The returning officer shall reject as informal a ballot paper that:
- (a) does not bear the initials or other authenticating mark of the returning officer, and/or
  - (b) has upon it any mark or writing by which the voter can be identified, and/or
  - (c) is not marked substantially in accordance with the instructions included on the ballot paper, and/or
  - (d) the marking is such that the intention of the voter is not clear, and/or
  - (e) is not returned inside the declaration envelope.
68. Where, during the ballot, the returning officer is informed by a scrutineer that the scrutineer objects to a returned envelope or a ballot paper being accepted or rejected, the returning officer shall decide whether the returned envelope or ballot paper is to be admitted or rejected and endorse the decision on the envelope or ballot paper. The decision of the returning officer is to be final.

## **Declaration of Results**

### *Notice*

69. The returning officer shall declare the result of the election within fourteen days of the closing day of the ballot by giving notice of the result in writing to each candidate and the National Secretary at the registered office of the Union.
70. The returning officer shall, at the same time and in the same manner as the returning officer declares the result of the election, declare the following information in relation to the ballot:
- (a) the total number of persons on the roll of voters;
  - (b) the total number of ballot papers issued;
  - (c) the total number of envelopes that were returned undelivered by the closing date of the ballot;
  - (d) the total number of ballot papers received by the returning officer; and
  - (e) the total number of ballot papers rejected as informal.
71. Where the notice relates to an office of State Secretary - Retired Members' Division, the National Secretary shall forward the returning officers' notice to the National Secretary - Retired Members' Division and to the appropriate State Secretary.

## **Casual Vacancies**

72. Where a casual vacancy occurs in the office of the National Secretary - Retired Members' Division or State Secretary - Retired Members' Division the following shall apply.

### *Unexpired Term Exceeding 18 Months*

73. Where the unexpired part of the term of office exceeds 18 months, the casual vacancy shall be filled by an election conducted pursuant to this rule as soon as practicable. In such circumstances, the returning officer shall determine an appropriate date for the opening of nominations and otherwise apply an election timetable using the time frames identified in this rule. The successful candidate shall be elected for the remainder of the unexpired term.
74. Pending the completion of that election the office may be temporarily filled in the following manner:
- (a) For the office of National Secretary - Retired Members' Division, by a financial Retired Member appointed by the National Council.
  - (b) For the offices of State Secretary - Retired Members' Division, by a financial Retired Member appointed by the relevant State Council.

*Unexpired Term Not Exceeding 18 Months*

75. Where the unexpired part of the term of office is 18 months or less, the casual vacancy shall be filled in the following manner:
- (a) For the office of National Secretary- Retired Members' Division, by a financial Retired Member appointed by the National Council.
  - (b) For the offices of State Secretary - Retired Members' Division, by a financial Retired Member appointed by the relevant State Council.

**SECTION 8 – FINANCE**

**8A- FINANCIAL REQUIREMENTS**

1. Consistent with these Rules, the Union and each branch shall develop and implement policies and procedures relating to the expenditure of the Union or branch respectively.

**8B - HOLDING OF PROPERTY**

- 1. A payment to the Union shall be made payable to the "Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union" known as the Australian Manufacturing Workers' Union (AMWU).
- 2. Property of the Union shall be acquired and held in the name of the Union.
- 3. Cheques drawn upon a banking account of the Union shall be signed by any two of the five members authorised for the purpose by the National Council.

**8C - FUNDS AND INSPECTIONS OF BOOKS**

1. Central Accounts

All moneys received by the State Councils except those specifically otherwise prescribed for in these rules shall be banked to the credit of the Union in an account at a bank to be opened with the approval of the National Council. Such moneys shall regularly be transferred to the Banking Account of the National Council. For the purpose of carrying on the work and objects of the Union, and subject to decisions of National Conference under paragraph 5A2.1(d) and National Council under rule 5B2 of these rules the National Council shall finance State Councils to meet expenditure in which they are involved in carrying out their activities in accordance with the rules of the Union and shall make available to State Councils such additional moneys as are specifically provided for in these rules and or which the National Council decides from time to time should be made available.

2. Neglect to Remit Funds

Any failure by any officer, member or State Council to deposit moneys in accordance with this rule and the instructions of the National Council shall render them liable to suspension by the National Council and to be otherwise dealt with in accordance with these rules.

3. Any person having an interest in the funds may by giving due notice to the National Secretary or the State Secretary in the State in which he/she is a member inspect the books of the Union and the names of the members.

**8D - PRESENTATION OF FINANCIAL REPORTS TO A GENERAL MEETING OF MEMBERS**

1. The National Secretary shall, on the requisition in writing of 5% of the membership of the Union, proceed to call a series of general meetings of members in each of the States for the purpose of considering the auditor's report, the general purpose financial report and the operating report prepared for the National Council.
2. A State Secretary shall, on the requisition in writing of 5% or more of the membership of the relevant State, advise the National Secretary of the receipt of the requisition within 7 days and shall convene a general meeting of members in the State for the purpose of considering the auditor's report, the general purpose financial report and the operating report prepared for the State Council.
3. The requisition must state that the purpose of the meeting is to consider the auditor's report, the general purpose financial report, and the operating report for that financial year of the National Council or the State Council, as the case may be.
4. The National Secretary shall give notice of the meeting or meetings to members by the next mail enclosing the membership quarterly card and the meeting or meetings shall be convened not earlier than 14 days after the notice has been distributed to members.

**8E - LEVIES**

1. Limit of Amount

The National Conference shall have power to levy members of the Union for the purpose of any or all of the objects set out in these rules. Provided however, that such levies shall not exceed \$1.00 per member per week nor continue for a period of longer than three months without a fresh decision being made by the National Conference.

2. A State Conference subject to National Council or National Conference shall have the power to hold a ballot vote of the State membership or any section thereof to strike a levy to finance the purpose of any or all or the objects of the Union set out by these Rules. Such levy shall not exceed \$5.00 per member per quarter and shall not continue for a period of more than three years without a further ballot of members.

A State Conference with the approval of the National Council or National Conference may decide on levies of similar amounts and for similar purposes covering members of their particular State. All money raised by a State levy decided in accordance with this rule shall be expended in accordance with decisions of the State Council and or State Conference.

3. Dispute & General Levies

In addition to these general powers to raise money by levy, the following specific powers shall exist:

- (a) The National Council shall have power to take a ballot vote of the members to authorise the raising of levies to assist any effort to improve the position of the Union or the general trade union or labour movement, such levies shall not exceed an amount totalling \$150 per member in any three month period, shall not be retrospective and shall not be in force for more than three months without a further ballot vote being taken as to the continuation of same unless a longer period is specified on the Ballot paper.

On the application of any State Council in a State where a dispute is existing, the National Council shall apportion a sum from the fund raised for dispute relief; the sum apportioned shall be forwarded to that State Council for distribution to the recognised strike committee or such other recognised trade union body in charge of the dispute for distribution. Such sum shall be repaid by the State Council concerned, within twelve months.

