

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

I CERTIFY under section 161 of the Fair Work (Registered Organisations)
Act 2009 that the pages herein numbered 1 to 101 both inclusive contain a
true and correct copy of the registered rules of the Construction, Forestry, Maritime,
Mining and Energy Union.

DELEGATE OF GENERAL MANAGER
FAIR WORK COMMISSION

Rules of the Construction, Forestry, Maritime, Mining and Energy Union
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1 - NAME

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

2 - CONSTITUTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Trainee Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, crane operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only

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

- (1) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site.
 - (2) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.
 - (3) in the mining or exploration or hydro-carbons industries.
- (F) Without limiting the generality of any other sub-rule or paragraph or being limited thereby an unlimited number of persons who are employed in, or competent to be employed in or in connection with the following industries or trades are eligible to be members of the Union:

Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accomodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattress-makers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers,

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glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen, and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

- (G) Without limiting the generality of sub-rules (A), (B), (C), (D) (E) and (F) above, and without being limited thereby, employees other than managerial, supervisory, administrative, professional and clerical employees and trades persons employed by Comalco Aluminium Limited at its operations at Weipa in the State of Queensland are eligible to be members of the Union.
- (H) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule "E" shall make eligible for membership of the union any person employed by Queensland Alumina Limited in its operations at Gladstone in the State of Queensland.
- (I) Without limiting the generality of sub-rules (A), (B), (C), (D) and (F) above and without being limited thereby, nothing in sub-rule (E) above shall make eligible for membership of the Union any person employed by the following employers in metalliferous mining in Tasmania or South Australia:
- Aberfoyle Resources Ltd
 - Beaconsfield Gold Mines Ltd
 - Mt Lyell Mining & Railway Co. Ltd
 - Pasminco Mining
 - Renison Ltd
 - Tasmania Mines Ltd
 - Western Mining Corporation
 - Adelaide Chemical Company
 - Boral Resources (SA) Pty Ltd
 - Penrice Soda Products Pty Ltd
 - Mt Gunson Mines Ltd
 - Commercial Minerals (SA) Pty Ltd
- (J) Without limiting the generality of Sub-Rules (A) to (F) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.
- (K) 1. For the purposes of this sub-rule:
- 1.1 "employees" shall mean and include employees of employers engaged in the operations of sugar mills, refineries, distilleries, terminals and sugar storage facilities in the milling, refining, distilling, terminal, storage and other sectors of the sugar industry in Queensland and/or in any by-product or tourism operations conducted by an employer but shall not mean and include -

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- 1.1.1 persons employed to perform office clerical and tradespersons' work, or
 - 1.1.2 in the case of CSR Limited, persons who are from time to time members of the CSR Ltd Officers' Association or who are from time to time salaried staff of CSR Limited eligible for membership of the CSR Ltd Officers' Association, or
 - 1.1.3 persons who are contractors or subcontractors engaged by employers, and
- 1.2 "employers" shall mean and include -
- 1.2.1 Australian National Power Alcohol Company Proprietary Limited,
 - 1.2.2 Babinda Sugar Limited,
 - 1.2.3 Bingera Sugar Pty Ltd,
 - 1.2.4 The Bulk Sugar Terminal Operations,
 - 1.2.5 Bundaberg Distilling Company Pty Limited,
 - 1.2.6 Bundaberg Sugar Ltd,
 - 1.2.7 CSR Limited,
 - 1.2.8 CSR Plane Creek Pty Ltd,
 - 1.2.9 The Haughton Sugar Company Pty Limited,
 - 1.2.10 Isis Central Sugar Mill Co Limited,
 - 1.2.11 Mackay Sugar Co-operative Association Limited,
 - 1.2.12 Millaquin Sugar Pty Ltd,
 - 1.2.13 Moreton Sugar Ltd,
 - 1.2.14 Mossman Central Mill Company Pty Ltd,
 - 1.2.15 Pioneer Sugar Mills Limited,
 - 1.2.16 Proserpine Co-operative Sugar Milling Association Limited,
 - 1.2.17 Schumer Pty Ltd,
 - 1.2.18 South Johnstone Mill Limited,
 - 1.2.19 The Maryborough Sugar Factory Limited,
 - 1.2.20 Mulgrave Central Mill Co Limited,
 - 1.2.21 Tully Sugar Limited, and
 - 1.2.22 W H Heck & Sons Pty Ltd.
2. Employees (as defined) of employers (as defined) shall not be eligible to join the union.

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- (L) Employees of Thiess Services Pty Ltd employed as maintenance workers at South Eastern Water pursuant to the Australian Workers Union Construction and Maintenance Award 1989 and the Thiess Environmental Services Pty Ltd Victorian Maintenance and Construction Services Enterprise Agreement 1995-1997 shall not be eligible for membership.
- (M) Persons employed or to be employed by Energy Developments Limited and/or its subsidiaries or related companies shall not be eligible for membership of the union pursuant to any rule of the union, and the union shall not have the right to represent under the Act the industrial interests of such persons.
- (N) Without limiting the generality of the foregoing and without being limited thereby, the following are eligible to be members of the Union: an unlimited number of persons whether male or female throughout the Commonwealth who are employed or usually employed in the Brick, Tile and Pottery Industry and without limiting the generality of the foregoing, shall include persons employed or usually employed within the said industry in the manufacture of Abrasive wheels and stones (otherwise than at Australian Abrasives Pty. Ltd., Auburn and at Carborundum Pty. Ltd., Thomastown), Architectural terracotta facing materials, Building bricks of every description (including sand and lime bricks), Bristolware, Ceramics, Chinaware, Conduits and Insulators, Earthenware, Ceramic flooring tiles, Pottery and porcelain ware, Refractory materials, Roofing tiles and accessories including cement tiles only in the State of Western Australia, Stoneware pipes and sanitary fittings, Terracotta ware and wall tiles, together with such persons, whether engaged in the industry or not, who have been elected full time paid officers of the Clay and Ceramics Industry Divisional Branch pursuant to the relevant rules relating to the election of officers.
- (O) **Additional Eligibility for Admission to Membership in the State of Queensland**

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

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

(i)

SECTION A

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

- (i) On ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational Offices aboard ships including naval ships of every kind, and the painting of prefabricated ships and prefabricated parts of ships of every kind.
- (ii) The painting of launches and boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind.
- (iii) The painting of or in connection with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise). The painting of or in connection with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts or prefabricated building and structures as aforementioned.
- (iv) The painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or seas, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases.
- (v) Glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars.
- (vi) Paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering.
- (vii) Signwriting, designing and/or lettering of price tickets and show cards.
- (viii) Pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto including cut-out displays of all descriptions, pictorial, scenic or lettering.
- (ix) Leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections.
- (x) Employees who mix and/or apply and/or fix paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, putty stopping, caulking mixtures, compositions or compounds, oils, varnishes, watercolours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (coatings will not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or other like material for the purposes of protection or decoration) or other materials used in any of the callings specified in Rule 1.2.2, Constitution hereof (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures,

stopping, caulking mixtures, compositions or compounds, oils, oil mixtures, varnishes, varnish mixtures, water colours, watercolour mixtures, lacquers, lacquer mixtures, stains and removers, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating trade with a brush, spray, roller or other tool or remove paint or like matter or substitutes or mixtures or compositions or compounds for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, or caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating trade by heat, flame, water solvents, electrical, mechanical, air powered or hand tools or by grit, shot, or other abrasives or by any other means.

- (xi) The Union shall also consist of an unlimited number of persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade together with such other persons whether engaged in any industrial pursuit or not who have been appointed Officers of the Union or its branches and admitted as members thereof but shall not include persons employed in connection with the production or preparation of manufactured goods, plant, machinery, equipment, packages, or containers for sale or purposes of distribution.
- (c) Nothing in this Section A rule will make eligible for membership any employee employed in or in connection with the conduct of Hamilton Island and Dent Island as part of the Island Tourist Resort Industry other than employees of contractors and/or subcontractors employed on the mainland and performing work on Hamilton Island and Dent Island from time to time. Provided further that, notwithstanding the foregoing provisions of this rule, the union does not have the right to enrol as members under this sub-rule, employees of Mount Isa Mines Limited covered by the Mount Isa Mines Limited Award and the Mount Isa Mines Limited Tracing Employees Industrial Agreement.
- (d) Notwithstanding any other provision in these Section A rules, a person employed by a sugar mill, refinery, distillery, terminal or storage operation and milling, refining, distilling, terminal, storage or other sectors of the sugar industry shall not be eligible to become a member of the union under this sub-rule.
- (e) The Union also shall consist of an unlimited number of members who are employed in, or competent to be employed in or in connection with the following industries or trades: Piano and piano-player makers and tuners, organ-makers, and makers of gramophones and all other musical instruments, cabinet-makers, wood-carvers, billiard table makers and fitters, clock-case makers, coffin-makers, 3-ply veneer workers, chair and couch makers, or other articles of sitting accommodation, sewing machines, upholsterers, carpet and linoleum planners and all floor covering layers, outdoor hands, measuring, fixing, soft furnishings, blind cutting, making, painting, fixing, french-polishers, enamellers, spraying machine operators, makers of wireless instrument cases or cabinets, woodturners, mantel-piece makers, overmantel-makers, mattressmakers, wire-weavers, picture-frame makers, bedding-makers, quiltmakers (including eiderdown), venetian and wire-blind makers, bamboo pith and cane and wicker workers, packers of crockery and furniture mantle-pieces, pictures, carpets, drapery, plate and sheet glass in warehouses, shops, factories or stores, glass bevellers, glass benders, glass worker (excepting those on spectacles, lenses or frames and employees in firms where such employees are engaged on work connected with the manufacture or repair of scientific, precision or other instruments such as binoculars, microscopes, military, aircraft and naval instruments), glass lampshade workers, safety glass workers, toy makers and/or toy repairers in establishments where the chief product or products

or one of the chief products manufactured in such establishments is otherwise provided for herein; cutters, silverers, glaziers, glass polishing, cutting, painting, cementing, leadlight glaziers and cutters, and all woodworking or other machinists, and operators of other mechanical devices preparing material for above employees; millwright's baby carriage makers, upholstresses, new and second-hand carpet, drapery, table and lampshade hands; flock-workers, rag-pickers and fumigators; timber stackers, yardmen and labourers, and all other employees working in new and secondhand furniture factories, piano factories, organ factories, mantel-piece factories, billiard-table factories, overmantel factories, bedding-factories, mattress factories, venetian and wire-blind factories, picture-frame factories, plate-glass factories, luxfer glazing factories, bamboo pith cane; Reed-tex, Hytex, and wicker-work factories, sewing machine factories, flock factories, window background workers, display article workers, refrigerator workers, incubator workers, together with such other persons, whether employees engaged in the industries or not, as have been appointed officers of the Union and admitted as members thereof, provided that a branch may issue a clearance to any member whom it may be considered should not retain his membership on the ground that he is working in an industry not governed by any awards of the Society.

- (f) Provided further that, notwithstanding the foregoing provisions of this Section A rule, the union does not have the right to enrol as members under this sub-rule persons employed from time to time on Lot 42 CP905700, Locality BEOR, Parish BEOR, County Elphinstone, Title Reference 50170171 until 5 February 2000.
- (g) Without limiting the generality of the foregoing Sub-Rules of this Section A Rule, or being limited thereby, independent contractors who, if they were employees performing work of the kind that they usually perform as independent contractors, would be employees eligible for membership of the Union, will be eligible for membership of the Union, and the Union will consist of an unlimited number of such persons.

SECTION B

- (a) The Association shall consist of an unlimited number of all classes of engine drivers, firemen, crane drivers, mobile crane drivers, forklift drivers, tow-motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery connected with the production or utilisation of power on land or any harbour or river and boiler attendants attending boilers not generating steam for power purposes and such persons as have been elected or appointed as paid officers of the Association or a Branch of the Association or whilst financial members of the Association are elected as representatives of any working class organisation to which the Association or a Branch thereof is affiliated or as a working class member of parliament. Provided that mobile crane drivers, operators of fork lifts and/or towmotors engaged on the waterfront upon such work being that of a waterside worker or engaged in the transport of goods by road, or motor truck drivers wherever employed, shall not be eligible for membership. Provided further that, notwithstanding the foregoing provisions of this Section B rule, the union does not have the right to enrol as members under this sub-rule, employees of Mount Isa Mines Limited covered by the Mount Isa Mines Limited Award and the Mount Isa Mines Limited Tracing Employees Industrial Agreement.
- (b) Nothing in sub-rule (O)(i) shall make eligible for membership any employee employed in or in connection with the conduct of Hamilton Island and Dent Island as part of the Island Tourist Resort Industry other than employees of contractors and/or subcontractors employed on the mainland and performing work on Hamilton Island and Dent Island from time to time.

- (c) Notwithstanding any other provision in this Section B rule, a person employed by a sugar mill, refinery, distillery, terminal or storage operation and milling, refining, distilling, terminal, storage or other sectors of the sugar industry shall not be eligible to become a member of the association under this sub-rule.
- (d) Notwithstanding any other provision in this Section B rule, the persons employed by Dalrymple Bay Coal Terminal Pty Ltd at the Dalrymple Bay Coal Terminal site shall not be eligible for membership under this sub-rule.

SECTION C

- (a) The Union shall be formed of persons not under the age of fourteen years employed or formerly employed in or about any coal, shale, metal, coke, and smelting works in Queensland, and who are approved by the Committee of Management.
- (b) Provided further that, notwithstanding the foregoing provisions of this rule, the Union does not have the right to enrol as members under this sub-rule, employees of Mount Isa Mines Limited covered by the Mount Isa Mines Limited Award and the Mount Isa Mines Limited Tracing Employees Industrial Agreement.

Without limiting any other rule, sub-rule (O)(i) does not make any person eligible to be a member of the union who is in a class of employees for whom, at the time of the rule being approved, the Construction, Forestry, Mining & Energy, Industrial Union of Employees, Queensland was subject to a representation order, a State demarcation order or a demarcation undertaking or agreement (however described) in relation to that class of employees, in favour of another organisation or association.

- (ii) The Union shall consist of an unlimited number of persons employed or usually employed as Builders' Labourers throughout Queensland on or about any building or assisting any bricklayer, mason, plasterer, carpenter, plumber or any tradesperson engaged in building operations, or employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to building construction, and any labourer engaged in the construction, repair, demolition or removal of buildings, or as scaffolder, rigger, gear hand, gantry hand or crane hand or as dogperson, or as a drainer on all building contracts, any labourer excavating ground for foundations and basements of buildings, or levelling ground on a proposed building site, or doing concrete work, tarpaving or asphalt work, or mortar or concrete mixing in connection with, or incidental to the foregoing operations, together with such other persons whether employees in the industry or not, as have been appointed officers of the Association and admitted as members thereof. Provided that, notwithstanding the foregoing provision of this rule, the union does not have any right to enrol as members under this sub-rule persons employed from time to time on Lot 42 CP905700, Locality BEOR, Parish BEOR, County Elphinstone, Title Reference 50170171 until 5 February 2000.

Without limiting any other rule, sub-rule (O)(ii) does not make any person eligible to be a member of the union who is in a class of employees for whom, at the time of the rule being approved, the Australian Building Construction Employees and Builders' Labourers' Federation (Queensland) Union of Employees was subject to a representation order, a State demarcation order or a demarcation undertaking or agreement (however described) in relation to that class of employees, in favour of another organisation or association.

(P) Additional Eligibility for Admission to Membership in the State of New South Wales

This Rule 2(P) does not apply outside the State of New South Wales.

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

- (A) The Union shall consist of an unlimited number of persons, whether male or female
- (1) employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations and/or industrial pursuits of

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

and/or
 - (3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:
 - (i) carpenters or joiners (including foremen and sub-foremen) and bridge carpenters, wharf carpenters and carpenters and joiners (including foremen and sub-foremen) employed on bridges, wharves, jetties, piers or dams, or as carpenter-divers, ships carpenters or joiners (including foremen and sub-foremen) or as tilayers, including without limiting the meaning of the word tilayers, persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like, not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or as bricklayers, tuckpointers, or in a trade or calling of a slater, roof tiler, shingler, ridger or cement tiler, fixer of roofing sheets of asbestos, fibro, fibrolite or cement mixtures and accessories, malthoid sisalkraft or bituminous roofing materials and all accessories made of the same materials and without limiting the meaning of the above they shall be deemed to include terra cotta, glazed, semi-glazed roofing tiles, cement tiles, slates, fibro slates, tiles, asbestos, fibro, fibrolite, fibrous mixtures, cement and any mixtures that may replace or be used in conjunction with the foregoing or any materials incidental hereto or in place thereof, stonemasons, letter cutters, carvers, machinists, sawyers, polishers, assistant quarrymen and quarry workers in and about dimension stone quarries other dimension stone quarries other than dimension stonework in other quarries and workers in terrazzo and similar materials or as apprentices or journeymen and other labour engaged in the plate, sheet and ornamental glass trade or trainees to or in any of the foregoing trades together with such other persons whether employees in the industry or not as have been appointed officers of the Union and admitted as members thereof.
 - (4) Further provided that without limiting the generality of the foregoing, the Union shall also consist of:
 - (1) workers (other than tradesperson) on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building.

For the purpose of this sub-rule building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil or mechanical engineering site.

- (2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:
- (i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or
 - (ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as
 - Bricklayers Labourer
 - Plasterers Labourer
 - Concrete Finisher
 - Dump Cart Operator
 - Scaffolder
 - Powder Monkey
 - Foundation Shaftsmen
 - Steel Fixer (including Tack Welder)
 - Assistant Powder Monkey
 - Demolition Worker
 - Gear Hand
 - Jackhammerman
 - Mixer Driver (Concrete)
 - Steel Erector
 - Aluminium Alloy Worker Structural Erectors whether prefabricated or otherwise)
 - Cement Gun Operator
 - Concrete Cutting and Sawing Machine operator
 - Concrete Gang worker (including Concrete Floater)
 - Roof Layer (Malthoid or similar material)
 - Underpinner
 - Concrete Formwork Stripper
 - Builders Labourer
 - Tackle Hand
 - Floor Sanding and/or Smoothing Machine Operators
 - Leading Hand Labourer
 - Labourer on Refractory work
 - Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings
 - Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work
 - Assistant Rigger assisting a rigger specified in immediate preceding classifications
 - Drilling Machine operator, except in the mining or exploration or hydrocarbon industries

Provided that, nothing in this sub-rule (4) shall render eligible to join the Union any person employed:

(3) as a drainer or person employed as a plumber's labourer,

(4) On a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site:

(B) Without limiting the generality of the foregoing, or being limited thereby the union shall also consist of an unlimited number of persons:

who are employed together with such persons who are deemed to be employees by virtue of sub-paragraph (b) of Regulation 91A Industrial Arbitration Regulations under the *Industrial Arbitration Act 1940*, as amended in the process of trade or business as a plasterer, fixer, shophand and caster, or employed in internal and/or external plastering, and/or cementing, including rendering with all forms of plaster, asbestos fibre, finishing all kinds of plaster and plastic acoustic work, waterproofing work in cement, plaster or patent materials by manual or mechanical means, excepting employees engaged in manufacture of cement and/or concrete and/or fibrolite articles including wood, paper and metal lathing and/or top dressing of all concrete work finished in cement and/or fibrous plaster fixing work, including sackett board and similar substances, defined as being fixed and finishing of fibrous work, as done by plasterers or fibrous plaster fixers, or employed in underground sewer or tunnel plastering, granolithic floor laying, ie floors laid with material or aggregate consisting of granite chips, blue stone toppings, crushed slag, cement floors, including magnesite and/or composition floors, terrazzo and similar work including shophands' work, being defined to include the interpretation of plans and details, and to work from them in the preparation of the ground-work for the modeller, and also the cutting and mounting of moulds and casters' work, which shall include cornice and moulding and other plaster castings, and the casting of plain or ornamental plaster sheets, the laying or fixing to floors or walls of tablets of sheeting made of plastic substance or other materials in substitution thereof, excepting metal, terra-cotta or potteryware, and all persons covered by the constitution of The Federated Rubber and Allied Workers' Union of Australia, New South Wales Branch, whether employed in the process, trade or business of plastering of any description or not, together with all persons who have been appointed Officers of the Federation and admitted members thereof, registered for the industries of building operations and of plastering.

All persons employed assisting shophands, casters and/or fixers.

All junior shophands, casters and fixers and all persons apprenticed to any branch of the plastering trade.

- (C) (1) Without limiting the generality of the foregoing, or being limited thereby the Union shall also consist of an unlimited number of persons employed in or usually employed in the painting and decorating industry in connection with buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise), general and ship painting, including the following:
- (a) on ships the painting of all accommodation and appurtenances thereto provided for passengers and ships complement, hospitals and pharmacies wherever situated, chart rooms, wheel houses and other navigational offices aboard ships including naval ships of every kind.
 - (b) the painting of launches and boats of every kind.

- (c) the painting of or in connection with all buildings and structures, (commercial, residential, industrial or otherwise), the painting of or in connection with prefabricated buildings and structures, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;
 - (d) glazing, glass cutting, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars
 - (e) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;
 - (f) signwriting, designing and/or lettering of price tickets and showcards, (excluding workers in retail shops carrying out the lettering of price tickets and showcards for their employers own use, but not for resale.)
 - (g) pictorial or scenic painting or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto.
 - (h) employees who mix and/or apply and/or fix paint or like matter or substitutes or compositions or compounds for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking compositions or compounds, oils, varnishes, water-colours, lacquers, stains, wall papers, wall hangings or coverings, coatings, or other materials used in any of the callings specified in Rule 2(P), Constitution hereof (other than mixing of paint, protective coatings and/or plastic coatings and/or finishes, putty stopping, caulking compositions or compounds, oils, varnishes, water colours, lacquers, stains, and removers, in paint and chemical factories) and/or other materials used in the painting and decorating trade with brush, spray, roller or other tool or remove paint or like matter or substitute or compositions or compounds for texture (other than employees engaged on plasterers' texture work) or plastic coatings and finishes or other decorative coatings and/or finishes, or putty, stopping or caulking compositions or compounds, oils varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings or other materials used in the painting and decorating trade, by heat, flame, water solvent, electrical, mechanical, airpowered or hand tools or by grit, shot or other abrasives or by any other means.
 - (i) the Union shall also consist of an unlimited number of persons engaged in preparing the work and materials required in any of the aforementioned branches of the trade; together with such other persons whether engaged in any industrial pursuit or not who have been appointed officers of the Union or its branches and/or sub-Branches and admitted as members thereof but shall not include persons employed in connection with production of manufactured goods, or the preparation of any goods, packages or containers for sale or purpose of distribution.
- (2) A person who is a member of or who is eligible for membership of The Printing Industry Employees Union of Australia, New South Wales Branch, the Amalgamated Printing Trades Employees Union of Australia New South Wales Branch, or the New South Wales Branch of the Vehicle Builders Employees Federation of Australia, shall not, by reason of anything contained in sub-rule (c) only of this rule, be eligible for membership of the Union.