*Assistance to Members*

- (b) State Councils shall have the power subject to the approval of National Council, to take a ballot vote of members upon the desirability of raising a levy among the members of the State concerned or any section of them for the assistance of members in any shop or works dispute approved by the State Council of any State. Such levy shall not be more than \$150 per member in any three month period or be in force for a longer period than three months Attachment 1 -Amended Rules 100 without a further vote of the members concerned being taken unless a longer period is specified on the ballot paper. Any such State Council shall, subject to approval of the National Council, be permitted to appeal to other State Councils not immediately concerned in any dispute to take a ballot vote of their members to assist the State appealing.

*Assistance*

- (c) State Councils shall have power, subject to the approval of the National Council to take a ballot vote of members upon the desirability of raising a levy among the members of the State concerned or any section of them for assistance of other trade unions, but no such levy shall be of more than \$1.00 per member per week or be in force for a longer period than three months without a further vote of the members concerned being taken and separate levies shall be raised for each and all of the objects herein mentioned and the votes of the members shall be taken upon each portion.

*Levy for Additional Organisers*

- (d) State Councils shall have power, subject to the approval of the National Council to take a ballot vote of members of their State or a subset of members in their State to raise a levy to finance additional organisers where the additional organisers requested by a State Council and or State Conference are not approved by the National Council to be financed out of the general funds of the Union. State Organisers elected under these rules, in respect to salaries, the right to be elected to National Conference, and in all other ways shall be subject to all rules that apply in respect to State Organisers elected as provided elsewhere in these rules.
- 4. Any money raised by levy under powers conferred by this or any other of these rules upon State Council shall be administered solely for the purpose for which the funds were raised and at the discretion of the State Council concerned, subject always to the powers of the National Conference and the National Council prescribed elsewhere in these rules.
- 5. Voting on ballots for levies imposed in accordance with the provisions of this rule shall be conducted by the State Returning Officer in the same manner as voting in elections for State Organisers.

**8F - CHEQUE SIGNATORIES**

Cheques drawn upon a banking account under the control of the State Council shall be signed by any two of the five members authorised for the purpose by State Council.

**SECTION 9 - OTHER MATTERS**

**9A - RULES FOR POLITICAL FUND**

1. Objects

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

- (a) On the payment of any expenses incurred either directly or indirectly by a candidate or prospective candidate for election to Parliament or to any public office before, during, or after the election in connection with his or her candidature or election;
- (b) On the holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate;
- (c) By payment of affiliation and sustentation fees to the Australian Labor Party;
- (d) By taking an active interest in the selection of political candidates endorsed by the Australian Labor Party and by supporting their candidature when selected;
- (e) By direct representation at A.L.P. Conferences



*Allocation*

- (f) A portion of the money raised for the political fund shall be allocated to each State Council for the purposes set out in paragraph (c) in this rule.
- (g) In connection with the registration of electors or the selection of a candidate for Parliament or any public office; or
- (h) On the holding of political meetings of any kind, or on the distribution of political literature or political documents of any kind, unless the main purpose of the meetings or of the distribution of the literature or documents is the furtherance of statutory objects within the meaning of the Act, that is to say, the regulation of the relations between workers and employers, or between workers and workers, or between employer and employer, or the imposing of restrictive conditions on the conduct of any trade or business, and also the provision of benefits to members.
- (i) With the approval of National Council or the National Steering Committee, for the conducting within the Union, or the commissioning of persons or bodies outside the Union, to conduct research, undertake surveys of both Union and non-Union members, conduct seminars and meetings, provide reports to the Union and organise or participate in campaigns, for the furtherance of political objects consistent with the objects of the Union amongst the membership of the Union and the wider community.

*Definition*

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

2. Separate Fund

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

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

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

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

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

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

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

- (a) \$2.05 until 31 December 2018;

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

Such rate shall be in addition to the contribution set out in Rule 7B.

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

5. Opting Out

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

6. Where Exempt

A member who is exempt from the obligation to contribute to the Political Fund of the Union shall not be excluded from any benefits of the Union, or placed in any respect, either directly or indirectly, under any disability or disadvantage as compared with other members of the Union (except in relation to the control or management of the Political Fund of the Union, and shall not take part in the nomination or voting relating thereto) by reason of his or her being so exempt.

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

## **9B- DELEGATES OF REPRESENTATIVE BODIES**

1. A.C.T.U. Congress

Recognising the diversity of men and women and the occupations and industries covered by our Union, the National Council shall arrange for the appointment of the Union's delegates to the ACTU Congress on the basis of four delegates each from Queensland, New South Wales and Victoria and two from each of the other States, plus one from the Northern Territory, and in addition to those so appointed may appoint delegates from its number together with the President and Secretary. The remainder of the delegates shall be appointed by the State Council of the State in which the Congress is to be held. Provided that during the transitional period from 1 July, 2019 to 30 June, 2023, a proportion of delegates to the ACTU Congress shall be drawn from the Manufacturing, Vehicle, Food and confectionery and Printing Membership Areas in such a manner as shall be determined by the National Steering Committee.

2. A.L.P. and Labor Councils

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

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

**9C - PROTECTION OF UNION FROM LEGAL ACTION**

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

## 9D - INDUSTRIAL AGREEMENTS

1. Subject to the provision of this Rule, the Union may enter an industrial agreement with
  - (a) an employer or employers;
  - (b) an organisation or organisations of employees; or
  - (c) an organisation or organisations of employers.
2.
  - (a) Where a proposed agreement other than an agreement applicable only to members in the Vehicle membership area, the Food and Confectionery membership area or the Printing membership area will affect members of the Union employed in more than one State, the National Council (or a person, or persons authorised by it to do so) may enter into the agreement after consulting the State Council (or a person or persons authorised by the State Council to do so) in each State where members are employed who will be affected by the proposed agreement.
  - (b) The National Secretary or person authorised by the National Council to do so shall sign an agreement entered into in accordance with the provisions of this sub-rule.
3.
  - (a) Subject to sub-rule 2, the State Council (or person or persons authorised by it to do so) may enter an industrial agreement not inconsistent with the National policies of the Union other than an agreement affecting members in the Vehicle membership area, the Food and Confectionery membership area or the Printing membership area in that State only after consulting members of the Union employed in the State affected by the proposed agreement.
  - (b) The State Secretary (or a person or persons authorised by the State Council to do so) shall sign an agreement entered into in accordance with the provisions of the sub-rule.

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

4.
  - (a) Where a proposed agreement will affect members of the Union employed in more than one State but only in one of the following membership areas:
    - (i) Vehicle membership area;
    - (ii) Food and Confectionery membership area;
    - (iii) Printing membership area;

the relevant Assistant National Secretary (or in the event of that person being unavailable a person or persons authorised by the National Council to do so) may enter into the agreement provided that it is consistent with the National Policy of the Union and there have been consultations with the Assistant State Secretaries from the relevant membership area (or the Industrial Official from the relevant membership area referred to in subrule 5H4.6), or, in the event of that person being unavailable, with the relevant State Councils or such other person or persons authorised by the relevant State Councils to do so.