- (D) Without limiting the generality of the foregoing and without being limited thereby:

The union shall consist of all persons who are employed or are usually employed in any position on or in or in connection with (a) Saws and Woodworking machines; (b) Handling and treating timber and articles manufactured therefrom; (c) Sawmills, timber yards, box and case factories, sawmakers shops, joiners workshops, car and waggon shops, coachbuilders shops; (d) preparing woodwork for joiners, carpenters, implement makers, coachbuilders, car and waggon builders; (e) Hewing, splitting and felling timber and such other persons who may from time to time be appointed to any office.

Provided that millwrights, blacksmiths and maintenance engineers employed as such elsewhere than in bush sawmills, and fitters and/or turners shall not be eligible for membership; and

Provided further than any employee covered by an award by the New South Wales Industrial Relations Commission, or its predecessors, existing at the time of the registration of rule 2(D) of the Construction, Forestry, Mining and Energy Union (New South Wales Branch) shall not be eligible for membership under this sub-rule 2(P)(D), in the event of such award being in respect of members of an existing Industrial Union registered under the Industrial Relations Act 1996 (NSW) or its predecessors.

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

- (E) (a) Without limiting the generality of the foregoing and without being limited thereby, the union shall also consist of an unlimited number of persons engaged in, or in connection with the Coal, Shale or Coke Industries in the Western District and in the Metalliferous Mining Industry and any person who is a duly registered unemployed member in compliance with these rules, together with and including other persons temporarily or permanently taken from the Industry and who are employed by the members or representatives of the members appointed by them, who shall be aggregated in Lodges already established or which may be established by the authority of the Western District branch of the Australian Coal and Shale Employees Federation.
- (b) Without limiting the generality of the foregoing and without being limited thereby, the union shall also consist of an unlimited number of persons engaged in any capacity in connection with coal and shale mining; in connection with the coke industry, but excepting persons employed in the iron, steel and metal industries; and excepting also persons who are now members, or in the future may be eligible for membership of the United Collieries Staff Association of New South Wales; but as regards the last mentioned union, so as not to exclude lampmen and grooms.
- (c) Without limiting the generality of the foregoing and without being limited thereby, the union shall also be composed of an unlimited number of persons employed in and around the coal mines, shale mines and coke works in the Northern District of New South Wales

(F) Without limiting the generality of the foregoing and without being limited thereby the Union shall also consist of:-

- (a) An unlimited number of all classes of engine drivers, (including operators of rear side and/or bottom dumpers on construction work), firemen, crane drivers dynamo attendants, mobile crane drivers, forklift drivers, tow motor drivers, excavator drivers, pump attendants, pile drivers, motor drivers or attendants, greasers, cleaners, trimmers and any other workers assisting in and about the work incidental to any engine, boiler or machinery and all operators and trainees howsoever called employed by Shell Refining (Australia) Pty Limited at its Clyde Refinery and Gore Bay terminal or any other site where these installations may be relocated in the future.

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

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

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

Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Trainee Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, crane operations
Assistant Rigger, assisting a rigger specified in the immediately preceding classification
Drilling Machine Operator

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

- (i) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on a civil or mechanical engineering site.
- (ii) in the mining or exploration or hydrocarbons industries.

Further provided that the union shall also consist of Elected officers and position holders of the union whether or not employed in an industry in respect of which the union is registered, and

Any person who whilst a financial member of the union is elected as a representative of a working class organisation to which the union is affiliated, or as a working class Member of Parliament and who have been admitted as members of the union.

- (G) Without limiting the generality of any other sub-rule or paragraph or being limited thereby, the union also shall consist of an unlimited number of persons, whether male or female:
- a) employed in, or deemed to be employed in, usually employed in or qualified to be in desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or callings, and/or vocations, and/or industrial pursuits of; and/or
 - b) who are employed in an occupation, in or in connection with the furnishing industry (as hereinafter defined) whether on salary or wages or piece-work rates, or as members of a butty-gang; and/or
 - c) who, pursuant to the Industrial Arbitration Act 1940, or any Act, amending, repealing or replacing the said Act, are deemed to be employees for the purpose of the cited Act, and are engaged in the industrial pursuit or pursuits of the following industries, occupations, callings, and vocations; viz:
 - * cabinetmaking including cabinetmakers employed in retail shops;
 - * cabinetmakers and joiners manufacturing kitchen cabinets;
 - * patternmaking;
 - * chair, couch and/or seating accommodation manufacture in any material whatsoever;
 - * chair, couch and/or seating accommodation assembling, fitting up and repairing in any material whatsoever;
 - * journeymen, tradesmen and persons wholly or partially engaged in the installation of chair, couch and/or seating accommodation;
 - * wood carvers;
 - * wood finishers, lacquerers, sprayers, varnishers and journeymen tradesmen and persons engaged in applying any other form of coating including, but without limiting the generality of the foregoing, powder coating and coatings applied by mechanical, electrostatic or other means;
 - * wood turners, other than those engaged in saw mills, timber yards and the coachbuilding industry;
 - * wood machinists other than those engaged in the saw mill departments of furniture factories;
 - * wood polishers and french polishers including wood polishers and french polishers employed in retail shops and/or by contract polishers;

- * journeymen, tradesmen and persons wholly or partially engaged in the manufacture, assembly, fitting up and/or installation of new furniture or furnishings such new furniture or furnishings being manufactured of any material whatsoever;
- * journeymen, tradesmen and persons wholly or partially engaged in the repair, renovation, refurbishment and/or restoration of damaged, used or second-hand furniture or furnishings such furniture or furnishings being constructed of any material whatsoever;
- * journeymen, tradesmen and persons wholly or partially engaged in the manufacture, installation, repair, renovation, refurbishment and/or restoration of wooden mantelpieces and/or overmantels;
- * billiards, table tennis, snooker and pool table makers, repairers, restorers, fitters and installers;
- * journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in, or in connection, with the design, manufacture, alteration, repair and installation of amusement machines, poker machines, card machines, juke boxes and suchlike, roulette wheels, baccarat tables, blackjack card shoe boxes and any other form of amusement, recreational and or gaming machine, furniture or furnishings now in existence, or hereafter coming into existence, which pursuant to the principles of ejusdem generis would be classified as furniture, furnishings, decoration or ornamental background work;
- * journeymen, tradesmen and persons wholly or partially engaged in any operation or procedure incidental to, or in, or in connection with the manufacture or repair of spring units, couches, divans, lounges, sofas or similar articles whether constructed or weaved wire or of spiral springs attached to wire and/or metal framework excepting persons engaged in the metallic bedstead-making industry;
- * journeymen, tradesmen and persons wholly or partially engaged in the manufacture of bedding, baldachins, bed valances and bedding materials such bedding and bedding materials being manufactured of any material or combination of materials whatsoever;
- * journeymen, tradesmen and persons wholly or partially engaged in the manufacture, case cutting, sewing and/or repair of all forms and types of mattresses (inclusive of spring filled, wire, machine made and/or filled mattresses and water filled mattresses);
- * persons wholly or partially engaged in any operation or process, including feather processing, incidental to or in, or in connection with mattress case and bed covering filling said mattress and bed coverings including but, not limiting the generality of the foregoing, quilts, doonas, sleeping bags and bedspreads;
- * journeymen, tradesmen and persons wholly or partially engaged in any operation or process in or in connection with or incidental to the design, manufacture, alteration, repair and installation of display materials and devices, exhibition stands and show cases including but, not limiting the generality of the foregoing, point of sale materials, merchandising devices, panelling and show room stock fixtures;

- * journeymen, tradesmen and persons wholly or partially engaged in cutting, jigsaw cutting, fitting up and/or assembling, laying of carpet, carpet tiles, seagrass, linoleum, hessian, imitation grass, or any other form of floor covering in any material whatsoever, laminating and/or painting, covering, staining, spraying, polishing, rolling, moulding, vacuum forming, wire bending, machining and die cutting performed incidental to, or in or in connection with display work and exhibition work;
- * journeymen, tradesmen and persons wholly or partially engaged in the design, manufacture, alteration, repair and installation of any composition of wood, metal or other construction, in any material whatsoever, and in any other process performed incidental to or, in or in connection with display work, exhibition work and ornamental background work;
- * persons wholly or partially engaged in teasing upholstery or bedding material;
- * journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to or in or in connection with the following industries and callings;
 - * the manufacture, finishing, repair, alteration and restoration of frames of manilla type furniture;
 - * the manufacture, weaving, finishing, repair, alteration and restoration of perambulators or pithcane bassinets; and
 - * mottling, lacing, preparing material, lapping and fixing pre-woven sheets of reedtex, hyltex or like material or machine woven pithcane to frames;
- * journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to or in connection with the manufacture of basketware said basketware being manufactured of any material whatsoever;
- * wicker workers and makers of articles of whatsoever description made of bamboo, cane, pithcane, willow, rush grasses, seagrass, reedtex, hyltex or any similar or like material or any material introduced in substitution for the aforesaid materials;
- * upholsterers including upholsterers employed in retail shops;
- * journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with carpet planning, measuring, cutting, laying, repairing, fixing, sewing and/or machining including all preparatory work performed incidental to, or in connection with the foregoing and also including, but without limiting the generality of the aforesaid the installation of protection, floor patching and/or levelling, removal and replacement of furniture, drilling, plugging and adhering, taking up and or disposal of carpet, underlay, smoothedge and such like, naplocking and the installation of smoothedge;
- * journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with tilelaying - excepting journeymen, tradesmen and persons wholly or partly engaged in any operation or process in or in connection with the laying or fixing of encaustic, ceramic and vitreous tiles, faience, mosaic and opalite not exceeding in measurement .093 square metres where the said tiles, faience, mosaic and opalite is fixed with cement

composition but including journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with the laying of vinyl tiles and sheeting, rubber tiles or sheeting, cork tiles or sheeting, parquetry, floor sanding, synthetic grass laying, linoleum and any other form of floor covering material introduced in substitution for, or in addition to, the aforesaid floor covering materials;

- * journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to or in, or in or in connection with the laying or installation of any form of floor covering material not elsewhere specified in this Rule.
- * journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in or in connection with the manufacture or repair of soft furnishings, loose coverings, stuffed quilts, pillows, bolsters, cushions, blinds (other than venetian blinds), vertical drapes, curtains, tapestry and furnishing drapery, said operations or processes, including but without limiting the generality thereof, planning, designing, cutting, measuring, fixing, sewing, measuring-up on site and installation on site;
- * journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with the manufacturing or repair of window blinds including venetian blinds, wood weave blinds, blinds manufactured from holland or ticking, wire blinds, gauze blinds, gauze screens or blinds and screens manufactured from other textile material or other material introduced in substitution for, or in addition to, the aforesaid materials, said operations or processes including, but without limiting the generality thereof, planning, designing, cutting, measuring, assembling, painting fixing and installation on site;
- * journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with the manufacture or repair of cornice boxes, cornice rods and rails, pelmets and pelmet boxes, facias and the like used in or in connection with all forms of window blinds heretofore described, said operations or processes including, but without limiting the generality thereof, planning, designing, measuring, measuring on site, cutting, assembling including assembling on site, painting, fixing and installation on site;
- * cabinetmakers engaged in piano and organ manufacture or repair;
- * polishers and french polishers engaged in piano and organ manufacture or repair;
- * journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with the manufacture or repair of pianos, pianofortes, organs and general musical instruments and wood winds, said operations or processes including, but without limiting the generality thereof, planning, designing, assembling including assembly on site, iron frame fitting, key making, sound board making, action fitting, stringing, bass stringing making, chipping up, bass string fitting, tuning and regulation including tuning and regulation on site;
- * journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with, the manufacture and repair of mount and ticket boards, picture frames, photograph frames and lobby frame stands and any other manufacture of wood, metal or other construction in any material whatsoever of a like nature to the aforesaid manufactures, said operations and processes including, but without limiting the generality thereof, cutting, jigsaw cutting, fitting up, mount cutting, cardboard frame cutting, covering, shooting, coating, squeezing, applying and/or making compo, joining or finishing the said

- manufactures by bronzing, gilding burnishing, staining, spraying, polishing or waxing or covering the said manufactures with silk, or tapestry or other material or textiles;
- * journeymen, tradesmen and persons wholly or partially engaged in any operation or process incidental to, or in or in connection with the manufacture, in any material whatsoever, or repair, of clock cases, printer cases, ice chests, camp furniture, wireless, radio, stereo-phonics and quadrophonic equipment, television equipment, video recorders, video monitors and the like, sound reproduction equipment, refrigerators, incubators, talking machines, sewing machines, lampshades and all forms of church, office, shop, commercial, domestic and residential furniture, furnishings and ornaments not specified elsewhere in the Rule 2(P);
 - * journeymen, tradesmen and persons who cannot now conveniently belong to an existing registered industrial union who are performing work incidental to, or in or in connection with the industry or industries, and/or occupations, and/or callings and/or vocations and/or industrial pursuits previously specified in this Rule in factories, retail shops or other establishments manufacturing furniture, pianos, organs, table tennis, billiards, snooker and pool tables, mantelpieces, overmantels, beds, bedding, quilts, mattresses, venetian and other window blinds, picture frames and any other form of furniture, furnishings, ornaments or ornamentation not elsewhere specified in this Rule;
 - * apprentices in any of the tradesmen callings previously specified in this Rule;
 - * juniors engaged in any of the industries, callings, vocations and industrial pursuits previously specified in this Rule;
 - * all persons appointed as foremen, sub-foremen and leading hands in any establishment in any of the industries, occupations, callings, vocations and industrial pursuits previously specified in this Rule;
 - * all persons, whether engaged in or in connection with the industry or industries, and/or occupations and/or callings and/or vocations and/or industrial pursuits previously specified in this Rule or not, who have been appointed as Officers of the Society.
- d) Persons who are eligible for membership of the Public Service Association of New South Wales shall not, by reason of anything contained in sub-rule (G) only of this rule, be eligible for membership of the Union.
- i) In this Rule the words "wood, timber, metal and plastic" without in any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever material made or manufactured or constructed, which is or can or may be used in the place of wood, timber, metal or plastic, and which can be handled and/or treated and/or machined and/or worked in a similar way and by similar methods and with similar machines and/or tools as in the case of wood, timber, metal or plastic.

- ii) In this Rule the word "furniture", in addition to its etymological, dictionary, statutory and judicial meanings shall mean and include all manner, forms and types of accoutrements, chattels, goods, items and articles now in existence, or hereafter coming into existence, which are used in the interior or exterior decoration, adornment, fitting-out, beautification, making habitable and ornamentation of any form of church, office, shop, commercial, domestic, residential or recreational premises or location and, without limiting the generality of the foregoing, shall include all manufactures and items commonly described as outdoor and/or garden furniture; and the word "furnishings" shall have a like meaning.

Further the fact that a given item, article or furniture manufacturing must, as a result of its particular construction, be wrought into or attached to any building, structure or other fixture, shall not be construed so as to eliminate the said item, article or furniture manufacture from the foregoing definition;

- iii) In this Rule the word "ornament", in addition to its etymological, dictionary, statutory and judicial meanings shall mean and include all manner, forms and types of accoutrements, chattels, goods, items and articles now in existence, or hereafter coming into existence, which are used to decorate, adorn or beautify any form of church, office, shop, commercial domestic or residential premises and, without limiting the generality of the foregoing, shall include all forms of manufacture in ceramic, glass, porcelain, acrylic, metal or any other material whatsoever, such as figurines, flower vases, pottery, statues, statuettes, wall ornaments and any other form of ornament or ornamentation which pursuant to the principles of ejusden generis, would be classified as an ornament or ornamentation.

- iv) In this Rule the word "employee" shall have the meaning ascribed to it within the meaning of section for the *Industrial Arbitration Act 1940*, which section, inter-alia, defines employees in terms which include deemed employees; said definition being cited as follows:

"Employee" means persons employed in any industry, whether on salary or wages or piece-work rates or as members of a butty-gang, and includes any person who is, pursuant to any provisions of this Act, deemed to be an employee for the purpose of this Act, but shall not include a member of a family in the employment of a parent, and the fact that a person is working under a contract for labour only, or substantially for labour only, or as lessee of any tools or other implements of production or an outworker, or is working as a salesman, canvasser, collector, commercial traveller, insurance agent or in any other capacity in which he is paid wholly or partly by commission, shall not in itself prevent such person being held to be an employee.

- (H) Provided that nothing in this Rule 2(P) shall make any person eligible to be a member of the Union who is of a class of employees for whom, as of the date of this Rule being approved, was subject to a representation order, a State demarcation order, a demarcation order, a demarcation undertaking or agreement (however described) in relation to that class of employees, in favour of another organisation or association.

(Q) Additional Eligibility for Admission to Membership in the State of Western Australia

The provisions of this rule 2(Q) enabling workers, categories and classes of workers to be eligible for membership of the Union have no application whatsoever beyond the State of Western Australia. This proviso applies regardless of any term or provision of this rule 2(Q).

The provisions of this rule 2(Q) do not extend and are not intended to operate as extending the eligibility rules of the Union beyond those that of The Construction, Forestry, Mining and Energy Union of Workers. This proviso applies regardless of any term or other provision of this rule 2(Q).

Without limiting any other rule, this rule does not make any person eligible to be a member of the Union who is in a class of employees for whom, at the time when this rule was approved by the General Manager, was subject to a representation order, a State demarcation order or a demarcation undertaking or agreement (however described) in relation to a class of employees of which that person is a member, in favour of another organisation or association.

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

- (1) The Union shall in the State of Western Australia consist of an unlimited number of persons who are:
 - (a) over the age of 16 years and who are employed or usually employed as builders' labourers on or about any building or assisting any bricklayer, mason, plasterer, carpenter, plumber or any trades person engaged in building operations or employed on any making or contracting job in wood, stone, brick, concrete, iron or steel or combination of those or other materials incidental to building construction, and any labourer engaged in the construction, repair, demolition or removal of buildings or as scaffolder, rigger, gear hand, gantry hand or crane hand, or as dogman, or as drainer on all building contracts, and any labourer excavating ground for foundations and basements of buildings, or levelling ground on a proposed building site, or doing concrete work, tar paving or asphalt work, or mortar or concrete mixing in connection with or incidental to the foregoing operations;
 - (b) provided that no person employed in any of the vocations or callings mentioned in subrule (1)(a) of this Rule shall be eligible for membership if he or she is eligible to be a member of the Australasian Society of Engineers, Industrial Union of Workers, Western Australian Branch, the Electrical Trades Union of Workers of Australia Western Australian Branch Perth, the Amalgamated Engineering Union Workers, Perth Branch, or the Amalgamated Engineering Union of Workers, Kalgoorlie Branch.
- (2) In addition to the foregoing, the Union in the State of Western Australia shall consist of an unlimited number of persons who are employed, or who are usually employed in the painting and decorating industry applying paint or its substitutes, or any preparation, by any means, the purpose of which is of a decorative or protective character for residential, commercial or industrial purposes (excluding the application of bitumen or like substance to roads and like surfaces), which industry shall be deemed to include the painting of buildings and structures (residential, commercial and industrial), aircraft, machinery, ships and small vessels of every description (including prefabricated work on any of the aforementioned, wholly or in part) and general painting, together with plastic relief workers, paper hangers, wall coverers, decorators, grainers, marblers, varnishers, enamellers, gilders, lacquerers, spray workers, sign, profile, scenic, mural and pictorial artists, or persons engaged in the removing of paints and/or their substitutes and the preparation of all work and materials used in the painting trade and branches thereof, including paint mixers together with glaziers, vitrolite cutters and fixers, ticket writers, cycle enamellers, liners, writers, and sprayers, and shall include foremen and sub-foremen in the industry.

- (3) And in addition to the foregoing the Union in the State of Western Australia shall consist of an unlimited number of persons who are employed, or who are usually employed as:
- (a) Plasterers - the work of a plasterer shall mean and be deemed to be, all internal and external plastering, and cementing, including rendering with all forms of plaster, asbestos fibre, finishing all kinds of plaster and plastic acoustic work, water proofing work in cement, plaster or patent materials, by manual or mechanical means, including wood lathing and metal lathing, or any similar substitute that may be used as a ground for plaster work, such as sackett board; the affixing of plain and ornamental tiles on walls and floors, the fixing of fibrous plaster or any other kind of plaster required to be finished off with plastered joints; the top dressing of all concrete work finished in cement also cement floors, walls and ceilings, rough cast; and fixing plaster, cement, or patent plaster ornaments; and in the use of materials appertaining to the trade or calling of plasterers;
 - (b) Wall and Floor Tilers;
 - (c) Wall and Ceiling Fixers;
 - (d) Fibrous Plaster Workers - Persons engaged in:
 - (i) Architectural modelling;
 - (ii) The manufacture of architectural ornaments of plaster and fibrous plaster;
 - (iii) The manufacture of fibrous plaster goods;
 - (iv) The fixing of manufactured plaster goods and fibrous plaster columns and acoustic tiles and the fixing of fibrous plaster on the walls and/or ceilings of buildings;
 - (v) The preparation of designs and ground work and the making of models and/or moulds whether of gelatine, plaster, wax, rubber or cement, subject to the making of such models and/or moulds being incidental to the fibrous plaster industry;
 - (vi) Any phase or phases of item (i) to (v) inclusive;
 - (e) Manufactured Cement Goods Workers - Persons engaged in-
 - (i) Architectural modelling;
 - (ii) the manufacture of architectural ornaments of cement;
 - (iii) except as provided for in subrule (8) of this Rule, the manufacture of portable articles of reinforced cement or concrete, cement pressed work, baths, washtubs, troughs, sinks, pillars, ornaments and other miscellaneous goods, including floor beams, partition blocks, lintels, cornices and balusters, subject to and without limiting the generality of subrule (1) and (2) of this Rule, excluding the manufacture of cement bricks, pipes and/or building blocks, except where such work is performed in the establishment of manufacturers of fibrous plaster, plaster and/or cement goods, and excluding workers employed by the Fremantle Harbour Trust and the Minister controlling Harbours and Rivers.