- (b) The relevant Assistant National Secretary of the relevant membership area or, in the event of that person being unavailable, such other person authorised by the National Council to do so shall sign an agreement entered into in accordance with the provisions of this subrule.
  - (c) Where an agreement is entered into in accordance with this sub-rule, the relevant Assistant National Secretary shall cause a copy of the agreement to be sent to the National Secretary within 7 days of entering into the agreement.
- 5.
  - (a) The Assistant State Secretary from the relevant membership area in their State, (or the Industrial Official from the relevant membership area referred to in subrule 5H4.6) or, in the event of that person being unavailable, the relevant State Council or such other person or persons authorised by the State Council to do so, may enter into an agreement which affects members of the Union only in the Vehicle membership area, the Food and Confectionery membership area or the Print Membership area provided it is consistent with the National Policy of the Union.
  - (b) The relevant Assistant State Secretary (or the Industrial Official from the relevant membership area referred to in subrule 5H4.6) or, in the event of that person being unavailable, such other person or persons authorised by the State Council to do so shall sign an agreement entered into in accordance with the provisions of this sub-rule.
  - (c) Where an agreement is entered into in accordance with this sub-rule, the relevant Assistant State Secretary (or the Industrial Official from the relevant membership area referred to in subrule 5H4.6) shall cause a copy of the agreement to be sent to the State Secretary within 7 days of entering into the agreement.
- 6. At the first meeting following the State Conference scheduled for July, 2019 consistent with Rule 5A.1, State Councils will consider a nomination from the relevant Assistant State Secretary of such other person or persons to be consulted for agreements applying in more than one State for the purpose of subrule 4(a) above and to enter into an agreement and/or sign an agreement consistent with the provisions of subrules 5(a) and (b) above.

## **9E - EXECUTION OF DOCUMENTS**

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

## **9F - SUBMISSION OF INDUSTRIAL DISPUTES TO ARBITRAL TRIBUNALS**

- 1.
  - (a) Where an industrial dispute concerns members of the Union employed in more than one State, proceedings before an industrial tribunal or court in respect of the dispute may be instituted by the National Council or person or persons authorised by it to do so.
  - (b) Where proceedings take place before an industrial tribunal or court in respect of a dispute described in paragraph (a), the National Council or National Steering Committee may from time to time appoint a person to represent the Union in those proceedings.

2. (a) Subject to sub-rule 1 and this sub-rule, proceedings before an industrial tribunal or court in respect of an industrial dispute may be instituted by the State Council (or person or persons authorised by it to do so) in the State where members concerned in the dispute are employed.
- (b) Where proceedings take place before an industrial tribunal or court in respect of an industrial dispute described in paragraph (a), the State Council or State Administrative Committee may, from time to time appoint a person to represent the Union in those proceedings.

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

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

**9G – DISSOLUTION**

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

## **9H – AMALGAMATION**

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

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

## **9I - PROVISIONS AS TO OFFICIALS AND SALARIED OFFICERS**

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

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

8. Any financial member delegated on the Union's business who proves to the satisfaction of the State Council in his or her State and subject to approval of National Council, that he or she has been dismissed from his or her employment for carrying out duties delegated to him or her by the Union, may be entitled to his or her wages for 10 weeks, or until he or she shall resume work, whichever period is the shorter. In the case of a member receiving this benefit, any other payments he or she receives due to his or her unemployment shall reduce the benefit paid by that amount. Whilst in receipt of this benefit he or she shall pay contributions and levies as laid down in these rules.

## **9J - MISCELLANEOUS TRANSITIONAL DIVISION RULES**

### **Transitional Rules**

1.
  - (a) The terms and conditions of employment of former employees of the VBEF may be varied by agreement between the Union and the employees concerned.
  - (b) The employment duties and location of a former VBEF Branch employee may, following consultation between the relevant Regional Secretary of the relevant Division, the State Secretary and the employee, be altered with the agreement of the employee provided that, in the event that there is no agreement, the matter shall be referred to the relevant State Council.
  - (c) The employment duties and location of a former VBEF Federal Office employee may, following consultation between the National Divisional Secretary - Vehicle Division, The National Secretary and the employee, be altered with the agreement of the employee provided that, in the event there is no agreement, the matter shall be referred to the National Council.
  - (d) Notwithstanding paragraph 9J.1(b), Irene Dyson shall not be transferred from the Victorian Vehicle Division Regional Office without her consent and the consent of the Regional Secretary.
  - (e) The period of service with the VBEF of a former VBEF employee or officer shall be counted in determining the employee's annual leave, long service leave, sick leave or any other entitlements under a term or condition of employment where the period of service is relevant in determining the employee's entitlements.
  - (f) The terms and conditions of employment of full-time elected officials of the VBEF on the day before the relevant date shall be deemed to be the terms and conditions of employment on and from the relevant date set out in the Memorandum of Understanding.
2.
  - (a) The terms and conditions of employment of former employees of the CW&FPU and former employees of the PKIU may be varied by agreement between the Union and the employees concerned.



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

- (i) A general meeting of members of the Vehicle Division of the Union in the area covered by the Geelong District Committee may from time to time make, amend or rescind by-laws for the conduct of meetings, the calling of meetings, elections to the District Committee and determining the duties of members of the District Committee.

**Location of Offices -Food and Confectionery Division and Printing Division**

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

**9K - TRANSITIONAL RULE (Re PKIU)**

- 1. (a) The terms and conditions of employment of former employees of the PKIU may be varied by agreement between the Union and the employees concerned.
- (b) The employment duties and location of a former PKIU employee may only be altered by agreement with the employee concerned provided that, in the event there is no agreement, the matter may be determined by the State Council in respect to a State employee and the National Council in respect to a national employee.
- (c) The period of service with the PKIU of a former PKIU employee shall be counted in determining the employee's annual leave, long service leave, sick leave or any other entitlements under a term or condition of employment where the period of service is relevant in determining the employee's entitlements.
- (d) The period of service with the PKIU of a former PKIU officer shall be counted in determining the employee's annual leave, long service leave, sick leave or any other entitlements under a term or condition of employment where the period of service is relevant in determining the employee's entitlements.
- 2. (a) The Federal Office of the Printing Division shall be at a location determined by the National Council.
- (b) Regional Offices of the Printing Division shall be at locations determined by the relevant State Councils.
- 3. Printing Division (Print Membership Area) Mortality Benefit
  - A. Printing Division (Print Membership Area) Mortality Benefit- eligibility

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

    - (a) a member of the Union who is in the Printing Division (Print Membership Area) and has been, prior to the certification date, granted an exemption from the payment of contributions and other dues under rule 7A; or

- (b) a person who had been, prior to the certification date, admitted as a "Mortuary Benefit Member of the Union" under:
    - (i) rule 12.1 of the rules of the PKIU as in force on 31 January 1995 (or, at various times prior to 31 January 1995, the relevant rule as enumerated in earlier versions of the PKIU's, or the PKIU's antecedent organisations' or organisations' rules); or
    - (ii) subsequent to 31 January 1995, but prior to the certification date, under rule 55.13 of the rules of the Union as they then stood; and
    - (iii) had made all contributions required, and otherwise was eligible to be and remain a Mortuary Benefit Member of the Union.
- B. Printing Division (Print Membership Area) Mortality Benefit- amount and administration
  - (a) From time to time National Council may alter the amount of benefit to be paid in respect of each Printing Division (Print Membership Area) Mortality Benefit member provided that the amount shall be no less than \$400.
  - (b) The National council shall establish procedures for the administration of the Printing Division (Print Membership Area) Mortality Benefit including the requirements as to proof of eligibility for payment of a benefit.
- C. Printing Division (Print Membership Area) Mortality Benefit- contributions

From time to time National Council may impose or maintain a requirement for a contribution or additional contributions to be paid by Printing Division (Print Membership Area) Mortality Benefit members in order for the member to be eligible for a benefit.
- D. Mortality and Mortuary Benefits- Former members of the Victorian Printers Operatives' Union

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

#### Sub-branches and Chapels

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

#### APPENDIX "A"

5. Powers of Chapels

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

6. Sub-Branches

- (1) Sub-branches may be formed with the consent of the Regional Council.
- (2) A Sub-branch may impose a local voluntary levy on its members of not more than three cents per week for purely local purposes.
- (3) Any funds or assets and other levies collected for members of the Union held by a Sub-branch shall be entirely under the control of members of such Sub-branch.
- (4) A Sub-branch with 25 or over shall have the right to send one or more special delegates to meetings of Regional Council to discuss any question affecting its interests.
- (5) No Sub-branch shall act in any matter of policy, trade dispute or matter affecting an award, agreement or determination, except under instructions from the Regional Executive Committee or Regional Council.
- (6) A Sub-branch as such shall not be liable for any expenditure in connection with Arbitration or Wages Board proceedings, or any trade dispute, strike or lockout.
- (7) Each Sub-branch is bound by the rules of the Union and shall uphold the principles enunciated and loyally abide by the letter and spirit thereof.
- (8) The whole of the books of any Sub-branch shall be subject to inspection by the Regional Secretary or any person authorized so to do by the Regional Council. A Sub-branch shall have power to make local by-laws for local control, provided that the by-laws do not conflict with these Rules.
- (9) Sub-branch Secretaries shall forward members' contributions, as collected, together with entrance fees and any other dues, at least once a month to the Regional Secretary.
- (10) Applications by Sub-branch members for financial or other rights of membership shall be made in writing to the Sub-branch Secretary.

7. Special Industry Section - Victorian Region of the Printing Division (Print Membership Area)

(1) Within the Victorian Region of the Printing Division (Print Membership Area) there shall be an industry section which shall be known as the Special Industry Section and shall consist of Printing Division (Print Membership Area) Members employed by:-

(a) The Herald and Weekly Times Limited and David Syme & Co. Ltd. in the following Departments -

Machine, Publishing, Transport/Distribution, Maintenance/General and Clerical;

(b) Southdown Press in the following Departments:-

Machine, Publishing, Maintenance/General and Clerical;

(c) News Limited in the Clerical Department; and

(d) Argus and Australasian Ltd. in the following classifications:-

Machine Hands A & B, Drivers, Storemen, Boiler Attendants, Trade Assistants and Clerical employees.

(2) [Deleted]

(3) (a) Members of the Special Industry Section shall, notwithstanding anything to the contrary in these Rules, be entitled to the following representation:-

(i) On Regional Council - 3 Committee Members;

(ii) On Executive Committee - 1 member.

(b) The persons referred to in the previous paragraph shall be elected by and from members of the Union in the Special Industry Section.

(4) The provisions Rule 51 in Appendix 1 shall apply mutatis mutandis to the elections referred to in sub-rule (3) of this Rule.

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

8. Meetings of Trade Sections

(1) A meeting of a Section may be convened at any time by the Regional Council or on receipt of a requisition signed by not less than 15 financial members of the Section concerned, and in this latter case the meeting shall be convened by the Regional Executive Committee within 21 days of the date of receipt of the requisition by the Regional Secretary of the Region.

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

## **SECTION 10 - RIGHTS OF MEMBERS AND OFFICIALS**

### **10A - RIGHTS OF OFFICIALS**

1. No person elected to an office within the Union shall be removed from that office except in accordance with this rule.
2. Any member desiring to invoke this rule against a person elected to an office shall in writing charge that person with the conduct or circumstances alleged to justify that person's removal from office and shall forward the written charge to the National Secretary who shall forthwith:
  - (a) forward a copy of the written charge to the person against whom the charge is made at the same time in writing requesting the person charged to advise whether they admit or deny the charge or wish to make any comment thereon;
  - (b) forward a copy of the written charge and, after receipt of any reply thereto from the person charged, a copy of that reply, to the relevant State Secretary; and
  - (c) may delegate a person or persons to investigate the charge and provide a report to the National Secretary on matters in relation to the charge and any recommendations for dealing with the charge.

3.

- (a) At the next ordinary or special meeting of National Council (including a meeting of National Council by telephone hook-up) the charge and any reply made by the person against whom the charge is made shall be considered and the National Council may resolve in its discretion that:
  - (i) the person charged be called upon to show cause to National Conference or National Council why they should not be removed from office;
  - (ii) the charge should be more properly heard by a State Conference or State Council of the Union and, in such case, direct that the charge and any reply thereto be forwarded to the relevant State Secretary so that it might be considered at the next meeting of the State Council and that State Council shall thereupon decide whether the charge shall be heard by itself or by the State Conference;
  - (iii) no further action be taken;
  - (iv) that the alleged circumstances giving rise to the charge are more appropriately dealt with under rule 10D of the rules – Breach of Rules;
  - (v) that a person or persons be delegated to investigate the charge and provide a report to the National Council on matters in relation to the charge and any recommendations for dealing with the charge;
  - (vi) that the charge not be dealt with pending the receipt of a report requested by the National Secretary under subrule 10A.2 or the National Council under subrule 10A.3(v);
- (b) In exercising its discretion under this subrule, National Council may consider:
  - (i) whether the allegations in the charge relates solely to the affairs of a particular State;
  - (ii) whether the charge relates to an office holder who only holds office in a particular State or representing a particular State;
  - (iii) whether it is of the view that the charge can be fairly dealt with by the particular State in which the charged office holder holds office;
  - (iv) any other relevant matter;
- (c) If National Council resolves that the matter be more appropriately dealt with under rule 10D of these rules, it shall also determine the appropriate union body under rule 10D to deal with that charge and direct that the charge and any reply thereto be forwarded to that appropriate body for further action. The person bringing the charge and the person charged shall be advised of the decision to proceed with the matter under rule 10D;
- (d) In exercising its discretion under this subrule, National Council may not make a resolution in accordance with rule 10A.3(a)(i) where all of the following criteria are satisfied:
  - (i) National Council is of the view that the charge can be fairly dealt with by the particular State in which the charged office holder holds office;

- (ii) that the person charged is not a delegate to the national conference or national council whether or not on an ex-officio basis; and
  - (iii) the allegations and the nature of the allegations dealt with in the charge relate solely to the affairs of the Union and its members in a particular State.
- 4. If the charge is proceeded with, the person charged shall be called upon to attend before the appropriate body at a stated time and place to show cause why they should not be removed from office and shall be furnished by the person laying the charge with particulars of the charge reasonably sufficient to enable them to know the nature of the allegation made against them and the circumstances alleged to justify the person's removal from office.