- (iv) the manufacture of cast stone and terrazzo where such work is performed in the establishments of manufacturers of fibrous plaster, plaster/or cement goods.
 - (v) any phase or phases of items (i) to (iv) inclusive;
 - (vi) plaster mill workers - persons engaged in the manufacture of plaster of paris.
- (4) The Union shall also consist of an unlimited number of persons employed, or usually employed in the State of Western Australia as carpenters and/or joiners (including ships' carpenters and joiners, carpenters employed on jetties, and wharves, dams and bridges) and joinery assemblers and roof tile fixers and bricklayers, stoneworkers, stonemasons, marble masons, stone, marble or slate polishers, stone marble or slate machinists and stone, marble or slate sawyers and labourers in the industry of monumental masonry and foreman, subforemen, or apprentices to or in any of the foregoing trades provided that no foreman tradesman or subforeman tradesman (except acting foremen tradesmen or acting subforemen tradesmen) who is eligible for membership of The Foremen (Government) Industrial Union of Workers, WA as at the 11th Day of December 1986 shall be eligible for membership of the Union.
- (5) The Union shall also admit to membership any person who is employed, or usually employed in the State of Western Australia including all islands bounding the whole coastline of the State in any of the following capacities:
- Engine drivers, steam boiler and gas producer firemen, trimmers or fuelmen or tour guides in power houses, engine cleaners, greasers, boiler cleaners, crane drivers, dynamo attendants in power houses, stationary motor drivers, electric power sub-station attendants, power house switchboard attendants, electric locomotive drivers, railway shunters, locomotive observers, railway car and wagon examiners (not being tradesmen) and railway messengers. Provided that, in respect of the vocations referred to in this subrule 4.6, employees of the Western Australian Government Railways Commission and persons eligible for membership of the Coal Miners Industrial Union of Workers of Western Australia employed in the coal mining industry within the State of Western Australia shall not be eligible for membership of the Union.
- (6) The Union may admit to membership all other persons in the State of Western Australia whether employees in the foregoing callings or vocations or not as have been appointed or elected officers of the Union, provided that no person shall be a member who is not an employee within the meaning of the Industrial Relations Act (WA) 1979 as amended.
- (7) The Union may admit to membership employees who are engaged in the State of Western Australia the manufacture of:
- (a) bricks and who are employed by:
 - (i) Boral Bricks Western Australia Pty Ltd trading as Midland Brick;
 - (ii) BGC (Australia) Pty Ltd trading as Brikmakers;
 - (iii) Austral Bricks (WA) Pty Ltd trading as Austral Bricks; and
 - (iv) Geraldton Brickworks Pty Ltd trading as Geraldton Brick Co;

- (b) cement roof tiles and who are employed by:
 - (i) Austral Bricks (WA) Pty Ltd trading as Bristile Roofing; and
 - (ii) Monier Prime Pty Ltd trading as Monier Prime Roofing.

- (8) This rule 2(Q) does not allow the union to cover in the State of Western Australia or elsewhere any person who, as of the date of this rule 2(Q) being approved, is of a class of employees in respect to which the Construction, Forestry, Mining and Energy Union of Workers was subject to a representation order, a State demarcation order, a demarcation order, or a demarcation undertaking or agreement (however described) in regards to that class of employees in favour of another organisation or association.

- (R) Without limiting the generality of Sub Rules (A) to (Q) and (S) herein or being limited thereby:

The Union shall consist of:

 - (a) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the following industries, mills, factories, places of work, products or processes in Australia:-

textile, woollen (other than wool scouring), worsted, wool tops, spinning, weaving, dyeing, finishing, waste-breaking, flock, wadding, felt and feltex, flax, cotton, carpets, silk and artificial silk, rayon and/or any vegetable or synthetic fibre or non woven substance, technical textile, textile backing, textile coating, textile services, hosiery, half-hose, knitting, textile printing, textile furnishings, tapestry, braids and tassels;
 - (b) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the designing, preparing, patternmaking, manufacturing, making including the treatment or conversion of any vegetable or synthetic fibre or non-woven substance, processing, repairing, altering, trimming, blocking, pressing, finishing or selling from factory outlets of:
 - (i) infants' nappies;
 - (ii) table and sanitary napkins;
 - (iii) facial and toilet tissue;
 - (iv) tampons;
 - (v) mats, towels and absorbent cloths, pads and wipers;
 - (vi) substitutes for the products of any of the industries, mills, factories, places of work, products or processes listed in paragraph (a) above;
 - (c) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the Felt Hatting Industry, and the designing, preparing, patternmaking, manufacturing, making, processing, repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets the whole or any part of all articles of headwear and/or millinery including but not limited to hats, caps, berets, hoods and helmets.
 - (d) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the designing, preparing, patternmaking, manufacturing, making, processing, repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets the whole or any part of footwear of every description including but not limited to boots, shoes, slippers and wood lasts.

- (e) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with designing, preparing, patternmaking, manufacturing, making, processing, repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets the whole or any part of:
 - (i) any male or female garment;
 - (ii) any article of wearing apparel whatsoever, made from material of any description;
 - (iii) any article of neckwear;
 - (iv) handkerchiefs;
 - (v) any fashion accessory whatsoever.
- (f) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with designing, preparing, patternmaking, manufacturing, making, processing, repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets of the whole or any part of any description of textile furnishings including but not limited to any description of serviettes, pillowslips, pillowshams, sheets, blankets, bedspreads, tablecloths, towels, quilts, aprons, mosquito nets, bed valances, cot covers, blinds, carpets, cushions, curtains or bed curtains and automotive textile furnishings including but not limited to motor vehicle and other seat covers, mats and dash covers.
- (g) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the laundry industry, or the dyeing and/or cleaning and/or repairing and/or pressing and/or ironing any garment or any article of any description whatsoever.
- (h) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with designing, preparing, patternmaking, manufacturing, making, processing repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets of the whole or any part of any description of umbrella;
- (i) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the embroidering and/or ornamenting of:
 - (i) any of the articles referred to in any other part of this rule;
 - (ii) artificial flowers.
- (j) Without limiting the generality of any other part of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the industry of a furrier.
- (k) Without limiting the generality of any other subrule of this rule, all persons wholly or partly engaged or usually engaged in or in connection with the making of chenille and the designing, preparing, patternmaking, manufacturing, making, processing, repairing, altering, trimming, blocking, pressing, finishing and/or selling from factory outlets of articles of all descriptions made of chenille;

- (l) Without limiting the generality of any other part of this rule, all persons other than electrical workers, and fitters (including persons performing the job of fitters where these persons are described as mechanical and fabrication tradespersons, and including howsoever 'fitters' are termed in the future), wholly or partly engaged or usually engaged in or in connection with:
- (i) the maintenance or repair of machinery used at any premises referred to in any other part of this rule, or at any premises where any of the processes or activities referred to in any other part of this rule occurs, or in relation to a product referred to in any other part of this rule, including but not limited to mechanics engaged in the maintenance or repair of machinery used in the production of boots, shoes and slippers.
 - (ii) cleaning at any premises referred to in any other part of this rule, or at any premises where any of the processes or activities referred to in any other part of this rule occurs, or in relation to a product referred to in any other part of this rule.
 - (iii) receiving, dispatching, packing, unpacking, storing and/or otherwise handling goods at any premises referred to in any other part of this rule, or at any premises where any of the processes or activities referred to in any other part of this rule occurs.
- (m) such other persons as have been elected or appointed officers or organisers or employees (other than clerical employees) of the Union or a Branch and who have been continuously employed in any one or more of the industries of the Union for at least three years.
- (n) Such other persons who are independent contractors who, if they were employees performing the work of the kind that they usually perform as independent contractors, would be eligible for membership of the union.
- (S) Without limiting the generality of Sub-Rules (A) to (R) herein or being limited thereby:
1. PART S
 - (a) The Union shall be composed of any number of:
 - (i) bosuns, bosuns' mates, quartermasters, storekeepers, able seamen, chief integrated ratings, bosun integrated ratings, integrated ratings, provisional integrated ratings, trainee integrated ratings, general purpose ratings, sailors, deckhands, ordinary seamen, deck boys, pumpmen, donkeymen, water tenders, engineroom attendants, oilers, greasers, motormen, boiler attendants, firemen, wipers, trimmers, crew attendants, catering attendants and trainee catering attendants, employees engaged on working on dredges, lighters, hulks, barges, punts, employees working on river and harbour vessels, including ferries, employees working on tugboats and tenders, employees working in the pilot services; and
 - (ii) Marine Cooks, Bakers and Butchers, trainee cooks and other employees employed, or competent to be employed in the galley of Australasian vessels; and
 - (iii) seafaring stewards, pantrymen and stewardesses, catering attendants and trainee catering attendants; and
 - (iv) persons temporarily, permanently or usually employed within the Commonwealth of Australia, or in any place in which the Industrial Relations Act, 1988 applies on a full time or part time basis in the Industry defined in Rule 2(b) of the Rules;

- (v) all employees who are employed in or in connection with the recreational diving industry throughout the Commonwealth of Australia, including those employees who are in command and control of small vessels which are operated in or in connection with a port or adjacent to an offshore facility and who are required to possess and use a Coxswain's Certificate or equivalent in such operation; other than those employees who are:-
- (1) in command, control or who supervise or operate vessels including employees described as masters, mates, deck officers and skippers;
 - (2) marine engineers, however described;
 - (3) employed in the State of Queensland in or in connection with the sale or supply of recreational diving equipment or facilities the provision of recreational diving services or related underwater services by an employer whose sole or predominant business activity consists of the operation of one or more tourist resorts or hospitality facilities of a similar nature, and where such sale, supply or services are provided in association with the operation of that tourist facility;
 - (4) solely or predominantly engaged in the sale, reception or delivery of merchandise in a retail outlet operating separately and distinct from the provision of recreational diving services;
 - (5) solely or predominantly engaged in clerical duties in a retail outlet operating separately and distinct from the provision of recreational diving services;

together with officers of the Union.

For the purposes of (v) herein an employee shall be regarded as employed in or in connection with the recreational diving industry only if the employee is employed by an employer whose sole or predominant business activity consists of either the sale or supply of recreational diving equipment or facilities, the provision of recreational diving services or related underwater services.

- (b) Without limiting in any way whatsoever the operation of the provisions of Sub-Rule (a) of this Part S, in the State of Western Australia, the Union shall, in the State of Western Australia, consist of an unlimited number of members in addition to those referred to in Sub-Rule (a) of this Part S who follow in that State the occupation of:-
- (i) Painting (excepting those provided for in Part 1 of Reference No. 32 of 1945 Demarcation Board Decision if the word "enamelling" in sub-paragraph (ii) and the words "done in enamel" in sub-paragraph (ix) of paragraph 5 of part 1 of that Decision were deleted therefrom), chipping, sandblasting, shotblasting (subject to the abovementioned Decision), scraping, scrubbing, cleaning, limewashing, cementing and cement washing, on any vessel or sectional part thereof, or on any vessel during construction; boiler scalers, shipwrights' assistant, carpenters' assistant, and joiners' assistant in the shipping trade; workers employed cleaning ships' holds and dunnaging, excepting such cleaning and dunnaging as is normally performed by waterside workers or shipwrights; riggers, wire splicers, sailmakers, sailor gangs or general labourers (other than those engaged in structural maintenance) working about docks, dockyards, slips, vessels (including any sectional part of a vessel or on any vessel during construction) and shipyards; painters of ironwork, machinery, sheds, sheerlegs, cranes and smokestacks in established dockyards and shipyards in which members of the Union have from time to time been employed for work on ships; workers engaged in the making,

repairing and/or maintaining of rope, wire, chain or canvas gear used in connection with cargo handling, insulation and lagging workers; workers engaged in the mooring and unmooring of vessels; deckhands of floating cranes and such like vessels.

Provided that a worker who, pursuant to the foregoing provisions of this Sub-Rule (b), is eligible for membership of the Union shall remain eligible for such membership when in the course of employment in any of the occupations referred to in the said provisions and included in the Constitution of the Union, such worker is required to paint ironwork, machinery, sheds, sheerlegs, cranes and smokestacks in established dockyards and shipyards.

- (ii) Mates and engineers of whaling vessels, lamp trimmers, boatswains, boatswains' mates, sailors, quartermasters, donkeymen, storekeepers, greasers, oilers, firemen, trimmers, watertenders, wipers, deckhands, ordinary seamen, deck boys, deckhands and sailors' attendants, stokehold staff attendants, laddermen, pipe-winchmen, winchmen, hoppermen, and boatmen engaged working on ships and vessels including dredges, lighters, hulks, barges, ferries, tugboats, tenders and pilot vessels;
- (iii) Boatbuilder or shipwright in the maintenance, manufacture, construction or repair of iron, steel, wooden, fibre glass, plastic or concrete ships and vessels of any description and (without limiting the generality of the term) of boats, punts, pontoons, floating stages, targets, preventors, torpedo netting booms, rafts, dock gates, caisson and coffer dam gates, aircraft or seaplanes (where work on such aircraft or seaplanes is done in an establishment, the principal business of which is work of the other class hereinbefore mentioned) or on any other floating structure;
- (iv) Cargo, jetty, ship, or wharf (including wharf entrance gates) watchmen;
- (v) The secretary for the time being of the Seamen's Union of Australia, West Australian Branch and persons whether included or not included in the occupations referred to in paragraphs (i) (ii) and (iii) hereof as have been appointed officers of the organisation, and admitted as members thereof.

Provided that a person (other than a crewman of a self-propelled dredge, hopper barge or tender) who is employed under an agreement (whether registered or not) to which the Australian Workers' Union, West Australian Branch, Industrial Union of Workers was a party and in force on the eighth day of December, 1967 or under an Award to which that Union is a party at any time shall not be eligible to be a member of this Union.

Provided further that a person who is eligible for membership of the Australasian Society of Engineers Industrial Union of Workers, Western Australian Branch shall not be eligible to be a member of this Union.

Provided further that no person employed in connection with river improvements or employed or serving in any naval, military or police force in Western Australia or is under fourteen years of age shall be eligible to become a member of this Union. Provided further that no person shall be eligible to become a member except in the capacity of an honorary member who or whose personal representative is entitled to some financial benefit or financial assistance under the rules of the Union while not being a worker within the meaning of the Industrial Arbitration Act, 1912.

2 - CONSTITUTION

- (c) Without limiting in any way whatsoever the operation of the provisions of Sub-Rule (a) of this Part S in the State of New South Wales, the Union shall, in the State of New South Wales, consist of an unlimited number of members in addition to those referred in Sub-Rule (a) of this Part S and shall be composed of:
- (i) Any number of sailors, lamp-trimmers, boatswains, boatswain's mates, quarter masters, donkeymen, storekeepers, greasers, oilers, firemen, trimmers, watertenders, wipers, deckhands, ordinary seamen, deckboys, employees engaged working on dredges, lighters, hulks, barges, punts, employees working on river and harbour vessels, including ferries, deckhands and sailors' attendants and stokehold staff attendants, employees working on tugboats and tenders, and employees working in the pilot services;
 - (ii) persons employed in the Dredge Service of the Department of Public Works of New South Wales and the Maritime Services Board of New South Wales, including Signal Masters, Assistant Signal Masters, Signalmen, Tide Signalmen, Light Keepers, Motor Drivers, Coxswains, Firemen, Greasers, Seamen, Watchmen, Diesel Engine Drivers, Cooks and Stewards, Wharfingers, Officers in Charge of Out Stations (not Pilots) Patrolmen and Communication Attendants and others employed in lighters, and Rockchoppers in the service of the Maritime Services Board of New South Wales;
 - (iii) any person or persons who may be elected an Officer of the Union;
- (d) Without limiting in any way whatsoever the operation of the provisions of Sub-Rule (a) of this Part S in the State of New South Wales, the Union shall, in the State of New South Wales, consist of an unlimited number of members in addition to those referred in Sub-Rule (a) of this Part S and shall be composed of:
- (i) an unlimited number of employees in the manipulation and navigation of motor boats in the State of New South Wales;
 - (ii) all persons engaged in the mooring and unmooring of interstate, intrastate and overseas vessels;
- with the exception of
- (a) colliers,
 - (b) members of ships' crews,
 - (c) any vessel berthing at Cockatoo Dock, Woolwich Dock, and Garden Island;
- (iii) competent deckhands, engine room attendants, fishermen, shipkeepers, wharfhands, passage hands, turnstile hands, change hands, collectors, steersmen, motor hands and all persons employed on or usually employed in connection with ferry boats, tug boats, lighters, punts, hoppers, barges, launches, motor boats, trawlers and harbour and river craft.

Provided that nothing in this Sub-Rule (d) shall apply to persons employed in or in connection with private or pleasure craft as watchmen, caretakers or cleaners or employees of the Maritime Services Board of the Department of Public Works Dredge Service.

2. PART W

Without limiting the generality of Part S, or being limited thereby, the Union shall also consist of:

- (a) Any person who intends to follow the occupation of a waterside worker, including without limiting the foregoing any employee referred to in Sub-Rule (b) of this Part W.

- (b) (i) For the purpose of this Sub-Rules (b) (c) and (d) the following definitions shall apply:
- (1) "Administrative clerk" means any clerk employed in budgeting, costing, accounting and allied functions, preparation of payrolls, clerical work associated with purchasing, banking of monies, typing or secretarial work, stenography, and in the performance of those functions shall include the operation of telex, facsimile, accounting or calculating machines, computers, and other equipment used in connection with electronic data processing and operators of switchboards, and persons employed in a clerical capacity for the keeping and maintenance of general administrative records.
 - (2) "Container depot" means an area and building authorised by Customs Authorities for the examination of goods on landing at which containers, pallets and flats are unpacked, the contents sorted and prepared for delivery or stored, and for the receipt, delivery and storage of containers, and at which loose goods or packages are received and stored into containers or onto pallets and flats, or otherwise handled or stored.
 - (3) "Employees" means that class or group of employees being:
 - (I) employees engaged or assisting in the work of handling, storing, preparing, packing or dispatching goods or merchandise, or work on or in connection with the loading or unloading, stacking, moving or sorting of such goods and merchandise in or about container depots, including the operation of equipment necessary to move containers or goods and any equipment required to clean the premises or containers, and including clerical work, but excluding the work of an administrative clerk and work of a supervisory nature;
 - (II) employees engaged in watching, guarding or protection duties in or about container depots;
 - (III) employees performing the work of a qualified trades person;or any combination of work specified in sub-paragraphs (I), (II) and (III).
- (ii) For the purpose of this Sub-Rule (b) the employers and the specified container depots operated by the employers are as follows:

EMPLOYER

CONTAINER DEPOT

National Terminals Aust.
Ltd

East Swanston
Dock Victoria
Port Botany NSW

Conaust Limited

McKenzie Road West
Swanston Dock, Vic
Rozelle NSW
Gillman SA

F.G. Strang Pty Ltd
trading as Strangtainers

Footscray Vic

Western Packing Pty Ltd trading as Cargo Distributors	Footscray Vic
Port Botany Container Depot Pty Ltd	Banksmeadow NSW
Seatons Container Freight Station Pty Ltd	Camellia NSW
Brisbane Cargo Services Pty Ltd operating as Brisbane Amalgamated Terminals Limited	Fishermans Island
Macpak Pty Ltd	Hemmant Qld
Rivers Trading Company Cargo Pty Ltd trading as Rivers Trading Company	Nudgee Qld
Interport (Brisbane) Pty Ltd	Hamilton Qld
Charlick Operators Pty Ltd trading as Austainer Services	Gillman SA
Terminal Properties of Australia Pty Ltd trading as Freight Bases	Gillman SA
Fremantle Port Authority	North Quay Fremantle WA
Fremantle Terminals Limited	North Quay Fremantle WA

- (iii) For the purpose of this Rule the employees, as defined in sub-paragraph (b)(i)(3) above, of each of the employers specified in paragraph (b)(ii), where those employees are employed at the specified container depots in respect of each employer, shall be eligible for membership of the Union.
- (c) All employees employed by "TT Line Company Pty Limited" as administrative clerks, as defined in sub-paragraph (b)(i)(1) above, but not including employees performing work of a supervisory nature, provided that such employees are employed or usually employed in or in connection with stevedoring operations and/or passenger and/or cargo booking where such passenger and/or cargo booking is related to intrastate and/or interstate travel where those persons are employed in performing those duties solely on or immediately adjacent to a wharf, a wharf office or on a ship.