### **Suspension**

- 5. An office holder may, by resolution of National Council in the case of a charge to be heard by National Conference or National Council, or by State Council in the case of a charge remitted to be heard by State Conference or State Council, be directed not to carry out some or all of the duties attaching to his or her office pending the hearing of any charge against that official, and the appropriate body may also resolve in the case of the holder of a full-time office whether or not the office holder charged shall receive wages and other payments normally due to him or her by virtue of holding that office until the charge against the official is heard and determined. Any decision of a State Council shall be limited to offices held in that State or representing that State.

### **Removal from office**

- 6. By a majority of votes taken at a meeting of the relevant Union body, that body may find the charged office holder guilty under the rules of the Union of misappropriation of the funds of the Union, a substantial breach of the rules of the Union, gross misbehaviour or gross neglect of duty, or has ceased, under the rules of the Union, to be eligible to hold the office. Where such a finding of guilt has been made by the relevant union body, a two-thirds majority of votes taken at a meeting of that body may by resolution in that behalf remove the charged office holder from office.
- 7. Where such resolution has been carried by National Council it shall be submitted to the members of the National Conference by post for endorsement. No such resolution of the National Council shall have force or effect until such time as it has been submitted to and endorsed by a majority of the National Conference. However, if such a resolution is carried by National Council, the office holder shall be suspended from any offices they hold in accordance with subrule 5 above, from the time of the making of the resolution by the National Council until the end of the ballot of National Conference conducted in accordance with this subrule.
- 8. Where such resolution has been carried by State Council it shall be submitted to the members of the State Conference by post for endorsement. No such resolution of the State Council shall have force or effect until such time as it has been submitted to and endorsed by a majority of members of the State Conference. However, if such a resolution is carried by the State Council, the office holder shall be suspended from any offices they hold in that State or representing that State in accordance with subrule 5 above, from the time of the making of the resolution by the



State Council until the end of the ballot of State Conference conducted in accordance with this subrule.

9.

- (a) The relevant union body dealing with charges brought under this rule may by a majority of votes taken at a meeting of that body resolve to issue a rebuke, caution, reprimand, warning or suspension from one or more the offices held by the official (and in the case of a full-time official suspension with or without pay) for a period not exceeding three months, to an official found guilty of a charge laid under this rule, as an alternative to removal from an office or offices held by the official in the Union.
- (b) Such alternative disciplinary action may be taken where the office holder charged has been found guilty by the appropriate union body in accordance with subrule 6 above, or where by a majority of votes taken at a meeting of the relevant union body the office holder is found guilty of a breach of the rules of the Union that is not substantial, or misbehaviour or neglect of duty that is not gross.
- (c) A two-thirds majority of votes taken at a meeting of the relevant union body dealing with charges brought under this rule may decide to expel the office holder from membership, with a consequence of removal from office, but only where the office holder charged has been found guilty by the relevant union body in accordance with subrule 6 above.

#### **Procedures and other matters**

10.

- (a) National Council may resolve policies as to procedure and matters that may be observed prior to and during the hearing of charges under this rule.
- (b) Notwithstanding any other part of this rule, National Council may resolve that a hearing in person under this rule be conducted in whole or in part using electronic audio-visual means in more than one place;
- (c) Where National Council has made a resolution in accordance with rule 10A.3(a)(ii), upon the making of a finding or other resolution under subrules 10A.6 or 10A.9, the relevant State Secretary shall notify the National Secretary and National President of that finding or resolution within one working day. Where the State Secretary is the subject of the charge or has laid the charge, the relevant State President shall notify the National Secretary and National President of that finding or resolution within one working day.

#### **Hearing and deliberation**

11. The person laying the charge and the person charged:

- (a) shall be heard in person if he or she or they so desire: or
- (b) may submit a written statement, call witnesses or evidence relevant to the charge.

12. No person shall be present at the hearing of the charge other than:

- (a) the person charged, the person laying the charge, and their legal representatives or advocates if so approved by the body hearing the charge;

- (b) the members of the body; and
  - (c) any witnesses called, provided that any witnesses called may only be present while that witness's evidence is being taken.
- 13. No person, other than a member of the relevant body, shall be present after the hearing of the charge whilst the body is deliberating upon its decision in relation to such a charge.
- 14. Notwithstanding subrules 10A.12 and 10A.13 above, where approved by the body hearing the charge and consistent with any policies resolved under rule 10A.10, a legal advisor or other person may attend to provide advice or administrative assistance to that body.
- 15. A person who is a Member of the body hearing the charge who is involved in the matter and or also proposes to give evidence at the hearing shall advise the body hearing the charge before the commencement of the hearing.

The person shall not remain present at the hearing whatsoever if it is deemed a conflict of interest by the majority of the persons voting (not including this person) at the hearing of the charge as it would not be seen to be just or proper in all the circumstances of the case.

- 16. The appropriate body shall determine the matter and shall make such decision thereon as the facts of the matter require and such decision shall, subject to the provisions of these rules as to appeals, be final. In making a decision under this sub-rule a body may remove an official found guilty of a charge laid under this rule from some or all of the offices held by that official in the Union, provided that a State Conference or State Council may only remove a State Official from one or more of the offices held by the official in that State or representing that State.
- 17. No decision under this rule shall debar any person affected, provided they possess the qualifications prescribed by these rules, from nominating in a subsequent ballot to fill the office or offices from which they were removed or any other office in the Union.

#### **Investigation**

- 18. Where a person is delegated to investigate a charge under this rule 10A, that person may direct any employee or official of the Union to meet with that person or to respond to any written requests. Failure to do so without reasonable cause may constitute a breach of these rules.
- 19. All employees, officials and decision-making bodies of the Union who are aware that a matter is being investigated by a person pursuant to this rule 10A are obliged to comply with reasonable requests by that person for information, documentary or otherwise, that pertains to a matter being investigated by that person.