- (d) The following named persons, whilst those persons remain employed as administrative clerks, as defined in sub-paragraph (b)(i)(1) above, but not including employees performing work of a supervisory nature, and are employed or usually employed in or in connection with stevedoring operations and/or passenger and/or cargo booking where such passenger and/or cargo booking is related to intrastate and/or interstate travel where those persons are employed in performing those duties solely on or immediately adjacent to a wharf, a wharf office or an a ship.
- (i) For the purpose of this sub-rule (d), the employees are those listed in Schedule I to these rules.
3. (a) Without limiting the generality of 1. PART S and 2. PART W, or being limited thereby, the Union shall also consist of:

All employees as defined in subrule (b) other than those employees who are employed in supervisory duties of any nature (excepting employees performing duties of forepersons or leading hands or otherwise who exercise similar and direct supervisory powers over other employees), and other than employees who possess a Maritime Certificate of Competency where the possession of the certificate is part of the requirements of a classification, and other than those employees who are employed as harbourmasters, port managers, marine pilots, marine surveyors, maintenance technicians, masters and deck officers of vessels, officers of pilot cutters, port control officers, signal station officers, radio officers, superintendents, stevedoring supervisors or who are employed in managerial or professional occupations;

provided that employees who perform clerical and administrative, supervisory or technical duties shall not be eligible to be members of the Union by virtue of this subrule until:

- (i) 1 December 1995 if employed by the Port of Brisbane Corporation or Fremantle Port Authority;
- (ii) 1 January 1996 if employed by the Townsville Port Authority;
- (iii) 1 June 1996 if employed by the Sydney Ports Corporation, the Newcastle Port Corporation, the Port Kembla Port Corporation, the Waterways Authority in NSW, or the Port of Melbourne Authority.
- (b) For the purposes of subrule (a) "employees" means all those persons employed by the employers identified in subrule (c) other than those persons who are employed in the office of public servant in accordance with relevant State Government legislation in the States of South Australia and Western Australia.
- (c) For the purposes of subrule 3 of this rule the employers are:
- Albany Port Authority
Bunbury Port Authority
Bundaberg Port Authority
Burnie Port Authority
Dampier Port Authority
Darwin Port Authority
Department of Transport, Marine & Harbours Agency (in the State of South Australia)
Department of Transport (in the State of Western Australia in relation to the Department of Marine and Harbours)
Esperance Port Authority
Fremantle Port Authority

Geraldton Port Authority
Kimberley Port Authority
Marine Board of Circular Head
Marine Board of Flinders
Marine Board of Hobart
Marine Board of King Island
Newcastle Port Corporation
Port Hedland Port Authority
Port of Brisbane Corporation
Port of Devonport Authority
Port of Geelong Authority
Port Kembla Port Corporation
Port of Launceston Authority
Port of Melbourne Authority
Port of Portland Authority
Rockhampton Port Authority
Sydney Ports Corporation
Townsville Port Authority
Waterways Authority

3 - DESCRIPTION OF INDUSTRY

(A) The employment of persons:

(1) employed or seeking to be employed in or in connection with the industry or industries, and/or occupations, and/or calling, and/or vocations, and/or industrial pursuits of:

and/or

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

and/or

(3) who, otherwise than as employees or employers, are engaged in the industrial pursuit or pursuits of:

(i) the industries in connection with which the Union is formed are the carpentry, joinery, ship carpentry, ship joinery, bricklaying, tuckpointing, tilelaying and stonemasonry industries, including the industries of persons employed in the laying or fixing of tiles, faience, mosaic, ceramic, opalite and the like not exceeding in measurement .093 square metres when such opalite and the like is fixed with cement composition or, as stone masons, marble masons, polishers, machinists, sawyers and other persons engaged in the dressing, preparation and/or erection of stone marble, or slate, and other persons engaged in the preparation and/or erection of terrazzo or similar compositions, and/or slating, rooftiling, ridging, shingling and cement tiling industries, plate, sheet and ornamental glass trade industries in New South Wales.

(ii) the industries in connection with which the Union is formed are building operations and of plastering and tile laying.

3 - DESCRIPTION OF INDUSTRY

- (B) And an unlimited number of persons employed or usually employed as workers, other than tradespersons, engaged in or in connection with any of the following work, occupations or callings:
- (1) workers (other than tradespersons), on any work in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purpose of this sub-rule (B) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a Civil or Mechanical Engineering Site.
 - (2) without limiting the generality of the foregoing, persons eligible for membership of the Union shall include any worker:
 - (i) assisting any bricklayer, mason, plasterer, carpenter, or other tradesperson engaged on the work described in Part (1) of this sub-rule; or
 - (ii) employed on any making or contracting job in wood, stone, brick, concrete, iron or steel, or combination of these or other materials incidental to any of the work described in Part (1) of this sub-rule, and in particular as
 - Bricklayers Labourer
 - Plasterers Labourer
 - Concrete Finisher
 - Dump Cart Operator
 - Scaffolder
 - Powder Monkey
 - Foundation Shaftsmen
 - Steel Fixer (including Tack Welder)
 - Assistant Powder Monkey
 - Demolition Worker
 - Gear Hand
 - Jackhammerman
 - Mixer Driver (Concrete)
 - Steel Erector
 - Aluminium Alloy Worker Structural Erectors
(whether prefabricated or otherwise)
 - Cement Gun Operator
 - Concrete Cutting and Sawing Machine Operator
 - Concrete Gang worker (including Concrete Floater)
 - Roof Layer (Malthoid or similar material)
 - Underpinner
 - Concrete Formwork Stripper
 - Builders Labourer
 - Tackle Hand
 - Floor Sanding and/or Smoothing Machine Operators
 - Leading Hand Labourer
 - Labourer on Refractory work
 - Labourer excavating ground for foundations or basements of building or levelling ground on a proposed building site or doing concrete work, tar paving or asphalt work or mortar or concrete mixing in connection with or incidental to the construction, repair, demolition or removal of buildings

3 - DESCRIPTION OF INDUSTRY

Rigger performing rigging work that is an integral part of, or is incidental to, a tradesman's work

Assistant Rigger assisting a rigger specified in immediate preceding classifications

Drilling Machine Operator except in the mining or mineral exploration or hydrocarbon industries

- (C) The industry of any person employed in any position on or in or in connection with:
- (1) (a) saws and woodworking machines; (b) handling and treating timber and articles manufactured therefrom;
 - (2) (a) sawmills; (b) timber yards; (c) box and case factories; (d) sawmakers shops; (e) joiners workshops; (f) car and waggon shops; (g) coach builders shops; (h) coopers workshops; (i) furniture factories; (j) wooden sporting goods factories; (k) veneer and plywood factories;
 - (3) without limiting the generality of the foregoing, the industry of any person employed in any position in or in connection with the preparing of wood work for (i) joiners; (ii) carpenters; (iii) implement makers; (iv) coachbuilders; (v) car and waggon builders; (vi) builders; (vii) furniture factories; (viii) box and case factories; (ix) wooden sporting goods factories; (x) veneer and plywood factories; (xi) coopers shops;
 - (4) The industry of any person employed in or in connection with hewing splitting and falling timber; and
 - (5) without limiting the generality of the foregoing the industry of wood working machinists. In the Industry, the words "Wood and/or Timber" without in any way limiting the ordinary meaning of the words shall also be deemed to include any artificial or laminated or manufactured material now in existence or hereafter coming into existence from whatever materials made or constructed or manufactured, which is or can or may be used in the place of wood or timber, and which can be handled and/or treated and/or machined and/or worked in a similar way and with similar machines and/or tools, as in the case of wood or timber and
- (D) The Industry of paper-making, strawboard making, paper-bag making or the making of any similar commodity.
- (E) And an unlimited number of persons employed or usually employed as workers engaged in or in connection with the Coal Mining industry.
- (F) The group of industries comprised with in the calling, service, employment, occupation, or avocation of persons employed on land or any harbour, lake or river, as drivers of or attendants to any engine, winch, crane, mobile crane, fork lift, tow motor, pile driver, excavator, pump, boiler, generator, or motor used in or in connection with the generation, production, distribution, or utilisation of power, and persons assisting in or about any work incidental thereto.
- (1) Further, without limiting the foregoing, the group of industries comprised within the calling, service, employment, occupation, or avocation of persons employed in a classification in (2) hereunder in or in connection with or incidental to the erection, repair, renovation, maintenance, ornamentation, alteration, removal or demolition of any building. For the purposes of this sub-rule (1) building shall include a building-type structure for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant) on a civil mechanical engineering site.

3 - DESCRIPTION OF INDUSTRY

- (2) Dogman
Hoist or Winch Driver
Gantry Hand or Crane Hand
Crane Chaser
Dogman/Crane Hand
Pile Driver
Pile Driver Assistant
Rigger performing rigging work that is an integral part of, or is incidental to, crange operations
Assistant Rigger
Drilling Machine Operator
Dump Cart Operator in respect of Victoria only
- (3) Provided that, nothing in sub-rule (1) shall render eligible to join the Union any person employed:
- (a) on a building or structure which building or structure is for the purpose of housing mechanical or electrical plant on civil or mechanical engineering site.
- (b) In that area of Queensland situated north of a line commencing at the sea coast with the twenty second parallel of south latitude, thence by that parallel of latitude due west to a hundred and forty seven degrees of east longitude thence by that meridian of longitude due south to twenty two degrees thirty minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.
- (c) in the mining or exploration or hydro-carbons industries.
- (G) The industry in or in connexion with which the Union is registered is the industry of the employment of persons employed or seeking to be employed in or in connexion with the industries and/or occupations and/or callings and/or vocations and/or industrial pursuits of the painting and decorating industry in connexion with buildings, and structures, plant, machinery and equipment, fences and posts (commercial, residential, industrial or otherwise), general and ship painting, including the following:-
- (a) the painting of ships including naval ships, and the painting of prefabricated ships and prefabricated parts of ships of every kind;
- (b) the painting of launches and/or boats of every kind and the painting of prefabricated launches and boats and the prefabricated parts of launches and boats of every kind;
- (c) the painting of or in connexion with all buildings and structures, plant, machinery and equipment, fences and posts, (commercial, residential, industrial or otherwise), the painting of or in connexion with prefabricated buildings and structures, plant, machinery and equipment, (commercial, residential, industrial or otherwise) and any prefabricated or other parts of prefabricated buildings and structures as aforementioned;
- (d) the painting of the exterior of pipe lines on or above the surface of the earth, conduits, valves, condensers, cocks, control and/or regulating stations or sub-stations, and/or pumping, suction, syphon or booster stations or sub-stations, and/or storage holders, pressure regulating holders and/or trestles, bridges, viaducts, pylons, and any other supports, and all machinery and appurtenances relating to the foregoing on water, land, or sea, used or to be used for the purposes of storing and/or regulating and/or conveying liquids or gases including natural oils and gases;
- (e) glazing, glass cutting, glass processing, cutting and fixing vitrolite or like material, the fixing of glass by any means in any place prepared for its reception, fitting and fixing glazing bars;

3 - DESCRIPTION OF INDUSTRY

- (f) paperhanging, applying and/or fixing wall hangings or coverings, decorating, kalsomining, distempering, plastic relief and texture work, graining, marbling, gilding, enamelling, varnishing and lacquering;
- (g) signwriting, designing and/or lettering of price tickets and showcards;
- (h) pictorial or scenic painting, or production of signs or posters by means of stencils, screens or like methods or any other work incidental thereto, including cut-out displays of all descriptions, pictorial, scenic or lettering;
- (i) the work of enamelling, lining, spraying and writing on cycles;
- (j) leadlight and metal glazing including cutting glass, assembling and fixing such glass by means of lead and/or metal sections;
- (k) mixing and/or applying and/or fixing paint or like matter or substitutes or mixtures or compositions, or compounds, for texture or plastic coatings and finishes or other decorative or protective coatings and/or finishes, or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings (other than mixing of paint, paint mixtures, protective coatings and/or plastic coatings and/or finishes and/or mixtures, putty, putty mixtures, stopping, caulking mixtures, compositions or compounds, oils, or mixtures, varnishes, varnish mixtures, water colours, water-colour mixtures, lacquers, lacquer mixtures, stain removal mixtures in paint and chemical factories) and/or other materials used in the painting and decorating industry with a brush, spray, roller or other tool or removing paint or like matter or substitutes or mixtures or compositions or compounds, for texture or plastic coatings and finishes or other decorative coatings and/or finishes or putty, stopping, caulking mixtures, compositions or compounds, oils, varnishes, water colours, lacquers, stains, wallpapers, wall hangings or coverings, coatings, or other materials used in the painting and decorating industry, by heat, flame, water, solvents, electrical, mechanical, airpowered or hand tools or by grit, shot or other abrasives or by any other means, (coatings shall not be read and construed to include the applying and fixing of lagging, or the work of applying or fixing of coatings consisting of plaster and/or lime and/or cement and/or aggregate when such substances are mixed or blended with water or the coating of pipes with bitumen and/or wrapping with burlap or hessian or in the State of Victoria only work covered by the description of industry in connexion with which the Victorian Plasterers Society is registered as at 1st November 1962, but shall include any subsequent coats of paint or other like material for the purposes of protection or decoration);
- (l) the preparing of the work and materials required in any of the afore-mentioned branches of the industry, and all work in connexion therewith and incidental thereto.

Provided that the industry above written shall be read and construed to exclude the registered industry of The Printing and Kindred Industries Union or any part of that industry.

- (H) The furnishing and wood working industries, including coffin making and the industry of making musical instruments of which wood forms a part.
- (I) Without limiting the generality of Sub-Rules (A) to (H) herein or being limited thereby, independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be eligible for membership of the Union, shall be eligible for membership of the Union.
- (J) Without limiting the generality of the foregoing and without being limited thereby, the industry in connection with which this Union is formed is the Brick, Tile and Pottery Industry.

4 - OBJECTS

(K) Without limiting the generality of Sub Rules (A) to (J) and (L) herein or being limited thereby:

The industries in or in connection with which the Union is registered are the textile, clothing and footwear industries, including but not limited to those parts of the industries referred to in Rule 2(R).

(L) Without limiting the generality of Sub-Rules (A) to (K) herein or being limited thereby, the Union is registered in or in connection with:-

- (a) The shipping industry; and
- (b) The industry of diving in the provision of underwater services.

4 - OBJECTS

- (a) To uphold the right of combination of labour, and to improve, protect, and foster the best interests of the Union and its members, and to assist them to obtain their rights under industrial and social legislation.
- (b) To regulate and protect the wages and conditions under which all members or other persons entitled to become members of the Union may be employed, to achieve compulsory unionism and control the supply of labour, to take such steps as may be necessary for the efficient operation of the industries in or in connection with which the organisation is registered, to regulate relations between the members and their employers and between the members and other employees in or in connection with the Industries of the Union and to foster the best interests of the members of the Union.
- (c) To improve industrial relations in the industries in or in connection with which the Union is registered and undertakings where members are employed, and to exercise all the powers, privileges and advantages of employees under the Act and any legislation replacing that Act and under any Commonwealth or State legislation, or any other legislation in any way relating to the Industries of the Union either directly or indirectly affecting the members.
- (d) To do all things conducive to the welfare and organisation of the working class.
- (e) To provide legal assistance to the Union and its members to protect the interests of the Union in all its Divisions and Divisional Branches, and to assist other trade unions by any legal method.
- (f) To secure preference in employment, retrenchment, promotion, demotion and transfer of employment for members.
- (g) To protect members from any infringement of their rights.
- (h) To organise the education of members.
- (i) To secure or assist in securing legislation for safety in or in connection with the Industries of the Union and for the general and material well being of members.
- (j) To establish funeral, sick, accident, unemployment or other funds, including insurance or assurance funds, for the assistance, support and benefit of members, or other trade unionists, and to establish a fund from which to provide retiring allowances to full time officers and employees of the Union, its Branches, Divisions or Divisional Branches.
- (k) To establish Branches, Divisions, Divisional Branches, Sub – Branches, Districts, Sectors, Sections, Associations or Committees of the Union, including but not limited to Port, Ship and Area Committees, throughout Australia and its Territories.

4 - OBJECTS

- (l) To effect unity between the Branches, Divisions, Divisional Branches and other bodies of a similar character.
- (m) To work as far as is lawful in harmony with other labour unions.
- (n) To establish and maintain a Union journal or journals for the publication of matters directly or indirectly relating to the affairs of the Union or its members, and to assist to establish or maintain labour and trade union journals, radio and television broadcasting stations and other means of mass communication, information or education, and to invest in such ventures.
- (o) To promote the interchange of membership between the Union and other unions throughout the world.
- (p) To assist members by loan or otherwise.
- (q) To constitute, conduct, carry on and manage clubs for the benefits of members.
- (r) To co – operate or otherwise combine with, affiliate to or amalgamate with, pay affiliation fees to and assist financially or otherwise, or join or absorb, any organisation, union or association which has objects similar to the objects of the Union, and to be represented on other bodies and trade union organisations.
- (s) To render financial assistance to Branches, Divisions, Divisional Branches or other union or labor organisations for any charitable purpose.
- (t) To take part in any or all questions of matters affecting or involving the wages and conditions of labour.
- (u) To grant assistance to members who are shipwrecked.
- (v) To establish and/or support co-operative ventures generally and to do such other things which may be deemed necessary in connection therewith.
- (w) To hold, purchase, lease, transfer, rent, sell, mortgage or otherwise deal in property and to enter into contracts and agreements in connection with same and to do all such other things as may be deemed necessary in connection therewith for the purpose of furthering directly or indirectly any one or more objects, provided that where such property is in the care, custody and control of a Division, it shall be subject to governance in accordance with the Divisional Rules and the National Rules.
- (x) To raise funds by levies and/or other means for the furtherance of any one or more objects.
- (y) To raise political levies, donate to and/or affiliate with political parties and to partake in conciliation and/or arbitration systems in the States and for that purpose to have branches, divisions or divisional branches registered in the States.
- (z) To obtain such other objects as the National Conference or National Executive shall from time to time determine or as may be lawfully adopted by any Division of the Union.
- (aa) To do all such other acts and things as are incidental or in any way related to the carrying out of any one or more of the above objects.

5 - DEFINITIONS

In these rules, unless the contrary intention appears:

“ACT” means the Fair Work Act 2009 (Cth) or any Act replacing that Act.

“BCI(IP) ACT” means the Building and Construction Industry (Improving Productivity) Act 2016.

"BOARD" means a group of persons who supervise a corporation, organisation, association or other like body including a Board of Directors.

"DECLARED PERSON OR BODY" - a person or body is a declared person or body of the Union or a Branch of the Union for the purpose of rule 24D (and 50D) if:

- (i) an officer of the Union or the Branch (as the case may be) has disclosed a material personal interest under rule 24C/50C; and
- (ii) the interest relates to, or is in, the person or body; and
- (iii) the officer has not notified the Union or the Branch (as the case may be) that the officer no longer has the interest.

"DISCLOSURE PERIOD" means the financial year of the Union as referred to in Rule 24.

"DIVISION" shall mean a division of the Union established under these Rules or by the National Executive or National Conference and shall, as far as practicable, be on industry or occupational lines.

"BRANCH" shall mean a Branch of the Union established in accordance with these rules or by the National Conference or National Executive of the Union and shall cover a geographic area.

"DIVISIONAL BRANCH" shall mean a geographic branch established under Divisional Rules by a Division established in accordance with these rules. Provided that some such divisional branches may be on occupational and geographic bases.

“DIVISIONAL EXECUTIVE” shall mean, in the case of The Maritime Union of Australia Division, the Divisional National Council of that Division.

“DIVISIONAL CONFERENCE” shall mean, in the case of The Maritime Union of Australia Division, the Divisional National Council of that Division.

"FINANCIAL DUTIES" includes duties that relate to the financial management of the Union or a Branch of the Union.

"FINANCIAL MEMBER" shall mean any member who has paid all subscriptions, fines, levies and dues in accordance with the Rules of the Union.

"FINANCIAL YEAR" means the financial year of the Union as referred to in Rule 24.

"GENERAL MANAGER" means the General Manager of the Fair Work Commission.

"MEMBER" shall mean a member of this union, male or female.

"NATIONAL COLLEGIATE" shall mean the totality of delegates from all Divisions to each Divisional Conference.

5 - DEFINITIONS

"NON-CASH BENEFIT" means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes.

"OFFICE" has the same meaning as defined by Section 9 of the RO Act.

"PEAK COUNCIL" means a national or State council or federation that is effectively representative of a significant number of organisations (within the ordinary meaning of the term) representing employers or employees in a range of industries.

"PROPORTIONAL REPRESENTATION" shall mean a system of representation at Committees, Conferences, Executives or the like which, as far as practicable, will provide for voting on a basis which reflects the number or percentage of financial members, as calculated in accordance with these rules, that each person on such Committee, Conference, Executive or the like, represents.

"DISTRICT" AND "SUB-BRANCH" AND "ZONE" where used in the Rules of the Union shall mean sectors of a Divisional Branch of the Union and in the case of the Manufacturing Division, of the Division.

"RELATED PARTY" has the same meaning as defined by section 9B of the RO Act.

"RELATIVE" in relation to a person means:

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

"RELEVANT NON-CASH BENEFITS" in relation to an officer of the Union/Branch for a disclosure period means the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer's duties as an officer, by the Union/Branch or by a related party of the Union/Branch.

"RELEVANT REMUNERATION" in relation to an officer of the Union/Branch for a disclosure period is the sum of the following:

- (i) any remuneration disclosed to the Union/Branch by the officer under Rules 24B/50B during the disclosure period;
- (ii) any remuneration paid during the disclosure period, to the officer by the Union/Branch.

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

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

"RULES OF THE UNION" means all of the Rules of the Union as read and construed in totality while "NATIONAL RULES" shall refer to these rules, "BRANCH RULES" shall refer to the Rules of any Branch of the Union established under the Rules of the Union, "DIVISIONAL RULES" shall refer to the Rules of any Division established in accordance with the Rules of the union, and "DIVISIONAL BRANCH RULES" or "DIVISIONAL DISTRICT BRANCH RULES" shall refer to the rules of Divisional Branches, being a branch of a Division, established in accordance with the Rules of the union.

"MANAGEMENT COMMITTEE" and/or "EXECUTIVE" shall be synonymous and shall mean the controlling and administrative body of the organ so referred to, ie Division or Branch or Divisional Branch.

"PREFERENTIAL VOTING" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom they vote as first preference and shall place the number 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of preference for them.

In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which a first preference is indicated for the same candidate.

If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast then that candidate shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference.

If a candidate has then an absolute majority of votes then that candidate shall be elected, but if no candidate then has a majority of votes, the process of excluding the candidate who has the fewest votes and the distribution of the vote preferences shall continue until one candidate has received an absolute majority of votes.

In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preferences shall be the same as is above prescribed where a ballot is for a single position.

The candidate or candidates as the case may be, who has received an absolute majority of votes shall be elected.