## **10B - COMPLAINTS AND APPEALS**

### **1. Order of Appeals**

- (a) Subject to paragraph 10B.1(c), the appeal procedure of the Union shall be as follows:

First appeal to the State Administrative Committee, Second Appeal to State Council, Third Appeal to National Council, Fourth and Final Appeal to National Conference.

- (b) Deleted.

- (c) At the conclusion of this appeals procedure a member may apply to the External Review Board for its independent review of matters for which review is provided under sub-rules 10C.5(a) and 10C.5(b) of these rules.

### **2. A member being aggrieved at the action of another member can complain to the State Administrative Committee and seek redress. The member shall set out the complaint in writing and may name members as witnesses.**

#### **Procedure**

On receipt of such a complaint the State Secretary shall arrange for a meeting of the State Administrative Committee within four weeks. The relevant Secretary shall within 14 days of receiving a complaint furnish the member, against whom the complaint is made, with a copy of the charges made against the member, so that the member can submit a written rebuttal of the charges and name members as witnesses. The State Administrative Committee may if it finds it desirable to do so by giving seven days' notice, summons the member complaining and the member against whom charges have been made and the members named as witnesses, to attend the meeting of the State Administrative Committee for the exclusive purpose of answering questions, after which the members shall withdraw and the relevant body shall then determine the matter. Any necessary fares and expenses involved by those members shall be met by the relevant body.

Alternatively, the State Administrative Committee may seek from the member complaining and the member against whom charges have been made and the members named as witnesses, answers to questions concerning the complaint. In these circumstances the questions shall be supplied at least 21 days prior to the date of the meeting at which the complaint shall be dealt with. If either member is not satisfied with the decision of the relevant body concerning the complaint he/she may then appeal to the State Council.

### **3. Appeal to Next Highest Body**

Members, or State Councils seeking to appeal against any decision or action by any Officer, State Council or by National Council shall submit an appeal in writing to the next highest body in the appeal procedure of the Union, in all cases the appeal shall be dealt with at the next meeting of that body, provided the appeal is received not less than seven days before the next meeting of that body and within four weeks of the decision being made which is the subject of the appeal.

In any such appeal only the written appeal submitted to the previous lower body and its decision thereon shall be considered.

The body dealing with an appeal shall advise the member or body making the appeal of its decision within fourteen days.

4. No appeal shall be regarded as having been submitted too late because of the neglect of any Officer of the Union.
5. In the event of a member concerned being unable to attend, through sickness or other good reason (the same to be satisfactorily proven) when a State Administrative Committee is considering a complaint then the matter shall be postponed and dealt with at a later date.
6. Members making false charges or making charges with malicious intent may be expelled or fined a sum not exceeding \$20.00.

Members named as witnesses who without good reason fail to attend when summoned to a State Administrative Committee meeting, may be fined a sum not exceeding \$10.00.

Members deliberately withholding information to prejudice the outcome of a complaint may be fined a sum not exceeding \$10.00.

7. Deleted.

Nothing in this rule shall affect the right of National Council to refer an appeal brought under this rule to the External Review Board under sub-rule 10C.4(b) of these Rules.

## **10C - EXTERNAL REVIEW BOARD**

### **1. Purpose and Function**

The purpose and function of the External Review Board is to be an independent review body that safeguards ethical standards within the Union and strengthens the Unions' existing democratic processes and procedures including the handling of appeals against decisions made by officials and decision-making bodies in the Union.

### **2. Composition**

The External Review Board shall consist of a Chairperson and a Panel of two other Members.

All Members of the External Review Board must be of good repute and must not be officers or employees of the Union or otherwise eligible to be members of the Union.

### **3. Appointment**

- (a) The Chairperson and the Panel of Members shall hold their appointments for the period until the conclusion of the second biennial National Conference after their appointment.

- (b) The National Secretary shall call for nominations of the Chairperson and persons who will comprise the Panel of Members by notice distributed to members of the National Conference. National Conference will determine by majority vote of the members of National Conference voting whether to accept or reject the nomination of persons nominated as Panel Members. In the event that more than one person is nominated for Chairperson or more than 2 persons are nominated as Panel Members and those nominations are accepted by National Conference, National Conference will determine the selection of Chairperson and/or Panel Members by majority vote of the members of National Conference voting.
- (c) In the event that a vacancy occurs on the External Review Board, including in the position of Chairperson, National Council may fill the vacancy from a list of names of person submitted by the remaining Members of the External Review Board. In the event that there is a vacancy in the position of Chairperson the remaining Members may nominate one of their number.
- (d) National Council shall establish a schedule of sitting fees for the Members of the External Review Board.
- (e) National Council will provide funds, consistent with the budget and accounting practices determined by National Council, to ensure that the External Review Board is able to make arrangements for independent administrative support in its work and to pay for sitting fees, and such travel, accommodation and other expenses it incurs.

**4. Referrals**

- (a) A member of the union, including a member who is an elected office holder, may apply to the External Review Board for the independent review of decisions dealing with matter specified in sub-rules 10C.5 or 10C.6, that have been made under rule 10A, or rule 10B.
- (b) The National Council may determine to refer an appeal, dealing with matters specified in 10C.5(a) to the External Review Board for its determination notwithstanding that the appeals procedure set out in rule 10A or 10B has not commenced.

**5. Powers and duties**

- (a) The External Review Board may hear and determine the following matters:
  - (i) alleged violations of the AMWU Ethical Practices Code;
  - (ii) appeals against decisions of a superior body in the Union which may result in the reorganisation or abolition of a subordinate body;
  - (iii) any decisions made in accordance with rule 10A;
  - (iv) any decisions made in accordance with rule 10B; and

- (b) The External Review Board shall not hear and determine matters in which the principal issue is:-
  - (i) the enterprise, corporation or industry bargaining policy of the Union;
  - (ii) the handling of a grievance or other issue involving a collective bargaining agreement except where the member appealing has alleged to the National Council that the matter was handled improperly because of fraud, discrimination or collusion with management or that the decision had no rational basis;
  - (iii) a ruling by National Council or National Conference, as the case may be about:-
    - A. the interpretation of rules; or
    - B. the procedural rulings by the Chair of a meeting; or
    - C. the credentials or procedures at the National Conference.
  - (iv) issues relating to the appointment, dismissal, management or employment conditions of employees of the AMWU, including office holders, except where the matter also involves an allegation of bullying, violence, harassment or gross misconduct, or where a matter has been dealt with under rule 10A or rule 10B; or
  - (v) resource allocation decisions determined as part of the budget process provided that such a decision has been determined consistent with the rules and union policy.
- (c) The External Review Board may direct any employee or Official of the Union to appear before it or to respond to any written requests. Failure to do so without reasonable cause is a serious breach of these rules.
- (d) All employees, officials and decision-making bodies of the Union who are aware that a matter is before the External Review Board are obliged to provide the External Review Board upon request all information, documentary or otherwise, that pertains to a matter being considered by it.
- (e) The decisions of the External Review Board are subject to confirmation by National Conference or National Council provided that any decisions which are rejected by National Council shall be referred to National Conference for final decision.