"GENERAL ELECTIONS" shall mean the elections held every four years commencing in 1996 office to be taken on 2 January 1997 in accordance with the Rules of the Union, with the exception of the Mining and Energy Division, where office will be taken 1 July 1996.

"PLURAL/SINGULAR" every reference in these rules to the singular shall include the plural and vice versa.

"UNION" shall mean the Construction, Forestry, Maritime, Mining and Energy Union.

6 - SEAL

- (i) The Seal of the Union shall be oval in shape inscribed on the outer edge "Construction, Forestry, Maritime, Mining and Energy Union".
- (ii) The Seal shall be kept in the custody of the National Secretary.
- (iii) Any document required or permitted by the Act to be under seal shall be executed on behalf of the Union by affixing the Seal of the Union thereto and by being signed by the National Secretary or in the absence of the National Secretary, either the National President or National Assistant Secretary.
- (iv) Any document otherwise required by law to be under seal shall be executed by affixing the Seal of the Union thereto and by being signed by the National Secretary and either the National President or National Assistant Secretary.

- (i) A candidate for membership of the Union may make application to the National Secretary, the Division covering the occupation or industry in which the person is employed, the Branch covering the area in which the person is employed or resides, or the Divisional Branch covering the industry or occupation in which the person is employed, usually employed or desirous of being employed and the area in which the person resides or is employed, and such application shall be made and dealt with in the manner and subject to the conditions including conditions as to any probationary period required by the rules of the Division. Any application shall be forwarded to the office in the appropriate division which under the rules of that division deals with such applications. The decision to accept or reject that application shall be made in accordance with the Rules of that division by that office. Provided that where a person makes application to any officer of the Union that application shall be a valid application for membership of the Union and the Union shall, treat the member as a member of the Division to which the officer is attached, until transferred in accordance with the rules.
- (ii) Candidates shall supply such information as to their identity and occupation, and such other particulars as to their eligibility for membership and the benefits of membership as the Rules of the Union may require, and shall, when requested, fill in and sign such application form as may be provided.
- (iii)
 - (a) Any application for membership may be referred to the National Executive by the Division, or Divisional Branch to whom application is made or by the member.
 - (b) Where in any case the admission to membership of the person applying is rejected, such person shall have the right to appeal to the National Executive, whose decision shall be final.
- (iv) A member shall be attached to the Division of the Union covering the industry or employment of the member and shall be in only one such Division. Each member shall be notified of the Division to which such member is attached or any other classification relevant to the Rules of the Union and such Division or classification shall be entered on the record of the Union in relation to that member which record shall be conclusive proof of the Division and/or classification to which that member is assigned.
- (v)
 - (a) Notwithstanding anything elsewhere contained in the Rules of the Union no application for membership of the union shall be void or irregular only for the reason that the form of application is not fully completed or completed at all, or that some other form of application is used, or any other procedure under the Rules has not been complied with provided that the person intended to, and did in fact, in some way or other, apply for membership and the Union treated the person as a member. A member may be transferred to another Division, Branch or Divisional Branch without loss of continuity of membership. Without limiting the generality of the foregoing, a person who, at the time of application for membership was not eligible to be or become a member, shall be and become a member as soon as the person is eligible to be and become a member or earlier if by any Act, law or other Rule the membership is otherwise validated provided that the person performs an act which evidences an intention to be or become a member. For all purposes the payment of union dues in whole or in part shall be taken to be, without limiting the generality of the foregoing, a method by which a person intended to, and did in fact, in some way or other, apply for membership and/or evidences an intention to be or become a member.

- (b) Without affecting or detracting from the requirements of sub-rules 42(iii) and 42(xii) and without limiting the rights of the member or a Division, Divisional Branch or authorised officer thereof, to seek or obtain a transfer of Division or Divisional Branch in accordance with the rules, no membership of the Union and no membership or attachment to a Division, Branch or Divisional Branch of the Union shall be invalidated, void or otherwise treated as irregular on account of the member being attached to a Division, Branch or Divisional Branch which, in accordance with the Rules, may not be the correct Division, Branch or Divisional Branch provided that the member was eligible for membership of the Union and the member was aware of the Division, Branch or Divisional Branch to which the member was attached. Every member of the Union who, on the records of the Union, is financial and is, on those records, attached to a Division, Branch or Divisional Branch shall be treated for all purposes as a financial member thereof and shall be entitled to all rights and required to comply with all obligations which attach thereto until transferred in accordance with the Rules.
- (vi) Any Division or Branch or Divisional Branch may utilise for the purposes of application form for membership of this Union, an application form used for any previously registered organisation of employees which has become, upon amalgamation, part of this Union or any application form utilised jointly or otherwise with any trade union of employees registered under any legislation of a State or Territory.
- (vii) A member shall, when applying for membership be informed of the financial obligations arising from membership and the circumstances, and the manner, in which a member may resign from the organisation and shall be informed of such in writing.
- (viii) (a) Where a Divisional Secretary or Divisional Branch Secretary is of the view that a person in the Division or Divisional Branch of which she/he is an officer should be attached to another Division or Divisional Branch the Divisional Secretary or Divisional Branch Secretary shall contact the Divisional Secretary or Divisional Branch Secretary of the Division or Divisional Branch to which, in the view formed, the member should be attached, and seek to obtain agreement on the transfer of the said member. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.
- (b) Further provided that where a Divisional Secretary or a Divisional Branch Secretary forms the view that a member of another Division or Divisional Branch ought to be a member of the Division or Divisional Branch to which the Divisional Secretary or Divisional Branch Secretary is attached, the Divisional Secretary or Divisional Branch Secretary shall contact the the Divisional Branch Secretary of the Divisional Branch to which the member is now attached and seek agreement that the member be transferred. Where agreement cannot be reached the matter may be referred to the National Secretary and be determined by the National Executive or an officer designated by the National Executive.
- (c) In relation to the two immediately foregoing paragraphs contact between Divisions and/or Divisional Branches in relation to these issues may, by custom and practice or by agreement, be dealt with by an officer other than the Divisional Secretary or Divisional Branch Secretary or may be dealt with by members of staff. Where a member is transferred or determined to be transferred in accordance with either of the immediately preceding paragraphs the member shall be notified accordingly and the transfer shall be effective 14 days after the notification to the member. Within that period the member may object to said transfer and such objection will be determined by the National Executive. Pending such objection the member shall nevertheless be transferred in accordance with any of the aforesaid agreements and/or determinations.
- (d) Any determination by the National Executive or officer designated by the National Executive shall use the principles established in and by sub-rules 42(i) and 42(iii) hereof.

9 - CLEARANCES

Nothing in these paragraphs shall affect or detract from the provisions of subrule(s) 42(i), (iii) and (xii) and membership of a Division or a Divisional Branch shall be valid notwithstanding an irregularity in, breach of or failure to comply with the procedures in either one or both paragraphs (a) or (b) herein.

8 - ENTRANCE FEES AND CONTRIBUTIONS

- (i) Entrance fees and contributions payable by any person on application to join the union and/or for membership or continuous membership of the Union shall be in accordance with the Rules of the division to which, in accordance with the Rules of the Union, the person or member is to be or is assigned.
- (ii) Any member who has failed to pay the entrance fees, or contributions, levies and fines imposed in accordance with the rules of the union on or before the date specified in such rules, shall be deemed to be unfinancial, and shall not be eligible to receive any benefits, participate in any deliberations, propose or second any new applicant for admission or exercise any authority or any membership rights, provided that the rules may provide that some members or some class or classes of members may vote in a ballot and/or may differentiate between classes of members as to the amount of any contribution and/or entrance fee.
- (iii) A member shall be deemed to be financial immediately upon payment of all arrears outstanding.
- (iv)
 - (a) Notwithstanding anything contained in Rules 7 and 8 of these National Rules or any Divisional Rules to the contrary, the Union may reach agreement with any organisation of employees, trade union, industrial union or organisation, whether incorporated or otherwise or whether registered under a law of the Commonwealth, State or Territory or unregistered (herein referred to as an "association"), which agreement may provide for automatic membership of this Union for members of any such association and may provide for the receipt and holding of moneys jointly or in common by the aforementioned association and this Union and conversely the automatic membership of members of this Union in such an association.
 - (b) The Union may, by agreement or unilaterally, grant to any class of members, who are members of another association of a kind referred to in paragraph (a) hereof, membership and waive the requirement to pay an entrance fee and/or contributions in whole or in part.
 - (c) Nothing in this Sub-Rule shall render eligible for membership any person not otherwise eligible for membership of the Union under the eligibility Rules or pursuant to S.151 of the RO Act, or any other provision of that Act or any Act amending or replacing same. Further, "automatic membership" when used in this Sub-Rule shall mean membership granted to a member free of the payment of any entrance fee and contribution in circumstances where the person applying for membership has signified an intention to become a member or having been notified that membership would be granted unless objected to, has not signified objection to that membership.

9 - CLEARANCES

- (i) A member desiring to transfer to any other union covering their calling shall make application to the Divisional Branch Secretary, or where the rules of the union so provide, Divisional Sub-Branch, in writing, and shall pay all dues owing to the union, and the transfer will be forwarded to the Secretary of the union to which the member desires to transfer. Such member shall cease to be a member of this Union as from the date on which the transfer is forwarded to the Secretary of such other union.

11 - RESIGNATION OF MEMBERS

- (ii) Any member of a kindred trade union, or any union whose Awards cover workers specified in Rule 2 of the rules of the union, may be admitted to membership on production to the Divisional Branch Secretary, or where the rules of the Division so provide, the Divisional Sub-Branch or Divisional District Secretary, of a clearance from such union showing that all dues, contributions and levies payable to such union have been paid. The membership of a person so admitted shall commence as from the date of the production of their clearance. The rules of the Union may provide for persons who had been members of any Division or Divisional Branch of this Union to be admitted without entrance fees or other special conditions.
- (iii) A clearance shall not be granted to any member unless all moneys owing have first been paid.

10 - TRANSFERS

- (1) A member attached to any Divisional Branch of any Division who is working within the area covered by another Divisional Branch may be transferred to the latter Divisional Branch. The member shall apply to the Divisional Branch Secretary of the Divisional Branch, or where the Divisional Branch rules so provide, of the Divisional Sub-Branch or Divisional District to which the member was attached for a clearance, and provided the member is financial, the Divisional Branch or Divisional Sub-Branch or Divisional District Secretary shall forward to the Divisional Branch Secretary of the Divisional Branch to which the member desires to be transferred, the clearance. A member shall be deemed to be attached to the new Divisional Branch as from the date of the receipt of the clearance by the Divisional Branch Secretary of such Divisional Branch, or where the Divisional Branch rules so provide, by the secretary of the Divisional Sub-Branch or Divisional District, and the member's length of membership of the new Divisional Branch shall be the length of the latest period of membership of the Union.

11 - RESIGNATION OF MEMBERS

- (1) A member may resign from membership of the Union by a written notice addressed and delivered to the Divisional Branch Secretary or other officer of the Divisional Branch authorised to receive such correspondence.
- (2) The notice of resignation will take effect where that member,
 - (a) ceases to be eligible to become a member of the Union:
 - (i) on the day on which the notice is received by the Union; or
 - (ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to be a member;whichever is later; or
 - (b) in any other case:
 - (i) at the end of 2 weeks after the notice is received by the Union; or
 - (ii) on the day specified in the notice;whichever is later.
- (3) All contributions and or levies due in relation to the period before the members resignation took effect are to be paid. Where the member fails to do so the Union may prosecute such member in the appropriate court for the recovery of that amount.

13 - SUPREME GOVERNING BODY IN UNION

- (4) A notice delivered to the person mentioned in sub-rule (1) shall be taken to have been received by the Union when it was delivered.
- (5) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with sub-rule (1).
- (6) A resignation from membership of the union is valid even if it is not effected in accordance with this rule if the member is informed in writing by or on behalf of the union that the resignation has been accepted.

12 - REGISTER OF MEMBERS

A register of members and any other records of the Union required to be kept by the RO Act and the Regulations made thereunder shall be kept at the registered office of the Union and so far as such records relate to a Division or Divisional Branch at the registered office of that Division or Divisional Branch.

13 - SUPREME GOVERNING BODY IN UNION

- (i) The supreme governing body of the union shall be the National Conference convened every two (2) years or specially in accordance with these National Rules.
- (ii) (a) The National Conference shall consist of all of the members of each and every Divisional Executive for every Division of the Union. Provided that existing elected officers of the National Executive who are retiring from office and who have not been re-elected as members of their Divisional Executive shall be entitled to attend the National Conference until their successors are elected and shall be entitled to all rights of a conference delegate other than nominating and voting on any matter. Further provided that, if not otherwise a delegate to National Conference by virtue of this sub-clause, members of the National Executive entitled to attend and vote thereat shall, ipso facto, be delegates to the National Conference and treated, in all respects, as delegates in the same way as a member of the Divisional Executive and for the purposes of sub-rule (iii) of this Rule be treated as a member of the Divisional Executive from the Division of which such person is a member. Further provided that any person not entitled to attend and/or vote at their Divisional Executive by virtue of the Rules of the Division shall not be entitled, notwithstanding any of the foregoing in this sub-rule, to attend and/or vote at National Conference.
- (b) The National Conference shall also consist of the two National Women's Committee members elected by each Division in accordance with Rule 17, regardless of whether those women are otherwise members of their Divisional Executive.
- (iii) Persons elected as members of a Divisional Executive shall be elected in accordance with the rules of the Division. Nothing in this sub-rule shall prevent the filling of a vacancy between ordinary elections or interfere with the transitional provisions which shall take effect on and from amalgamation. Each such member of a Divisional Executive shall exercise a vote on the National Conference equal to the percentage of financial members of the Union in the Division from which the member derives divided by the number of members of the Divisional Executive entitled to vote. Provided that nothing in this sub-rule prevents proxy voting or multiple voting.
- (iv) The percentage of financial members belonging to any Division shall be the sum of the percentages of financial members of the Divisional Branches within that Division.

For the purposes of this rule, the percentage of financial members of any Divisional Branch shall be calculated by dividing the total income received by the Divisional Branch from contributions only, by the amount of contributions fixed for ordinary members for that Divisional Branch and determining that number as a percentage of total membership of the Union calculated in the same way. This calculation shall be performed for the first six month period of the financial year preceding the year in which the National Conference is held.

- (v) Members of Divisional Executives and National Conference shall remain in office until the election of their successors.
- (vi) Should any member of a Divisional Executive die or resign or should there be, for any other reason whatsoever, a vacant position as delegate or member to Divisional Executive and/or National Conference, the Divisional Branch Executive of the Divisional Branch in which the vacancy would otherwise be filled may forthwith cause an election for another member or, where the unexpired part of the term for that office until the next general elections does not exceed three quarters of the ordinary term of office, the Divisional Branch Executive may appoint a delegate to such Divisional Conference to be the member or delegate from or of the Divisional Branch in place of the member or delegate who is deceased or has resigned or to fill the position otherwise left vacant. Provided a person appointed by a Divisional Branch Executive in the manner mentioned herein shall hold office only for the residue of the period until the next general elections.

The method of such election or appointment shall be the same, the necessary changes being made, as the method of election or appointment (as the case may be) of the Divisional Branch Secretary of the Divisional Branch from which the vacancy is to be filled in accordance with the rules of the Divisional Branch.

- (vii) Divisions or Divisional Branches may, where elected Divisional Branch delegates or members to or of National Conference agree, arrange multiple voting representation at a National Conference by notifying the National Conference of the number of divisional delegates or members to be credentialed and of the arrangements for proxy voting to be adopted by that Division or Divisional Branch at the National Conference.
- (viii) Where a delegate is unable to attend a meeting of the National Conference or any part thereof that delegate may where the Divisional Executive agrees appoint another elected delegate to National Conference from the same Division as proxy to act in that delegate's stead. Where the Divisional Executive agrees, a delegate may appoint as the proxy to National Conference an elected delegate from another Division. Each member of the Divisional Executive shall be a delegate to the National Conference.
- (ix) Six delegates, representing not less than two Divisions, shall form a quorum of the National Conference.
- (x) The National Conference shall have power, unless any rule deprives the National Conference of power or grants to another body within the Union exclusive power over a subject matter, to:
 - (a) take such steps as it shall think fit to carry out all or any of the objects of the Union and to raise or spend such funds as are necessary to carry out the objects;
 - (b) decide the general policy of the Union and to take steps to enforce the carrying out of such policy;
 - (c) subject to the rules prescribing the procedure to be followed, impose penalties being fines not exceeding the sum of \$100, suspension, expulsion or dismissal from office, on officers, members, representatives, committee members or delegates, for knowingly refusing to comply with the rules of the Union or decisions of the National Conference or the National Executive.

Provided that:

- * a copy of the rules of the Union of which there is an alleged breach, and/or the decisions of National Conference or National Executive of which there is an alleged breach are available to members at each Branch office;
 - * no penalties shall be imposed unless the officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting; particulars are given in the summons of the offence alleged (including the time and places alleged that the offence was committed); and that person charged is afforded an opportunity of being present at the hearing and of being heard in their own defence, including an opportunity to cross examine and to give and call evidence. Nothing in the preceding rule requires the procedures of court. A period of suspension imposed under this rule shall not exceed six (6) months;
- (d) hear and decide any appeal from the National Executive or any Divisional Branch, or Branch or member. Any appeal from a member must be forwarded through the Divisional Branch Committee. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard;
 - (e) settle disputes between Divisions;
 - (f) deal with and decide any matter submitted to it by any Division or Branch of the Union;
 - (g) confirm, overrule or otherwise deal with decisions of the National Executive;
 - (h) establish Divisions of the Union;
 - (j) exercise all or any of the powers of the National Executive;
 - (k) subject to Rule 25, make alter and rescind any of the Rules of the union, including Branch Rules, Divisional Rules and Divisional Branch Rules;
 - (l) confer life membership on a member of the Union.
- (xi) A National Conference shall be held not later than twenty four (24) months after each general election of the Divisional Branch delegates to National Conference and at such place and time as the National Executive shall decide.
 - (xii) The business to be dealt with by National Conference shall be shown on the agenda paper, but matters may be added to the agenda paper if agreed to by a majority of delegates at the National Conference. Any matter appearing on the agenda paper may be amended by the National Conference.
 - (xiii) Notice of every National Conference, together with a copy of the agenda paper therefore shall be posted by the National Secretaries to each Divisional Secretary and each Branch Secretary one calendar month before the date of such meeting, or where agenda items have not been finalised one calendar month before the meeting then they shall be sent at the earliest practicable time.

Notice shall also be posted to all delegates so as to give them at least the notice provided for herein.
 - (xiv) A copy of the Minutes containing all decisions and business of the National Conference shall be forwarded to each Divisional Secretary and to each Divisional Branch Secretary within two (2) months of the conclusion of each National Conference. Any member of the Union may, upon request to the Divisional Branch Secretary, inspect a copy of the minutes of each National Conference at the Divisional Branch Office or Divisional Office during the ordinary hours in which the Divisional Branch or Division is open.

- (xv) The National Secretary on receipt of resolutions from a majority of Divisions or from Divisional Branches representing a majority of members or on receipt of a petition signed by not less than 10% of the financial members of the Union calling for a special Conference shall call such Conference within thirty (30) days. Each Division, Divisional Branch and delegate to National Conference shall be advised by letter of National Conference business fourteen (14) days prior to the date of the Conference so fixed. The National Executive may direct the National Secretary to call a special conference at any time. Divisions, Divisional Branches and delegates to National Conference shall be given seven (7) days' notice if practicable. Notice shall be given by letter, facsimile, telephone, email, in writing, by computer link and/or by any other means of communication.

Notwithstanding anything contained in any other rule, the National Executive may direct the National Secretaries to conduct a postal, facsimile, telephonic, email, in writing, by computer link and/or by any other means of communication (or combination thereof) of delegates to National Conference to obtain a decision on any matter.

13A - NATIONAL WOMEN'S CONFERENCE

- (a) There shall be a National Women's Conference at least once every two years. The role of the National Women's Conference shall be to provide advice and recommendations to the Union on matters affecting women members of the Union.
- (b) The National Women's Conference shall include the elected National Women's Committee members from each Division. The number of participants shall be no more than 15 members per division.
- (c) Delegates to the National Women's Conference shall be nominated by the Divisional Executive of each Division.
- (d) Notwithstanding the number of observers nominated by any Division to attend the National Women's Conference, only the nominated delegates from each Division shall have voting rights at the National Women's Conference.
- (e) Resolutions of the National Women's Conference shall be referred to the National Conference for consideration by that Conference.

13B - NATIONAL WOMEN'S COMMITTEE

- (a) There shall be a National Women's Committee.
- (b) The National Women's Committee shall be made up of two female members from each Division. Only one National Women's Committee member from each Division may be a Full Time Paid officer of that Division.
- (c) The members of the National Women's Committee are to be elected by each Division in accordance with Rule 17, or otherwise in accordance with the rules for general quadrennial elections applicable to each Division.
- (d) Members of the National Women's Committee shall be, ex officio, members of the National Women's Conference and members of the National Conference.
- (e) The National Women's Committee will operate in accordance with a set of rules that have been adopted by either the National Conference or Executive after consultation with the Committee.

14 - NATIONAL EXECUTIVE COMMITTEE

- (i) The National Executive Committee shall consist of the National Officers, being the National Secretary, National President, National Assistant Secretary, International President and five (5) National Vice Presidents of the Union together with such of the following elected officers of each Division at a National level namely:-
- in the case of the Construction and General Division, eleven (11) additional National Executive Committee members elected by and from the Construction and General Division Divisional Conference.
 - in the case of the Manufacturing Division, the Divisional Secretary, the Divisional Senior Assistant Secretary, the Divisional President and the Divisional Assistant Secretary who is also the District Secretary of the PPW District of the Division and the TCF National Secretary.
 - in the case of the Mining and Energy Division, four (4) additional National Executive Committee members elected by and from the Mining and Energy Divisional Conference.
- in the case of The Maritime Union of Australia Division, the Divisional Deputy National Secretary, the two (2) Divisional Assistant National Secretaries and the Divisional Deputy National Presiding Officer.
- Provided that in the year preceding the quadrennial elections, it shall be open to the National Conference or the National Executive, upon review, to abolish the National Executive Committee.
- (ii) The National Executive Committee shall, subject to the review of its actions by the National Executive, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds of the Union and without limiting the generality of the foregoing it may:
- (a) interpret and enforce the general policy of the Union as decided by National Executive and/or National Conference.
 - (b) decide questions of policy not covered by the National Executive and/or National Conference decisions.
 - (c) control and conduct the business and affairs of the Union while the National Executive or National Conference is not in session.
 - (d) Expend such moneys by way of ordinary expenditure as may be necessary.
 - (e) Submit any matter to the National Executive for decision.
 - (f) Control and supervise the work of the National Officers of the Union.
 - (g) All decisions of the National Executive Committee shall be made by a majority of the members present at the meeting unless otherwise provided by these rules.

15 - NATIONAL EXECUTIVE

- (iii) Meetings of the National Executive and National Executive Committee shall be held at such time and place as shall be decided by the National President and the National Secretary, provided that a majority of the members of the National Executive may demand a meeting of such National Executive which shall be held at such time and place as stipulated by such members of the National Executive. The quorum for any meeting shall be six (6). A majority of the National Officers may demand a meeting of the National Executive Committee which shall be held at such time and place as stipulated by such National Officers. The quorum for any meeting of the National Executive Committee shall be four (4).
- (iv) The National Secretary may take a facsimile, telephonic, email, written and/or postal vote of members of the National Executive or National Executive Committee at any time. Members of the National Executive or National Executive Committee shall be advised of the details of the voting. Such vote shall have the same effect as a decision of such body made in meetings assembled.
- (v) Notice of meetings may be given by letter or facsimile or email or otherwise in writing or by telephone or verbally, provided that in the latter two instances such is confirmed by letter or telegram or telex or facsimile or email.
- (vi) All decisions of the National Executive Committee shall be made by a majority of the votes cast at the meeting unless otherwise provided by these Rules. The votes cast by members of the National Executive Committee shall be on a card system and the value of the vote cast by any member of the National Executive Committee, including National Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the National Conference with National Officers being included in the Division from which they derive. Provided that in the calculation of votes cast by members of the National Executive Committee herein, no member of the National Executive Committee who is not entitled to attend and/or vote at the National Executive Committee meeting shall be included as a member for the purposes of the aforesaid calculations.

15 - NATIONAL EXECUTIVE

- (i)
 - (a) There shall be a National Executive composed of the National Executive Committee, as defined in these rules, and the principal officer of each Divisional Branch of the Union that is not otherwise a member of the National Executive Committee. Provided that any such Principal Officer of a Divisional Branch shall not be entitled to attend and/or vote at any meeting of the National Executive or vote on any issue before the National Executive if such Principal Officer is not entitled to attend and/or vote, in that capacity, the Divisional Executive of the Division to which the Divisional Branch is attached.
 - (b) Provided that in the case of the Manufacturing Division for purposes of this sub-rule a reference to the Principal Officer of a Divisional Branch shall be a reference to the District Secretary of a District of that Division, the Senior Vice President (TCF) and the additional Divisional Assistant Secretary established pursuant to Rule 44 of the Manufacturing Divisional Rules.
 - (c) Where a Division has at least one woman who is a Full Time Elected Officer who is not otherwise entitled, under these Rules, to be a member of the National Executive, that Division is entitled to one National Executive (Female Affirmative Action) position on the National Executive.
 - (i) The National Executive (Female Affirmative Action) position for each Division may only be filled by a woman from that Division who is a Full Time Elected Officer who is not otherwise entitled to be a member of the National Executive;

- (ii) Where there is more than one woman from a Division who is a Full Time Elected Officer who is not otherwise entitled under these Rules to be a member of the National Executive, and who is therefore eligible to fill the National Executive (Female Affirmative Action) position, the Divisional Executive of that Division shall determine which eligible officer shall fill the position.
 - (iii) Provided that, once nominated by the Divisional Executive, the Branch or District Executive (if the woman is a Branch or District Officer) must endorse the nomination of that Officer to the National Executive.
- (ii) The National Officers (other than the office of National Vice President held by the TCF National Secretary and the office of National Vice President held by the Divisional National Presiding Officer of The Maritime Union of Australia Division) shall be elected, except in the case of any vacancy occurring or arising between general elections, by and from the National Collegiate in 1994 and every subsequent four (4) years thereafter and shall hold office until their successors are elected.
- (iii) Following the Divisional Conferences in 1993 and the Divisional Conferences following the general elections every four years thereafter the National Executive shall appoint a person as Returning Officer, who shall not be the holder of any office in, and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or any section of the Union. Such Returning Officer shall have the conduct of the election of the National Officers in accordance with these Rules.
- (iv) The National Executive shall, unless its actions are overturned by the National Conference, have the care, control, superintendence, management and administration in all respects of the affairs, business, national funds and property of the Union and shall have and may exercise no more and no less than all of the powers of the National Conference and, without limiting the generality of the foregoing may:
 - (a) Interpret and enforce the general policy of the union as decided by National Conference.
 - (b) Control and conduct the business and affairs of the union while National Conference is not in session.
 - (c) Appoint the editor of any national union journal and manage and control the policy of such journal.
 - (d) Hear and decide any appeal from any Division or Branch. Reasonable notice of the time and place of the hearing shall be given to all parties involved, who shall be given an opportunity of being heard.
 - (e) Settle disputes between Divisions or Branches. Any Division or Branch concerned shall be given reasonable notice of the meeting and an opportunity of being heard before any settlement is effected.
 - (f) Expend such moneys by way of ordinary expenditure as may be necessary.
 - (g) Submit any matter to the members for decision by ballot.
 - (h) Ensure that officers, committee members, delegates or members and Divisions and Branches carry out the rules and decisions of the Union and subject to Rule 19 impose penalties [i.e. fines not exceeding the sum of one hundred dollars], suspension, expulsion or dismissal from office, upon any officers, members, representatives, committee members or delegates for knowingly refusing to comply with the rules or the decisions of the National Conference or the National Executive.

Provided that the rules, the decisions of National Conference or the National Executive are available to members in the minutes of the National Conference or the National Executive and the registered rules of the Union at each Branch office. No penalty shall be imposed unless -

- * The officer, member, representative, committee member or delegate concerned has been summoned to attend the meeting seven (7) days prior to the meeting;
- * Particulars are given in the summons of the offence alleged, including the time and place it was alleged the offence was committed;
- * The member is afforded an opportunity of being present at the hearing and of being heard in the member's own defence, including an opportunity to cross-examine and to give and call evidence.

Period of suspension imposed under these rules shall not exceed six months.

- (j) Subject to rules relating to the autonomy of divisions, take such action as may be necessary to secure the satisfactory working of any Division or Branch or Divisional Branch in the event of the affairs of that Division, Branch or Divisional Branch being so conducted as to affect the proper functioning of the Union, as a registered organisation, or as to make the Union liable for a breach or breaches of the Act or the RO Act. Subject to Rule 19 herein, such action may include the suspension or dismissal of all or any members holding positions in, or for, a Division or Branch and the appointment of a member of the National Executive or any other member or members of the Union to conduct the affairs of the such Division, Branch or Divisional Branch.
- (k) Control and supervise the work of the National Officers of the union.
- (l) All decisions of the National Executive shall be made by a majority of the votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the National Executive shall be on a card system and the value of the vote cast by any member of the National Executive, including National Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the National Conference with National Officers being included in the Division from which they derive. Provided that in the calculation of votes cast by members of the National Executive herein, no member of the National Executive who is not entitled to attend and/or vote at the National Executive meeting shall be included as a member for the purposes of the aforesaid calculations.
- (m) A loan, grant or donation of an amount exceeding \$1,000 shall not be made by this Union unless the National Executive -
 - (a) has satisfied itself -
 - * that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and
 - * in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and
 - (b) has approved the making of the loan, grant or donation.
- (n) Subject to Rule 25, make, alter and rescind any of the rules of the Union, including Branch Rules, Divisional Rules and Divisional Branch Rules;

16 - ELECTION OF NATIONAL OFFICERS AND NATIONAL EXECUTIVE COMMITTEE MEMBERS

- (o) Affiliate to any body on behalf of the Union, or, if any Division objects to any affiliation to affiliate on behalf of those Divisions which do not so object;
- (p) appoint representatives of the Union to any body;
- (q) to affiliate to the Australian Council of Trade Unions and appoint representatives thereto on the basis of proportional representation of each Division.
- (r) confer life membership on a member of the Union.
- (v) All acts and decisions of the National Executive shall have full force and effect and full validity unless and until such acts or decisions are reversed or amended by the National Executive or the National Conference.

16 - ELECTION OF NATIONAL OFFICERS AND NATIONAL EXECUTIVE COMMITTEE MEMBERS

- (i) The National Officers (other than the office of National Vice President held by the TCF National Secretary and the office of National Vice President held by the Divisional National Presiding Officer of The Maritime Union of Australia Division) shall be elected by and from the National Collegiate, namely the delegates to all of the Divisional Conferences of the Union (howsoever described in the Divisional Rules) and the ballot for such positions shall be a secret postal ballot of delegates to all Divisional Conferences conducted, the necessary changes being made, in accordance with Rule 17 of these rules.

Provided that, the Divisional Secretary of the Construction and General Division, the Divisional Secretary of the Manufacturing Division, the General President of the Mining and Energy Division and the Divisional National Secretary of The Maritime Union of Australia Division shall between them hold the positions of National Secretary, National Assistant Secretary, National President and International President or if the position of International President is abolished, the additional position of National Assistant Secretary.

Should the office of International President become vacant at any time due to death, resignation from office or removal from office in accordance with the Rules of the Union, it shall be open to the National Executive to abolish the office of International President. If at any time, the National Executive abolishes the office of International President, it shall forthwith create an additional office of National Assistant Secretary.

Further provided that, there shall be one National Vice President from each Division who shall be nominated by and from their own Divisional Conference except in the case of The Maritime Union of Australia Division, where the National Vice President from that Division shall be the Divisional National Presiding Officer. Provided further that there shall be one (1) additional National Vice President from the Manufacturing Division the office of which shall be held by the TCF National Secretary.

Should the additional office of National Vice President held by the TCF National Secretary become vacant at any time due to death, resignation from office or removal from office in accordance with the Rules of the Union, it shall be open to the National Executive to abolish the additional office of National Vice President.

- (ii) If the nominations are equal to the number of positions to be filled the Returning Officer shall forthwith declare candidates elected. An officer shall not hold more than one position on the National Executive or National Executive Committee.

16 - ELECTION OF NATIONAL OFFICERS AND NATIONAL EXECUTIVE COMMITTEE MEMBERS

- (iii) If there are more candidates than the number required for filling the office/s the Returning Officer shall prepare voting papers and conduct the ballot.
- (iv) The Returning Officer shall declare the result of the ballot as soon as the count is completed. In the event of a tie, the Returning Officer shall determine the result by declaring a candidate who currently holds the office being contested being elected, should no candidate currently hold the office the Returning Officer shall declare the result by casting lots.
- (v) Except in so far as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office, notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of a ballot shall be recognised as validly holding such office.
- (vi) A National Executive member and National Executive Committee member and National Officer shall hold office until a successor to such person is elected.
- (vii) (a) Where a vacancy occurs in any office under these rules for any reason whatsoever including but not limited to the death, resignation, retirement or dismissal of any officer, such vacancy may be filled by appointment by the Divisional Executive to which the office or officer relates provided that the person so appointed shall hold office for as much of the unexpired part of the term of the office as does not exceed the greater of twelve months or three quarters of the term of the office. Further provided that in the case of a vacancy in one or more of the National Officer positions, the National Executive may fill such office by appointment from those members of the National Executive Committee who are otherwise eligible to hold the vacant office.

Provided however that any such appointment/s shall ensure that each Division maintains its representation of two (2) officers amongst the National Officers.
- (b) Where the unexpired part of the term of office exceeds that specified in this sub-rule, the Returning Officer shall conduct an election of delegates to all Divisional Conferences to fill the vacancy and the person elected shall hold office for the remainder of the term of office.
- (c) Such election shall, the necessary changes being made, be in accordance with Rule 17 (iii) hereof.
- (viii) The Returning Officer in any election shall declare the result to members of the National Executive and may do so by email, post, letter, telephone, facsimile, verbally or by any other electronic means as soon as the count is completed.
- (ix) In any ballot of the National Collegiate for the election of National Officers, the representatives of each of the Divisions shall cast votes proportionate to the membership of their respective Divisions determined in the same way, the necessary changes being made, as votes cast by delegates to the National Conference in accordance with Rule 13(iii) and (iv) herein.
- (x) In conjunction with the conduct of the election of the National Officers, the Returning Officer shall also conduct an election in the Divisional Conferences of the Union, where necessary, for the National Executive Committee members to be elected by and from the relevant Divisional Conference having regard to Rule 14(i).
- (xi) The elections held in accordance with sub-rule (x) shall be conducted in accordance with sub-rules (ii) to (v) and (viii) with the necessary changes.

17 - ELECTION OF DELEGATES TO DIVISIONAL CONFERENCES

- (i) This Rule shall not apply to The Maritime Union of Australia Division.
- (ii) The method of electing Divisional Branch delegates to Divisional Conference shall be in accordance with the Rules of the Division every four (4) years in conjunction with the Divisional Branch elections. Such election shall be by direct ballot of the financial members of each Divisional Branch.
- (iii) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.
- (iv) Except in the case of the Mining & Energy Division and the Manufacturing Division elections for Divisional Branch Delegates to Divisional Conference shall be in accordance with the following provisions:
 - (a) The method of electing Divisional Branch delegates to Divisional Conference shall be by secret postal ballot of the whole Divisional Branch financial members entitled to vote in such elections, which shall be held every four (4) years in conjunction with the Divisional Branch elections.
 - (b) When an election is required to be conducted by these rules the Divisional Branch Executive shall appoint a Divisional Branch Returning Officer who shall not be the holder of an office in and shall not be an employee of, the Union or of any Division, Branch, Divisional Branch or sub-Branch or section of the Union.
 - (c) The Divisional Branch Returning Officer shall have the conduct of such elections in accordance with these rules. Where practicable such election to be conducted in conjunction with Divisional Branch election of Officers.
 - (d) A Divisional Branch Returning Officer may, at any time in writing, resign his or her position and shall resign if they desire to become a candidate at any elections held under the rules of the Union.

Any casual vacancy of a Divisional Branch Returning Officer shall be filled by the Divisional Branch Executive.

- (e) That nominations are called in accordance with the rules of the Division.
- (f) Any member of the Divisional Branch who is financial at the time nominations are called and has had not less than three years financial membership of the Union may nominate for the position of Divisional Branch delegate to Divisional Conference.

For the purpose of this rule and for the purpose of all provisions of the rules of the union relating to financial membership and the length of financial membership or length of membership, membership of an organization amalgamating with the union or which has amalgamated with the union shall be counted for all purposes as membership of the union and financial membership of this union or a union amalgamating with this union for all purposes. This provision relates to all rules of the Union relating to the membership, or length of financial membership, or length of continuous membership in the Union or in any Division thereof.

- (g) That the nominations process, closure and receiving of, are in accordance with the rules of the Division.

- (h) Candidates may include with their nomination form a statement or joint statement not exceeding 200 words containing only the candidate's personal history and only the candidate's policy statement or joint statement.
- (i) (deleted)
- (j) The Divisional Branch Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Divisional Branch Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give them the opportunity of remedying the defect within a period of not less than seven (7) days after being so notified.
- (k) If at the closing date for nominations only sufficient nominations have been received by the Divisional Branch Returning Officer to fill any vacancy or vacancies the Divisional Branch Returning Officer shall thereupon declare the person or persons so nominating elected and supply forthwith a report of the declaration of the ballot to the Divisional Conference and candidates by submitting a Divisional Branch Returning Officers report to the National, Divisional, Divisional Branch, and Branch Secretaries.
- (l) If all nominations are received and there are more nominations than there are vacancies the Divisional Branch Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or their nominee to attend the draw; such attendance shall be at the candidate's own cost and expense.
- (m) The Divisional Branch Returning Officer shall forthwith have printed ballot papers in sufficient quantities to enable them to supply a ballot paper for each member eligible to vote in the election and secure a certificate from the printer as to the number printed.
- (n) Such ballot papers shall have printed thereon only the title of the office to be filled, method of voting and the name of the candidates for such office and a space for the required vote to be registered, provided however that where more than one candidate is required to be elected the number to be elected shall be printed on the ballot paper. The position of the names of each candidate on the ballot paper shall be in order of the draw of positions for that ballot.
- (o) Where a ballot is required, the Divisional Branch Secretary of the Divisional Branch concerned shall provide, within thirty five (35) days of the closing of nominations, a certified list of financial members entitled to vote to the Divisional Branch Returning Officer.
- (p) The Divisional Branch Returning Officer shall, in accordance with the Rules of the Division, on a date which will enable the ballot paper to be posted not later than fourteen clear days before the closing date of the ballot, send by post to each member eligible to vote in the election at their address appearing on the list of members eligible to vote supplied to the Divisional Branch Returning Officer by the Divisional Branch Secretary the following documents/materials only:-
 - (i) a ballot paper initialled by the Divisional Branch Returning Officer in respect of each office to be filled at the election for which the member is eligible to vote.
 - (ii) a declaration envelope in such form as is prescribed by Regulation 5 of the RO Regulations.
 - (iii) a prepaid envelope in such form as is prescribed by Regulation 6 of the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

- (iv) such printed instructions necessary for the completion of each of the ballot papers enclosed and any other instructions that the Divisional Branch Returning Officer may consider necessary.
- (v) The candidate's statement provided for in accordance with sub-rule (h) of this rule.
- (vi) provided that the Divisional Branch Returning Officer shall post to each member eligible to vote by mail all ballot papers, in accordance with the Rules of the Division.
- (q) For the purpose of the election the books of the Divisional Branches shall be deemed closed in accordance with the rules of the Division.
- (r) That the opening and closing of the ballot shall be in accordance with the rules of the Division.
- (s) The Divisional Branch Returning Officer shall collect the returned ballot papers from the post office box and deposit them in a ballot box kept at the post office or at the office of the Australian Electoral Commission until the commencement of the count of the ballot.
- (t) At the conclusion of the ballot the ballot box shall be picked up by the Divisional Branch Returning Officer at a time reasonable notice of which has been given to the Scrutineers and taken to the Divisional Branch rooms or to the office of the Australian Electoral Commission and be opened in the presence of the Scrutineers and counting shall then proceed. If it is necessary to interrupt the count for any purpose the papers shall be sealed in the ballot box to which any seals may be fixed by a Scrutineer.
- (u) Any candidate at their own expense, may appoint a financial member of the union to act as their Scrutineer by notification in writing to the Divisional Branch Returning Officer. Any Scrutineers so appointed may be present at any stage of the counting of the ballot provided that the Divisional Branch Returning Officer is also present.
- (v) The Divisional Branch Returning Officer shall proceed to count the ballot on the preferential system provided for in this rule, and the candidate or candidates receiving the necessary quota shall be declared elected. The counting of the ballot shall commence no later than on the first working day after the closing of the ballot and shall be completed as soon as is practicable.
- (w) In the case of an equality of votes for any two or more candidates the Divisional Branch Returning Officer shall determine which of the candidates is elected, by declaring the candidate who currently holds the office being contested being elected, should no candidate hold the current office the Returning Officer shall declare the result by casting lots.
- (x) The Divisional Branch Returning Officer shall declare the successful candidates elected and notify the National, Divisional and Divisional Branch Executive of the result of the ballot. The Divisional Branch Executive shall issue instructions for the publication of same in their minutes and in the journal or newspaper of the Divisional Branch. The Divisional Branch Returning Officer shall also notify each successful candidate by post and publish their names in at least one daily newspaper circulating in the Branch area. The date of completion of the ballot shall be the date of the declaration thereof.
- (y) The successful candidate/s shall become the Divisional Branch delegate to the Divisional Conference.
- (z) Should a vacancy occur of a Divisional Branch delegate to Divisional Conference Rule 13 sub-rule (vi) shall apply.

- (aa) Any accidental or unavoidable omission or error in the carrying out or observance of this rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.
- (bb) In any election the Divisional Branch Returning Officer and any Scrutineer shall do all things necessary to preserve the secrecy of the ballot and shall conduct themselves in a sober, proper and impartial manner. Scrutineers shall, as far as practicable, be given the opportunity to be present at all stages of the ballot. They shall obey any directions given to them by the Divisional Branch Returning Officer. If any Scrutineers or Scrutineer are not present at any stage or stages of the ballot the Divisional Branch Returning Officer may proceed nonetheless.

- (cc) Definitions:

"Preferential Voting" shall mean a system of voting in which the voter shall place the number 1 in the square opposite the name of the candidate for whom the voter gives as their first preference, and shall place the number 2, 3, 4 (and so on as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the preference for them. In a ballot by the preferential system the valid ballot papers shall be separated into separate parcels, each such parcel containing all those papers on which first preference is indicated for the same candidate. If on the first count a candidate receives an absolute majority of first preference votes of total valid votes cast they shall be declared elected.

If no candidate has received an absolute majority of first preference votes the candidate with the fewest first preference votes shall be excluded and the ballot papers on which a first preference is indicated for such candidate shall be counted to the remaining candidates next in the voters' order of preference. If a candidate has then an absolute majority of votes they shall be elected, but if no candidate then has a majority of votes the process of excluding the candidate who has the fewest votes and the distribution of the voters' preferences shall continue until one candidate has received an absolute majority of votes. In cases where more than one position is to be filled the numbers placed opposite the candidates' names up to the number of positions to be filled shall be first preference votes and the procedure in respect to the distribution of preference shall be the same as is above prescribed where a ballot is for a single position. The candidates or candidate, as the case may be, who has received an absolute majority of votes shall be elected.

- (dd) Those elected shall take office from 2 January in the year following the election.
- (ee) This election rule shall apply to all divisions (except Mining and Energy Division and Manufacturing Division) from 1996 and 1996 shall be the first year of such general elections.