**6. Procedures**

- (a) All matters in which application is made or which are referred for review by the External Review Board shall be referred directly to the Chairperson.
- (b) The Chairperson may dismiss a matter if he or she is satisfied that:
  - (i) the allegations are insufficient or otherwise fail to justify the convening of a hearing of the External Review Board; or
  - (ii) there is no reasonable possibility for credible evidence to be produced in support of a allegations.
- (c) The Chairperson shall allocate matters that have been referred to the External Review Board to such number of Members of the Panel, including a single Member, as the Chairperson deems appropriate for the hearing and determination of the matter.
- (d) The Chairperson shall determine the location of the hearing of any matter taking into account the capacity of the Member(s) allocated to hear and determine the matter and the location of the person seeking the review and any other persons who may be of assistance to the External Review Board in its consideration of that matter.
- (e) The External Review Board as constituted for hearing a matter shall determine its own practices and procedures consistent with the principles of natural justice and any practices and procedures that are established by the Chairperson.
- (f) The External Review Board shall issue its decisions in writing to the National Council and the person or persons appealing or complaining. The External Review Board may, where it deems it necessary, restrict the further publication of its reasons for decision or may require that the further publication of its reasons for decision be modified in order to protect the anonymity of persons named in those reasons.
- (g) At the conclusion of a matter, the External Review Board shall advise in writing the National Secretary of the outcome of the matter and highlight any policy or procedures of the Union which in its opinion require revision.

**10D - BREACH OF RULES**

- 1. Subject to the provisions of rule 10A - Rights of Officials, the National Conference and/or National Council shall have power to investigate any suspected or alleged breach of these rules and to determine whether any member has committed a breach of these rules. National Conference or National Council may by resolution remit the power to investigate and determine any such matter to a State Conference, State Council or State Administrative Committee subject to the provisions of these rules as to appeals.

2. A member is guilty of a breach of these rules who:
  - (a) breaches or fails to comply with any provision of these rules;
  - (b) knowingly fails to obey or comply with any lawful resolution of the Union;
  - (c) gives false or misleading information to the Union on any matter relating to the objects of the Union;
  - (d) fails, without reasonable excuse, to attend, or absents himself or herself from, any meeting or part of a meeting of the Union when summoned by a person or body under the rules with power to require the attendance of the person at that meeting;
  - (e) obstructs the Union, National Conference, National Council, National Administrative and Budget Committee, State Conference, State Council or State Administrative Committee in the performance of the functions of the body concerned pursuant to these rules;
  - (f) obstructs, insults or behaves in an offensive manner towards any officer or employee of the Union acting in the course of his or her duties;
  - (g) behaves in a drunken, disorderly or offensive manner at any meeting of the Union or in any office of the Union;
  - (h) commits an act of sexual harassment, which shall be defined to mean a sexual assault, advance or request for sexual favours, or engagement in unwelcome conduct of a sexual nature with another person, against another member, employee of the Union or other person where that other person reasonably believes that the member charged with sexual harassment is in contact with that other person in the course of acting for, representing or participating in activities for or on behalf of, or as agent of the Union;
  - (i) engages in workplace bullying, which means repeated and unreasonable behaviour directed towards an employee or officer acting in the course of his or her duties that creates a risk to the physical or mental health and/or safety of that employee or officer.
  - (j) wrongfully holds himself or herself out, without reasonable excuse, as occupying any office or position, or as representing the Union;
  - (k) aids or encourages any other member in a breach of these rules.
3. Any member who alleges that another member has breached these rules may bring a charge under this rule. Such charge shall be in written form and shall be forwarded to the National Secretary who shall submit it to the next meeting of National Council (including a meeting of National Council by telephone hook-up) for further consideration. However, the powers of the National Conference and national Council under this rule shall not depend upon the laying of a charge by an individual member in accordance with this sub-rule.
4. National Council after consideration of the charge may resolve, subject to rule 10A:
  - (a) to refer or remit the matter in accordance with sub-rule 1 of this rule;
  - (b) to proceed to investigate and determine the charge;



- (c) if the charge is brought against an elected official that the alleged circumstances giving rise to the charge are more appropriate to be dealt with under rule 1 OA - Rights of Officials of these Rules; or
  - (d) to not take any further action in relation to the matter.
- 5. The National Council shall have power to resolve policies as to procedures and matters that may be observed prior to and during the hearings of charges under this rule.
- 6. A member shall not be found guilty of a breach of these rules unless he or she has been given notice of the charge made and any written particulars in relation to the charge and has been given a reasonable opportunity to present any defence to the charge.
- 7. The appropriate body hearing the charge shall, subject to the rights of appeal provided in these rules, have power to expel or suspend from membership (such suspension being for a specified period not exceeding twelve months) or to impose a fine not exceeding One hundred dollars (\$100.00) or a rebuke or caution, reprimand or warning upon any member found guilty of a breach of these rules.
- 8. No member charged with a breach of these rules shall be dealt with more than once for the same alleged breach of the rules. No holder of an office within the Union shall be dealt with in relation to the same alleged matter or matters under both this rule and rule 10A - Rights of Officials, provided that nothing herein contained shall be construed as affecting the right of a charge to be laid and determined under rule 10A against an official in relation to a matter or matters that would also constitute the basis of a charge or charges under this rule. A charge brought under this rule may be withdrawn or not proceeded with at any time prior to a decision on the charge by the appropriate body first hearing that charge, and action initiated under rule 10A in respect of the matter or matters contained in the previous charge under this rule, and vice versa, so that a matter or matters initially commenced under rule 10A may subsequently be dealt with under this rule.

## SCHEDULE A – COVID-19

### Preamble

This schedule is made in response to the current Covid-19 pandemic.

The pandemic potentially impacts the capacity of the “Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union” known as the Australian Manufacturing Workers’ Union (AMWU) to conduct its affairs in a manner that complies with Commonwealth, State and Territory laws, the health advice and directions of Commonwealth, State and Territory public authorities and these Rules. The schedule is intended to facilitate continued good governance and compliance despite the impacts of Covid-19.