18 - DIVISIONAL EXECUTIVE ELECTION

- (i) This Rule shall not apply to The Maritime Union of Australia Division and the Manufacturing Division.
- (ii) There shall be a Divisional Executive composed in accordance with Divisional Rules and elected in accordance with such Divisional Rules.
- (iii) Every Divisional Executive shall be elected either:
 - (a) by and from the Divisional Conference; or
 - (b) by direct ballot of the financial members of the Division.

- (iv) The Divisional Officers at a national level shall be members of that Divisional Executive.
- (v) The position of delegate to National Conference is to be held by the same person as is holding the position as Divisional Branch member of the Divisional Executive and the election to one position is to be an election to the other position, a removal from one position shall be a removal from the other and they are, for all purposes under these rules to be one and the same person and/or position.

19 - REMOVAL OF OFFICERS

Any Officer may be removed from office by majority decision of the National Executive, provided that such officer shall not be dismissed from office unless found guilty, in accordance with the Rules of the Union, of misappropriation of funds of the Union or a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold office.

Any officer so removed from office shall have the right of appeal to the National Conference. In the event of the appeal being upheld the National Conference may order reinstatement to apply on such conditions as it considers the circumstances warrant.

In the event of the re-election of an Officer removed from office under this rule, such officer shall be reimbursed by a payment of monies that represent the difference between such salary the officer would have received had the officer not been removed from office and the amount of salary the officer received during the period the officer was removed from office.

20 - REFERENDA

1. On a decision of a majority of Divisions or Branches or Branches whose membership constitutes a majority of the members or on receipt of a petition signed by not less than 10 per cent of the financial members of the Union, the National Executive shall take a referendum of the whole of the members of the Union upon the matter or matters in the decision of the Divisions or Branches or in the petition. A decision reached by a majority of the actual votes recorded shall be binding on the Union and the members of the Union provided that the decision shall not affect the autonomy of any Division.
2. National Executive or National Conference may at any time of its own motion take a referendum of the whole of the members of the Union upon any matter it thinks fit.
3. The referendum referred to in this rule shall be conducted as follows:

National Executive shall:

Determine the question to be submitted to the members and the form of the ballot paper.

Fix the times for the despatch and return of ballot papers and give the necessary instructions for printing of same.

Appoint a National Returning Officer and National Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot.

No material other than that authorised by the National Conference or National Executive shall be enclosed in the envelope in which the ballot paper is posted to the member.

22 - DUTIES OF OFFICERS/MEMBERS

In all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of elections of Divisional Branch delegates to Divisional Conference as set out in Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

21 - VACANCIES IN OFFICE

Where in accordance with the Rules of the Union, a National Officer ceases to hold office as the Divisional Officer entitled to hold a position as National Officer under Rule 16(i) hereof, such officer shall on and from the same time cease to hold office as a National Officer. Provided that the member who replaces such a person in the Divisional Officer's position shall also fill the vacancy created in the position of National Officer until such time as the National Officer's position can be filled in accordance with the rules governing casual vacancy.

22 - DUTIES OF OFFICERS/MEMBERS

1. The following sets out the duties of the National Officers outlined herein. The National Secretary shall be a full time position. The wages and costs relating to the office of the full time officer shall be borne by the Union.

2. National President:

The National President shall preside at meetings of National Conference, National Executive and meetings convened by National Conference or National Executive if it is possible to be present.

The National President shall have a deliberative vote only.

The National President shall perform all duties assigned to him/her by the National Conference or National Executive and shall be responsible with the National Secretary for the allocation of duties and responsibilities arising from decisions of the National Conference or the National Executive.

3. National Secretary:

The National Secretary shall be responsible for the general correspondence of the Union, National finance, filing of documents, industrial returns and the carrying out of decisions made by National Conference or National Executive.

The National Secretary shall have the power, subject to decisions of the National Executive and/or National Conference, to appoint, control and dismiss the clerical, industrial, research and accountancy staff of the National Office and allocate duties and responsibilities within the National Office.

The National Secretary shall have prepared a properly audited financial statement of receipts and payments and all the funds and effects of the National Office, together with a statement of the assets and liabilities of the National Office for the year ending 31st December in each year.

Such financial statement shall be presented to the National Executive for its approval and be published within the journal of the National Union.

The National Secretary shall carry out such other functions as shall be determined from time to time by the National Conference or National Executive.

22A - TRAINING OF OFFICERS

The National Secretary shall be a member of each and every Divisional Executive and shall be for all purposes a full member of any Divisional Executive but shall not exercise a vote at any Divisional Executive of which such National Secretary is not, otherwise than under this Rule, a member.

4. National Assistant Secretaries:

National Assistant Secretaries shall perform all duties assigned to them by National Conference and National Executive. They shall attend all meetings of National Conference and National Executive.

5. International President

The International President shall assist the National Secretary especially in relation to international matters. The International President shall otherwise perform all duties assigned to him/her by the National Conference or the National Executive.

6. National Vice-Presidents:

The National Vice-Presidents shall assist the National President in the conduct of meetings and in the absence of the National President, shall act as President.

He/she shall carry out such other duties as shall be determined from time to time by the National Conference or National Executive.

7. Members of National Executive and Delegates to National Conference:

Members of National Executive and delegates to National Conference shall attend meetings of those bodies when summoned so to do.

8. Within the National Executive Committee and, subject to the Rules relating to card voting on certain committees, for all internal Union purposes, the National Principal Officers shall have, as between each and all of them, the same status. Each may perform different functions and may have different responsibilities in accordance with these Rules and/or decisions of the National Executive/National Conference not inconsistent with these Rules.

9. No officers, employees, delegates or members shall be required to do, or required to omit to do, any act in breach of legislation applicable to the Union.

10. Except as provided for by resolution of a committee of management of the Union (including any committee of management of a Division, Branch, Divisional or District Branch thereof), it shall not be part of the duties of any delegate/steward, officer or employee, including organisers, whether temporary or not, to threaten, initiate, counsel, procure, induce, be involved in, engage in or be party to industrial action as defined by the Act or the BCI(IP) Act or unlawful picketing within the meaning of the BCI(IP) Act.

22A - TRAINING OF OFFICERS

(a) Each person holding an office in the Union, including its Branches, Divisions and Divisional/District Branches whose duties include duties that relate to the financial management of the Union, including its Branches, Divisions and Divisional/District Branches shall undertake training:

- (i) approved by the General Manager under the provisions of the RO Act or an Act replacing that Act; and

- (ii) that covers each of the officer's financial duties.
- (b) An officer shall complete the training required by sub-rule (a) within six (6) months after the person begins to hold office.

23 - FUNDS AND PROPERTY

- (i) Each Division shall pay to the National Office and/or National Conference of the Union, on a basis which is proportionate to the respective financial membership of each Division, an amount that is determined by the National Conference or National Executive to enable it to fulfil its functions.

Provided that each Division/Divisional Branch is responsible to meet all costs associated with the operation of its Division/Divisional Branch, including all costs associated with the attendance and participation by their representatives at meetings, including National Conference, National Executive Committee unless decided otherwise by the National Executive Committee.

- (ii) A capitation fee or sustentation fee shall be paid by each Divisional Branch to the Division in accordance with Divisional rules.
- (iii) Each Divisional Branch shall pay to the Branch of the Union for the geographic area covered by the Divisional Branch, a pro rata amount calculated on the basis of the proportion of financial members of the Branch in that Divisional Branch, an amount determined by the State Executive to enable it to fulfil its functions.
- (iv) All moneys received by the National Office shall be paid to the credit of the Union on current account with a Bank or financial institution. All cheques shall be signed by two (2) persons who are a National Secretary, National Assistant Secretary, National President, International President or two (2) National Executive members as nominated by National Executive resolution. All authorisations for the transfer and/or disbursement of funds shall be approved by two (2) persons who are a National Secretary, National Assistant Secretary, National President, International President or two (2) National Executive members as nominated by National Executive resolution.
- (v) All expenditure for ordinary purposes, namely, incurred in directly furthering the objects of the Union or in the expenses of management, may be disbursed by decision of the National Secretary and either the National President, National Assistant Secretary or International President. Expenditure for other purposes authorised by the rules may be disbursed by a majority decision of the National Conference or National Executive.
- (vi) The funds of the Union shall be under the control of the body which receives such funds pursuant to the Rules of the Union and such bodies shall deal with the funds on behalf of the Union. The funds and property of the Union shall be invested wherever possible in the name of the Union. Any moneys may have the name of the body controlling the funds added to the name of the Union. In the case of Divisions, money received by the Divisions shall be under the control of the body in that Division which, by the rules of that Division is given control and shall be invested in the name of the Union, subject to the last immediately preceding sentence hereof. Where it is not possible or convenient to hold property in the name of the Union the property shall be held in the name of trustees under the Rules of such bodies.

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

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

24 - AUDITOR

The National Conference or National Executive shall appoint as auditor a competent person resident in the city in which the National Office is located who shall each year for the period ending 31 December audit the books and accounts of the Union and draw up a correct report on same.

The Auditor shall, in the report, draw attention of the National Executive to any deficiencies or other matters which the Auditor may think proper. The Auditor shall have full and complete access to all the books and documents of the Union.

For the purpose of this Rule a competent person shall have the same meaning as in the RO Act and the RO Regulations made thereunder.

Upon receipt by the National Secretary of a petition, signed by not less than 5% of the members of the Union, requesting that a general meeting of members of the Union be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the National Office, the National Secretary shall convene such meeting as soon as is practicable.

24A - POLICIES AND PROCEDURES - EXPENDITURE

- (a) The Union shall develop and implement internal control policies and procedures relating to the expenditure of the Union, to ensure that the Union is conducted in accordance with the principles of good governance and to ensure accountability to members of the Union.
- (b) Such policies and procedures shall be adopted by the National Executive and once adopted, shall be binding on all officers and members of the Union. Such policies and procedures must be identified in the resolutions of the National Executive as Rule 24A policies and procedures.
- (c) Rule 24A policies and procedures must be published on the website of the Union with fourteen (14) days of their adoption.
- (d) The provisions of sub-rules (a) to (c) herein shall apply, mutatis mutandis, to each Branch, Division and Divisional/District Branch of the Union.

24B - DISCLOSURE BY OFFICERS OF REMUNERATION AND NON-CASH BENEFITS

- (a) Each person holding office in the Union shall disclose to the Union any remuneration paid to the officer:
 - (i) because the officer is a member of a board if:
 - (A) the officer is a member of the board only because the officer is an officer of the Union; or

- (B) the officer was nominated for the position by the Union, a Branch of the Union or a peak council; or
 - (ii) by a related party of the Union, in connection with the performance of the officer's duties as an officer.
- (b) The disclosure required by sub-rule (a) shall be made to the National Executive and the Divisional Executive of the Division from which the officer derives:
 - (i) as soon as practicable after the remuneration is paid to the officer; and
 - (ii) in writing.
- (c) The Union shall disclose to the members of the Union:
 - (i) the identity of each officer of the Union who, when all officers of the Union are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than fifth;
 - (ii) the identity of each officer of each Division and Divisional/District Branch who, when all officers of the Division and Divisional/District Branches are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than second; and
 - (iii) for each of those officers
 - (A) the actual amount of the officer's relevant remuneration for the disclosure period; and
 - (B) the form of the officer's relevant non-cash benefits for the disclosure period.
- (d) For the purposes of sub-rules (c), the disclosure shall be made:
 - (i) in relation to each financial year;
 - (ii) within six (6) months after the end of the financial year; and
 - (iii) in writing and published in the annual financial returns.

24C - DISCLOSURE BY OFFICERS OF MATERIAL PERSONAL INTEREST

- (a) Each person holding an office in the Union shall disclose to the Union any material personal interest in a matter that:
 - (i) the officer has or acquires; or
 - (ii) a relative of the officer has or acquires;that relates to the affairs of the Union including any Branch, Division or Divisional/District Branch thereof.

24D - DISCLOSURE BY UNION OF PAYMENTS

- (b) The disclosure required by sub-rule (a) shall be made to the National Executive and the Divisional Executive of the Division from which the officer derives:
 - (i) as soon as practicable after the interest is acquired; and
 - (ii) in writing.
- (c) The National Executive shall disclose to the members of the Union the interests disclosed to the Union pursuant to sub-rule (a).
- (d) For the purposes of sub-rule (c), the disclosures shall be made:
 - (i) in relation to each financial year:
 - (ii) within six (6) months after the end of the financial year; and
 - (iii) in writing and published in the annual financial returns.

24D - DISCLOSURE BY UNION OF PAYMENTS

- (a) The Union shall disclose to the members of the Union including its Branches, Divisions and Divisional/District Branches either of the following
 - (i) each payment made by the Union, during the disclosure period:
 - (A) to a related party of the Union or Branch; or
 - (B) to a declared person or body of the Union including its Branches, Divisions and Divisional/District Branches; or
 - (ii) the total of the payments made by the Union including its Branches, Divisions and Divisional/District Branches, during the disclosure period:
 - (A) to each related party of the Union or Branch; or
 - (B) to each declared person or body of the Union including its Branches, Divisions and Divisional/District Branches.
- (b) Sub-rule (a) does not apply to a payment made to a related party if the payment consists of amounts deducted by the Union including its Branches, Divisions and Divisional/District Branches from remuneration payable to officers or employees of the Union including its Branches, Divisions and Divisional/District Branches.
- (c) Sub-rule (a) does not apply to a payment made to a related party if:
 - (i) the related party is an officer of the union; and
 - (ii) the payment:
 - (A) consists of remuneration paid to the officer by the union; or
 - (B) is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.

- (d) For the purposes of sub-rule (a), the disclosures shall be made:
 - (i) in relation to each financial year;
 - (ii) within six (6) months after the end of the financial year; and
 - (iii) in writing and published in the annual financial returns.

25 - ALTERATION OF RULES

- (a) The rules of the Union, or any of them, may be altered, rescinded, varied or made by the National Conference and/or National Executive. Proposals for alterations of rules may be forwarded by Divisions, Branches or any member of the National Executive or delegate to the National Conference and shall be forwarded to members and/or delegates with the notice calling the National Conference or National Executive, as the case may be, or so soon thereafter as is practicable. Provided that National Conference or National Executive may, in session, alter rules of which previous notice has not been given.
- (b) Alterations to rules may be made, at the discretion of the National Secretary, by postal, telephonic, facsimile, email, written and/or any other means of communication as a ballot of National Conference or National Executive. Such a rule change will have the same effect as a change made in a session of the National Conference or National Executive.
- (c) Notwithstanding the foregoing provisions of this rule, the rules of the Union and/or any of them may be repealed, altered and added to by the National Executive Committee on its own initiative and without any reference to National Conference or National Executive for the purpose of bringing rules into compliance with the Act, the RO Act or the Regulations thereto or to facilitate, assist in or give effect to an amalgamation decided upon by National Executive or National Conference or to overcome objections taken to an application by the Union for an alteration to its rules, for amalgamation or for registration under the RO Act.
- (d) Provided that no rule change shall be effected without the approval of a Division, by either the National Conference, National Executive or National Executive Committee which affects the existence of that Division or interferes with its autonomy under these rules, including the internal structures of a Division.

26 - RULES BINDING ON MEMBERS, BRANCHES AND DIVISIONS

These National Rules and all the rules of the Union, and all alterations, additions or rescissions thereof or thereto, shall apply to and be binding on all Divisions, Branches, and Divisional Branches and all sections of the Union and on all members who now, or who may hereafter, belong to the Union until they are made or become null and void according to the law.

26A - COMPLAINTS BY MEMBERS

1. Any financial member of the Union may raise a complaint over the actions of another member or members (including officers).
2. The complaint may be about a member or members:
 - a. refusing to obey the rules of the Union;
 - b. refusing to obey a policy of the Union;

- c. refusing to abide by a resolution carried at a properly constituted meeting of a management committee which has relevant control or management over the member;
 - d. obstructing any properly constituted meeting of a management committee;
 - e. obstructing any officer or employee of the union in the course of his/her duties;
 - f. Misappropriation of the funds of the Union;
 - g. engaging in gross misbehaviour;
 - h. engaging in gross neglect of duty;
 - i. wrongfully and unreasonably holding out that he or she holds an office or position in the Union;
 - j. making a false charge or complaint against a fellow member, including a complaint under this rule; or
 - k. aiding or encouraging any other member or members in any of the matters referred to above.
3. Members shall not subject a member who has made a complaint under this rule to adverse treatment.
 4. The complaint must be raised in writing to the National Secretary. The complaint must clearly identify the member or members the subject of the complaint and the relevant action or actions that gave rise to the complaint. If the complaint is about the conduct of the National Secretary then the complaint may be raised with another National Officer.
 5. The National Secretary (or if another National Officer receives the complaint, that National Officer) and at least one of the National Assistant Secretary, National President or International President may refuse to accept a complaint if he or she considers the complaint to be trivial.
 6. The National Secretary must refer the complaint to the National Executive Committee for the purpose of appointing an Investigator.
 7. The National Executive Committee shall appoint an Investigator. The Investigator must be a member of the National Executive. The Investigator must not be an officer from the same Division as the member or members the subject of the complaint.
 8. The Investigator shall investigate the complaint and provide a report to the National Executive Committee.
 9. During the course of the investigation the Investigator may:
 - a. interview members or officers for the purpose of the investigation, and
 - b. require members or officers to provide documents relevant to the investigation.
 10. Members will cooperate with the Investigator by attending interviews and providing all documents requested.
 11. No one is entitled to legal representation during the investigation.

27 - DIVISIONS

12. In the report the Investigator shall include his or her findings on the matters the subject of the complaint and include recommendations for action to be taken by the National Executive Committee. The Investigator may conclude that no action is necessary.
13. A copy of the Investigator's report shall be provided to the member who raised the complaint and to the member or members the subject of the complaint. Where the report recommends action against any member or members the member or members shall be given the opportunity to respond to the Report before the National Executive Committee considers any action.
14. Upon receipt of the Investigator's report the National Executive Committee may take action in accordance with the recommendations of the Investigator's or take other action, as it considers appropriate.
15. Any decision of the National Executive Committee to take action against a member or members may be appealed to the National Executive.
16. The procedure in this rule shall apply in addition to any other procedure in the rules dealing with complaints about the conduct of members

27 - DIVISIONS

- (i) There shall be Divisions of the Union established, in accordance with the Rules of the Union. Such Divisions shall be established on a basis of industry or occupation.

Provided that upon the amalgamation of The Maritime Union of Australia and the Textile, Footwear and Clothing Union of Australia with the Union there shall be four (4) Divisions of the Union as follows:

- (a) the Construction and General Division;
 - (b) the Manufacturing Division;
 - (c) the Mining and Energy Division; and
 - (d) The Maritime Union of Australia Division.
- (ii) Each Division shall have autonomy to decide matters which do not directly affect the members of another Division without any interference by any other body within the Union, including but not limited to:
 - (a) The industrial interests of its members.
 - (b) The election of officers within the Division.
 - (c) Matters arising from the Objects of the Division.
 - (d) Structure of the Division.
 - (iii) Each Division shall have autonomy in relation to its funds and property.
 - (iv) Each Division shall have rules and have power to make, alter or rescind such rules, to be called Divisional Rules. Without limiting the generality of the foregoing paragraph, each Division shall have power to determine policy for that Division, not inconsistent with the rules and policy of the Union as decided by National Conference or National Executive.
 - (v) If there is any environmental matter that directly affects the employment of members of one Division only, then that Division whose members are so affected shall have the power to determine the policy of the Union on that matter.

- (vi) Divisions, other than the Manufacturing Division, shall, in accordance with their rules, have Branches along a geographic, occupational or area basis which branches of a Division will be called Divisional Branches and may have more than one divisional branch in a State or Territory divided on a geographic or occupational basis.
- (vii) Any Division may, in accordance with their rules, allocate any Branch of the Union or any other Divisional Branch of any Division of the Union the responsibility for a Divisional Branch or part of a Divisional Branch where it is, in the opinion of the Division not appropriate or economic to establish and/or maintain a separate Divisional Branch in that area.
- (viii) Where any Division allocates any of its Divisional Branches to a Divisional Branch of another Division, the latter Divisional branch shall pay capitation fees to and be represented by the first mentioned Division on the basis of the number of members so allocated.

28 - BRANCHES

- (i) There shall be branches of the Union in the States of Queensland (including the Northern Territory), New South Wales, Victoria, Tasmania, Western Australia, South Australia, and in the Australian Capital Territory, and in such other States or places as may be decided.

Provided that it shall be open to the National Conference or the National Executive to abolish any Branch.

Such Branches shall have the function of co-ordinating Divisional Branches at a State or Territory level, dealing with matters affecting only that State and more than one Division and any other matter that Divisions or Divisional Branches agree should be dealt with by such Branch.

- (ii) Branches may make alter or rescind By-laws, not inconsistent with the Rules of the Union.

- (iii) A Branch shall be bound by

- (a) the decisions of the National Conference,
- (b) National Executive and,
- (c) in relation to any matter affecting one Division only, a Divisional Executive;

and Branch Officers shall be bound by directions of the National Executive Committee.

- (iv) Provided that in the case of a decision of one Division affecting in any way the operation of a Branch, the Branch may appeal to the National Executive.

29 - AGREEMENTS WITH STATE UNIONS

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

30 - AGREEMENTS

- (a) Subject to these Rules, any agreement may be executed by a National Secretary and either a National President, the National Assistant Secretary, International President or a National Vice-President.
- (b) Any agreement which directly affects the employment or conditions of employment of members of only one Division shall be executed by that Division in accordance with its rules.
- (c) Any agreement which directly affects the employment or conditions of employment of members of only one Divisional Branch may be executed by the Divisional Branch in accordance with its rules.
- (d) Any agreement which directly affects the employment of members of only one Branch may be executed by the Branch in accordance with its rules.