### Part A - Scope

- A.1 To the extent of inconsistency this schedule applies to the exclusion of any rule of the “Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union” known as the Australian Manufacturing Workers’ Union (AMWU) or any of its branches.
- A.2 This schedule operates where:
- (a) there are one or more Covid–19 related restrictions which affect movement or assembly in a State or Territory of the Commonwealth; and
  - (b) the organisation has a member or members in that State or Territory.
- A.3 Part C of this schedule also applies:
- (a) where the Returning Officer has indicated that they are unable for the time being to:
    - (i) conduct an election for an office; or
    - (ii) take a step in relation to the election.
- in the manner, or according to the timeframes set out in these rules.
- A.4 In this schedule:
- (a) “organisation” means an organisation registered under the *Fair Work (Registered Organisations) Act 2009*;
  - (b) “collective body” means the committee of management or a conference, council, committee, panel or other body of or within the organisation or a branch of the organisation;
  - (c) a reference to a “branch” includes a reference to a division or other autonomous unit constituted under the rules of the organisation; and

- (d) a reference to an “office” includes a reference to a position other than an office in the organisation, as that expression is used in section 187 of the *Fair Work (Registered Organisations) Act 2009*.
- (e) “scheduled election” means an election that is due because the term of office set out in the rules will shortly end by effluxion of time.
- (f) Returning officer means:
  - (i) Subject to (ii) the official appointed by the Australian Electoral Commission (AEC) to conduct the election;
  - (ii) Where an exemption is in force pursuant to section 186 of the *Fair Work (Registered Organisations) Act 2009* in relation to elections for a particular office or offices, the Returning Officer appointed under these rules
- (g) “financial year” has the meaning given by section 6 of the *Fair Work (Registered Organisations) Act 2009*.
- (h) “reporting unit” has the meaning given by section 242 of the *Fair Work (Registered Organisations) Act 2009*.
- (i) “full report” has the meaning given by section 265 of the *Fair Work (Registered Organisations) Act 2009*.

#### **Part B - Meetings**

- B.1 Meetings of collective bodies or members of the organisation may be held under this rule. Notwithstanding any other provision in these rules, a meeting of collective bodies or members of the organisation may be held in the manner prescribed by this rule. Any meeting so held will be considered to be a valid meeting held in accordance with these rules.
- B.2 A meeting under this rule may be attended:
  - (b) in person;
  - (c) by electronic communication, including via videoconference or teleconference; or
  - (d) by a combination of means set out aboveso long as all participants can communicate freely, hear and be heard by one another.
- B.3 Proxies may be used if the rules otherwise permit
- B.4 A meeting held under this rule may be held in more than one place.
- B.5 A meeting under this rule may be held as a series of meetings at different locations. A meeting held as a series of meetings is taken to have occurred at the time of the last of the meetings in the series.

- B6 Procedural rules that relate to the calling and holding of meetings continue to apply. This includes but is not limited to rules that deal with the giving of notice, the amount of notice given, any required form of notice and accompanying documents, quorum, proxies and who chairs the meeting, save and except that:
- (a) Where a valid email address is held for an attendee, notice of the meeting may be given via email, to the extent not otherwise permitted by these rules;
  - (b) In circumstances where a meeting has been determined to be held by electronic communication, (including via videoconference or teleconference) or a combination of in person attendance and electronic communication (including via videoconference or teleconference) pursuant to B.2, such a meeting shall continue to proceed via the means so determined even if the circumstances referred to at A.2 no longer apply at the time of the meeting.
- B7 Rules that provide for procedures which apply at meetings apply, with the necessary changes provided:
- (a) the Chair shall determine the manner of voting (noting that the express rules of Part C will apply to any votes relating to an office); and
  - (b) where attendees are present other than in person or by proxy voting shall not be by physical show of hands.
- B8 The committee of management of the organisation may postpone a meeting of:
- (a) a collective body or the organisation; or
  - (b) members of the organisation
- for a period not exceeding six months
- B9 The committee of management of a branch may postpone a meeting of:
- (a) a collective body or the branch; or
  - (b) members of the branch
- for a period not exceeding six months.

### **Part C - Elections and holding office**

- C.1 Where the AEC is unable to conduct an election all current officers shall hold over in office until their successor is declared elected.
- C.2 The AEC shall conduct elections for affected offices as soon as practicable.
- C.3 The election shall be conducted under the rules of the organisation and/or branch—as the case may be—with the necessary changes.

- C.4 The successful candidate(s) will take up office immediately once the election is declared.
- C.5 The person declared elected shall hold office until the declaration of their successor in the next scheduled election. For the avoidance of doubt, the term of office for officers elected under this rule is be shortened by an amount which corresponds to the period of Covid-19 associated delay in holding the election under this rule. The intention of this provision is to ensure that elections in the organisation and its branches revert to their usual cycle at the subsequent scheduled elections.
- C.6 Where a person holding over in office under this rule vacates the office for any reason the relevant collective body may fill the vacancy under the applicable casual vacancy rule, provided:
- (a) the person who fills the vacancy shall hold office for the remainder of the term of office of the person elected at the last scheduled election;
  - (b) a person appointed or elected to fill a casual vacancy shall be entitled to hold over in office until their successor is declared elected; and
- C.7 Where the casual vacancy is required to be filled by election the relevant collective body may appoint someone to act in the vacant office until the election is declared.
- C.8 The returning officer may determine to receive nominations for any vacant office by electronic or postal means (or a combination thereof), where requested to do so by the Committee of Management.
- C.9 Where the rules provide for election via attendance ballot, the returning officer may determine to conduct the election by a secret ballot of the eligible voters instead. This may be conducted via postal or electronic means, or a combination thereof. Any secret ballot so conducted may be held at a time proximate to the meeting at which the attendance ballot would have occurred, or according to a different timeframe as determined by the returning officer.
- C.10 Where the returning officer so determines the returning officer shall so far as practicable apply other rules of the organisation or branch—as the case may be—that provide for election to office by postal ballot, with the necessary changes (which may include conducting the secret ballot using electronic means).
- C.11 Where the rules provide for election via non-attendance ballot, the returning officer may conduct the secret ballot via postal or electronic means, or a combination thereof.

#### **Part D - Other**

- D.1 Documents required under the rules or the organisation or branch to be signed may be signed electronically.
- D.2 Where a document is required under the rules to be under seal of the organisation, use of the seal may be dispensed with where the relevant collective body resolves to do so.
- D.3 An organisation or a branch which is a reporting unit may fulfil its obligations under section 265 of the *Fair Work (Registered Organisations) 2009*:

- (a) by presenting the full report to a meeting of the committee of management of the reporting unit;
  - (b) held within the period of 6 months starting at the end of the financial year (or such longer period as is allowed by the Commissioner under subsection 265(5)), provided:
    - (i) If no less than 5% of the reporting unit's members request a general meeting of the reporting unit for the purpose of considering the auditor's report, the general purpose financial report and the operating report, a general meeting must be called for that purpose
- D.4 Notwithstanding the preceding rule, an organisation or a branch which is a reporting unit may instead fulfil its obligations under section 265 of the *Fair Work (Registered Organisations) 2009*:
- (a) By causing the full report to be presented to a general meeting of the members of the reporting unit
  - (b) Held within the period of 6 months starting at the end of the financial year (or such longer period as is allowed by the Commissioner under subsection 265(5)).
- D.5 In rules D.3 and D.4 "members" refers to all current members of the reporting unit.
- D.6 This schedule may be altered by resolution of:
- (i) the committee of management of the organisation; or
  - (ii) the committee of management of the branch, as the case may
- be provided the alteration maintains the intention of the schedule.

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