31 - CLAIMS AND INDUSTRIAL DISPUTES AND PROCEEDINGS

- (a) Claims, logs of claim, demands and/or requests of the Union or any part thereof may be compiled, made, served and/or otherwise propagated by a National Secretary or National President or National Assistant Secretary or International President or any person authorised by a National Secretary or National President or National Assistant Secretary or International President so to do.
- (b) A Divisional Secretary or Divisional Assistant Secretary (including the TCF National Secretary) or any person authorised by a Divisional Secretary or Divisional Assistant Secretary (including the TCF National Secretary) may make, compile, serve and/or otherwise propagate a claim, logs of claim, demands and/or requests of the Union in so far as it affects members of the Division of which the Divisional Secretary or Divisional Assistant Secretary (including the TCF National Secretary) is an officer. To avoid any doubt, such claims, logs of claim, demands and/or requests may affect, directly or indirectly, members of another Division so long as they are persons who are eligible to be members of the Division from which the Divisional Secretary or Divisional Assistant Secretary (including the TCF National Secretary) emanates.
- (c) Any of the officers referred to in paragraph (a) or, subject to the limitations contained in paragraph (b) and the necessary changes being made, any of the officers referred to in paragraph (b), may submit, on behalf of the Union for conciliation or arbitration or both, or authorise the submission or institution on behalf of the Union, any claims, logs of claim, demands and/or requests or any industrial dispute arising therefrom or any other industrial dispute howsoever arising on behalf of the Union or otherwise institute any proceedings whatsoever on behalf of the Union.
- (d) This Rule has effect notwithstanding any other Rule of the Union or any Division thereof and no claims, logs of claim, demands and/or requests, shall be invalidated, rendered void or otherwise treated as void or unauthorised if issued by a National President, National Secretary, National Assistant Secretary, International President, Divisional Secretary or Divisional Assistant Secretary (including the TCF National Secretary), or any person authorised by any such officers and shall be taken for all purposes and at all times to be claims, logs of claim, demands and/or requests of the Union for all purposes. Provided that, the National Executive, National Conference or, in the case of a claim, logs of claim, demands and/or requests issued by a Divisional Secretary or Divisional Assistant Secretary (including the TCF National Secretary) or on such officer's authorisation, the relevant Divisional Conference or Divisional Executive may rescind and/or withdraw such claims, logs of claim, demands and/or requests and upon such decision of the National Conference, National Executive, Divisional Conference or Divisional Executive, as the case may be, the claims, logs of claim, demands and/or requests shall be withdrawn and thereafter treated as if it were null and void.

34 - DISSOLUTION

- (e) The National Secretary, National Assistant Secretary, National President, International President, Divisional Secretary and/or Divisional Assistant Secretary (including the TCF National Secretary) shall have full power to transact all business and do or authorise all acts and things in connection with any dispute arising from any claims, logs of claim, demands and/or requests, howsoever made and by whomsoever made and such officer may delegate such functions either generally or specifically.
- (f) For the purpose of the above provisions, in the case of the Mining & Energy Division, any reference to Divisional Secretary shall be taken to be a reference to Divisional President or Divisional Secretary, any reference to Divisional Assistant Secretary be taken to be a reference to Divisional Senior Vice President and any reference to Divisional Executive be taken to be a reference to Central Council.
- (g) The taking of industrial action (within the meaning of the Act) or picketing or unlawful industrial action or unlawful picketing within the meaning of the BCI(IP) Act by members is not authorised by the Union without the consent of a committee of management of the Union (including any committee of management of a Division, Branch, Divisional or District Branch thereof).

Provided however that the preceding paragraph shall not restrict the right of a person or body duly authorised by such a committee of management to authorise industrial action in accordance with the Act.

32 - REGISTERED OFFICE

The registered office of the Union shall be the Office of the National Secretary and shall be at 500 Swanston Street, Carlton in the State of Victoria, or such place as National Conference or National Executive shall decide.

33 - REGISTERED OFFICER

- (i) Without limiting the powers conferred by any State or Commonwealth law, the Union shall, while it remains corporate, sue and be sued by its corporate name and style.
- (ii) The proper officer of the Union shall, for all purposes, be the National Secretary.
- (iii) Nothing in this rule affects the operation of any other rule relating to the powers of a Division or Divisional Branch Secretary.

34 - DISSOLUTION

The Union shall not be dissolved unless all of the existing Divisions agree. Provided that a Division shall cease to exist wherever the number of financial members of that Division is reduced to less than one thousand (1,000) members.

Where a Division ceases to exist and the Union continues, the property of that defunct Division shall be vested in the Division to which the members of the defunct Division are allocated.

Where the Union is dissolved the property of the Union shall be vested in the trustees of each existing Division at the time of dissolution for the benefit of the members thereof on the basis that each such Division will continue to hold its own property and funds and any property or funds not vested at the time of dissolution in a Division shall be divided between the existing Divisions on a basis proportionate to the membership of each such Division.

35 - RECOVERY OF DUES

All claims for contributions, levies, fines, fees or liabilities of any kind due or payable to the Union by members may be sued for in the name of the Union by the National Secretary or by the Divisional Secretary, or Divisional Branch Secretary to which the member is attached, or by any other person or body authorised by the rules of the Union including the rules of any Divisional Branch or the Rules of any Division.

36 - LEVIES

- (i) Levies may be imposed for the purpose of carrying out any of the objects of the Union and for assisting the members of this or any other Union or body having objects similar in whole or in part to those of this Union.
- (ii) The amount of any levy shall be decided by a majority of the National Conference or National Executive and shall not exceed \$50.00 and when so decided shall be binding on all members or sections of members as National Conference or National Executive may decide.
- (iii) A Division or Divisional Branch may impose a levy on its members.
- (iv) A levy may be of one specific sum, payable at one specific time, or may be for a weekly, fortnightly or monthly period, payable for a certain specific period.

All levies shall be added to contributions and shall be a first charge against all payments made by members of the Divisional Branch.

37 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

- (a) If the National Secretary shall consider it advisable to submit any matter, including the imposition of a levy or the alteration or rescission of a rule, to a vote of National Conference or National Executive at any time when it is inconvenient to call National Executive or National Conference together, the National Secretary may submit a resolution dealing with the matter to the delegates or members, by letter, facsimile, telephone, email, in writing, by computer link and/or by any other means of communication.
- (b) A copy of such resolution shall, as soon as practicable thereafter, be sent to each Branch Secretary and each Divisional Secretary. The votes on such resolution shall be returnable to the National Secretary at such time as the National Secretary shall fix. The result of such vote shall be binding and enforceable in the same manner as a decision arrived at in meetings assembled.
- (c) Provided that where no record can be kept of the vote and/or decision, such a record shall be created and a copy of that record sent to each person entitled to vote or, in the case of computer linkages, the record is such that it can be viewed and/or copied by the person entitled to vote.
- (d) No amendment shall be allowed on any such resolution, but if it is negative any delegate may request the National Secretary to submit in a like manner a further resolution bearing on the same matter. In the event of the National Secretary being requested to submit more than one such resolution, the order in which same shall be submitted shall be in the absolute discretion of the National Secretary.

38 - STANDING ORDERS

- (e) The National Secretary shall keep a register of names and addresses of members of the National Executive and delegates to National Conference from the names submitted by Divisional Branch Returning Officers, Divisional Returning Officers and the National Returning Officer and such register shall be conclusive evidence of the correct name and address of such members and/or delegates.
- (f) Divisional Secretaries and Divisional Branch Secretaries (as the case may be) shall within fourteen (14) days of the election of delegates to National Conference and members of the National Executive and/or National Executive Committee notify the National Secretary of their names and addresses.

38 - STANDING ORDERS

Motions - How Dealt With:

1. All motions shall be of an affirmative character and must be moved and seconded by delegates or members. Such motions become the property of Conference or Executive and can only be withdrawn by leave thereof. The discussion on any motion shall not exceed 60 minutes unless a majority of delegates or members present agree to an extension of time.
2. Unless a delegate or member rises to oppose a motion or propose an amendment thereto, the motion shall be immediately put to the meeting for decision.
3. A motion may be superseded at any time by another motion "that it be discharged from the agenda paper" or "that the next business be proceeded with" being resolved in the affirmative.
4. A motion may be amended at any time during the debate thereon always provided that the substance of the original motion be retained. If the amendment is carried it then takes the place of the motion.
5. Any number of amendments may be proposed and discussed with the motion. For the purpose of the debate the motion shall be the question before the chair. Amendments shall be put to the vote in the order in which they are received. If there is no further discussion, or if the motion "that the question be now put" is carried, the mover of the original motion may reply.
6. All motions shall be put to the meeting by the chairperson in a clear manner by asking for the "ayes" to vote first and then the "noes". The chairperson's decision as to which has the majority will be final unless a show of hands is called for. The chairperson shall then count the votes for and against the question.

If the votes are equal the question is resolved in the negative.

7. A mover of a motion to be allowed 15 minutes to introduce and five minutes to reply. Other speakers 10 minutes unless a majority of the delegates or members present agree to an extension of time.
8. Right of Speaker: Any delegate desiring to speak shall rise and address the chairperson. If two or more delegates or members rise at the same time the chairperson shall call upon the one who, in the Chairperson's opinion, first rose. Provided that no delegates or members can speak more than once upon any question (which shall include the original motion and all amendments thereto) before Conference or Executive, except -
 - (a) In reply as the mover of the original motion.
 - (b) In explanation or correction of some matter during the debate.
 - (c) Upon a point of order raised during the debate.
 - (d) Upon a resolution being carried "that the delegate now be heard".

9. A delegate or member will not be held to have spoken who simply used the words "I second the motion" or "amendment", as the case may be; but for the purpose of debate shall be considered the second speaker in favour of the proposal seconded by that delegate or member.
10. No more than two delegates or members shall be allowed to speak for or against any question in succession. If at the conclusion of the second speaker's remarks no member rises to speak on the other side of the motion or amendment, it shall be put to the vote.
11. Any delegate or member speaking shall at once resume their seat -
 - (a) If the chairperson rises to speak; or
 - (b) If a point of order is raised.and shall not resume their speech until the point of order is decided.
12. No delegate or member may speak to any question after it has been put by the chairman or during the taking of the vote.

REPORTS

A report containing a recommendation may be discussed on a motion being moved for its adoption which, upon being carried, will signify the will of Conference or Executive thereon.

If the report contains any recommendation it shall be competent for a delegate or member to move a resolution arising out of and relative to the report to obtain the opinion of Conference or Executive on the matter.

ADJOURNMENT OF CONFERENCE OR DEBATE

A motion for the adjournment of Conference or Executive may be proposed at any time during the meeting thereof or for the adjournment of the debate, and shall be at once put to the meeting by the chairperson unless time is mentioned. An amendment to alter the time can be proposed upon a motion for adjournment only if time is mentioned as part of such motion and can apply thereto.

ADJOURNMENT OF STATED TIME

When a motion for the adjournment of a debate to any stated day or time has been carried, such motion shall not be abrogated unless with the consent of Conference.

CHAIRPERSON'S RULINGS

The chairperson's rulings on all points of order shall be final unless at the time a motion is carried that such ruling be disagreed with. When a motion to disagree with the ruling of the chairperson has been duly proposed and seconded, the chairperson shall leave the chair until the motion has been disposed of by Conference or Executive. The mover only shall speak to the motion and the chairperson may explain the reasons for the ruling given. The motion shall then be put to the meeting by the Vice-Chairperson.

SUSPENSION OF ORDER OF BUSINESS

It shall be competent by a majority vote of the delegates or members present for Conference or Executive to suspend the order of business.

SITTING AS A COMMITTEE

Conference or Executive may at any time, by a resolution agreed to by a majority of delegates or members present, resolve itself into a committee of the whole. The rules governing the business of Conference or Executive shall be observed when in Committee.

39 - ABSENTEE VOTING

If a member who is entitled to vote at any election held under these rules or any other rules of the Union will be absent from their usual address during a ballot such member may apply to the Returning Officer for a ballot paper to be sent to them at an address which they nominate.

40 - MANNER OF SUMMONING MEETINGS

The National Executive, the State Executive, a Divisional Executive or a Divisional Branch Management/Executive Committee may, in their absolute discretion, summon meetings of members over which they have authority and/or responsibility from time to time.

If such meeting is called notice shall be given in a union journal circulating in the area covering the members to which the meeting relates or in a mass circulation daily newspaper circulating in the area in which the meeting is to be held and such publication shall be issued at least fourteen days before the date of the meeting. The notice of such meeting shall specify the day, the date, the time and the place of such meeting.

41 - SPECIAL RULE AND AMALGAMATIONS

For all the purposes of the RO Act, as amended, and, without limiting the generality thereof, for the purposes of amalgamation of this organization with other organizations, the National Executive shall, notwithstanding any other rule to the contrary, be the Management Committee and shall be authorised to take all steps to effect an amalgamation and alter any rules for that purpose.

A vote of the National Executive for the above or any other purpose may be taken by the National Secretary by telephone, facsimile, post or other means of delivery of written text, or orally, or any combination thereof and such vote shall be an effective and binding decision of the National Executive.

The National Executive is empowered to delegate to any officer the task of implementing such amalgamation.

42 - TRANSITIONAL PROVISIONS – ORIGINAL AMALGAMATION

(i) Upon Amalgamation

On and from the date of amalgamation there shall be five (5) Divisions of the Union, being the Building Unions Division, the ATAIU Division, the UMW Division, the FEDFA Division and the FFTS Union Division. The Building Unions division shall be the former BWIU/Plasterers Division together with members and officers of the OPDU.

The Building Unions Division shall consist of those persons eligible and continuing to be eligible for membership of the union under Rule 2 (A) and (B), the ATAIU Division shall consist of those persons eligible and continuing to be eligible for membership of the Union under Rule 2 (C), the UMW Division shall be those persons eligible for membership and continuing to be eligible for membership of the union under Rule 2 (D) and the FEDFA Division shall be those persons eligible for membership and continuing to be eligible for membership of the Union under Rule 2 (E). The FFTS Union Division shall consist of all persons eligible and continuing to be eligible for membership of the Union under Rule 2(F) including all former members of the previously registered FFTS.

While the FFTS Union Division continues its separate existence, the demarcation between the FFTS Union Division and the other Divisions of the CFMEU shall be in accordance with the above demarcation on the basis of the status quo and custom and practice of coverage as it existed between the previously registered The Federated Furnishing Trade Society of Australasia and the CFMEU including therein demarcation disputes which have been determined by either State or Federal industrial authorities. Where any disagreement occurs between the FFTS Union Division and any other Division of the Union the matter shall be referred to the National Executive which shall determine the demarcation appropriate but such determination shall be based on the principles enunciated in this paragraph.

(ii) Upon amalgamation no person who was previously a member of either the CFMEU or OPDU or FFTS shall be liable for any entrance fee over and above the entrance fee already paid by such financial members.

(iii) **After Amalgamation**

Subject to any changes made by unanimous decision of the National Executive Committee following amalgamation, there shall be a restructuring of the Divisions on the following basis:

(a) There shall be created a restructured Mining and Energy Division which shall consist of all members of the union eligible to be members under Rule 2 (D) and all members, including members eligible under Sub-Rules 2 (A), (B), (C) and (E) employed in the Mining, Exploration and Energy Industries and all members employed in the County of Yancowinna:

(b) There shall be created a Forestry and Forest, Building Products Manufacturing Division (herein after referred to as the Forestry Division) which shall consist of all members of the union eligible to be members under Rule 2 (C) and all members, including members eligible under Sub-rules 2 (A), (B) and (E) employed in the following sectors of the industry (or occupations within them):

Forest and forest products industry,

Pulp and paper industry,

Timber and building related manufacturing industry including joinery, wall frame/roof trusses, furniture, aluminium windows, glass window manufacturing and any other sectors of manufacturing activity as agreed to between the ATAIU and the Building Unions and FEDFA Divisions of the union.

This sub-rule up until April 3rd 2000 shall be read subject to the agreement entitled CFMEU Forestry Division and CFMEU Construction & General Division Translation Agreement dated September 2nd 1998.

(c) There will be a Construction and General Division which shall consist of all members of the union employed in or in connection with the Construction industry (including shopfitting) and all other members of the Union not referred to in sub-rules (iii) (a) (b) and (d) herein.

(d) deleted

(iv) The transfer of members from any Division to any other Division in accordance with the restructuring proposals in sub-rule (iii) herein, shall be on terms as agreed to by the Divisions concerned in the transfer and sub-rule (iii) shall be used as the basis of an agreement.

(v) In the event of further amalgamations other Divisions may be established.

- (vi) deleted
- (vii) deleted
- (viii) deleted
- (ix) deleted
- (x) Upon restructuring in accordance with this rule and on the transfer of members from one Division to any other Division an agreed number of officers of the Division from which the members are from shall transfer with such members, such officers to be agreed between the respective Divisions prior to transfer.
- (xi) In any restructuring of any Division within the union the principle to be applied shall be that any officer or officers who, by agreement, are transferred to a Division from another Division as representative of or in conjunction with members so transferred shall be allocated positions on the appropriate decision making bodies of the Division of which such transferred Officer becomes a member. The determination of a position or positions referred to in this sub-rule shall have regard to the classifications and number of members transferred to a Division and the structure of the decision making bodies of the Division established in accordance with these Rules.
- (xii) deleted
- (xiii) deleted
- (xiv) In this rule the CFMEU shall, where the context permits, mean the new CFMEU being the amalgamated organisation the Construction, Forestry, Mining and Energy Union and where not otherwise permitting shall mean the old CFMEU being the Construction Forestry and Mining Employees Union prior to amalgamation.

FEDFA where it is not referring to a division of the amalgamated organisation shall mean The Federated Engine Drivers' and Firemens' Association of Australasia.

OPPF shall mean The Operative Plasterers' and Plaster Workers' Federation of Australia.

UMFA shall mean the formerly registered United Mineworkers' Federation of Australia.

ATAIU where not referring to a division shall mean the formerly registered Australian Timber and Allied Industries Union.

Qld shall mean Queensland.

BWIU where not referring to a division shall mean the formerly registered The Building Workers' Industrial Union of Australia.

NSW where appearing shall mean New South Wales.

WA where appearing shall mean Western Australian.

SA where appearing shall mean South Australian or South Australia as the context permits.

FFTS means, where it is not accompanied by the term "Union Division", The Federated Furnishing Trade Society of Australasia.

OPDU shall mean "The Operative Painters and Decorators Union of Australia".

BLF shall mean "The Australian Building Construction Employees and Builders Labourers' Federation".

- (xv) (a) Where an amalgamation has occurred, on or after the amalgamation day, all assets and liabilities of the deregistered organisation or of an association with which a merger takes place shall cease to be assets and liabilities of that organisation or association and become assets and liabilities of this Union.
- (b) For all purposes and in all proceedings, an asset or liability of a deregistered organisation or association existing immediately before the date upon which the amalgamation took effect is taken to have become an asset or liability of this Union on that day.
- (c) All agreements existing at the respective dates of amalgamation and/or merger of all unions which have amalgamated to form the CFMEU shall be binding on the CFMEU on the basis that the CFMEU shall, to the extent possible, fulfil the obligations and obtain the benefits through the Division of the Union corresponding to the Union that entered the agreement, or, where there is no corresponding Division, corresponding to the Division into which the amalgamated union has merged. Any reference to any such agreement to any union which has or shall amalgamate and/or merge with this Union shall be taken to be a reference to this Union operating through the Division or Divisional Branch corresponding to the former union or into which the former union has merged. Any reference to any officer or body in the former union shall be taken to be a reference to the same officer or body in the Division corresponding to the former union or into which the former union has merged. Any reference herein to the term "agreement" shall include, and be deemed always to have included, any instrument as defined in the Industrial Relations Act, 1988.
- (d) For the purposes of the above and in accordance with the scheme of amalgamation in relation to each past amalgamation, the following shall be the rights and obligations of the Divisions and shall be deemed always to have been the case:
- * The United Mineworkers Federation of Australia shall be and be deemed always to have been a union that corresponds to the UMW Division and/or the Mining and Energy Division;
 - * The Australian Timber and Allied Industries Union (ATAIU) shall be and be deemed always to have been a union that corresponds to the ATAIU Division and/or Forestry Division;
 - * The Federated Engine Drivers and Firemen's Association of Australasia shall be and be deemed always to have been a union that corresponds to the FEDFA Division;
 - * The Operative Plasterers and Plaster Workers Federation of Australia shall be and be deemed to be a union which has merged into what is now called the Building Unions Division of the CFMEU and any reference to an officer of the OPPWF shall be and be deemed always to have been always a reference to the corresponding office in the Building Unions Division, i.e. Federal Secretary shall be read Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary in each case of the Divisional Branch of the Building Unions Division relevant thereto, etc.;
 - * The Federated Furnishing Trades Society of Australasia shall be and be deemed always to have been a union which corresponds to the FFTS Division of the CFMEU;

- * The Operative Painters and Decorators Union of Australia shall be and be deemed to be a union which has merged into the Division now called the Building Unions Division of the CFMEU and any reference to the Operative Painters and Decorators Union of Australia shall be deemed to have been and be a reference to the CFMEU, Building Unions Division. Any reference to an officer or body of the OPDU shall be read as a reference to the office or body of the Building Unions Division of the CFMEU equivalent thereto, e.g. Federal Secretary shall be read as Divisional Secretary, Branch shall be read as Divisional Branch, Branch Secretary shall be read as Divisional Branch Secretary, Branch Assistant Secretary shall be read as Divisional Branch Assistant Secretary, etc.

 - * The Builders Labourers Federation shall be and be deemed to be a Union which has merged into the Division now called The Construction and General Division of the CFMEU and any reference to the Builders Labourers' Federation shall be deemed to have been and be a reference to the CFMEU, Construction and General Division.
- (e) Where, after amalgamation there is more than one officer holding a position to which a reference is made in any instrument, as defined in the Industrial Relations Act 1988, the body or bodies within the Union to which the officer answers shall, unless the context of the instrument otherwise necessitates, decide which of the number of officers shall exercise the functions, rights and/or responsibilities referred to in the instrument. For example, where the reference is by virtue of the foregoing provisions to a Divisional Officer at the national level, the Divisional Executive shall decide which of the number of officers filling the positions shall exercise those functions, rights and/or responsibilities. Where the officer is, in accordance with the above, a Divisional Branch officer, the Divisional Branch Management Committee (or its equivalent) shall decide which of the number of officers shall exercise the functions, rights and/or responsibilities given to that officer in any such instrument.
- (xvi) (i) Any reference in this Rule to BWIU/Plasterers Division or Building Unions Division shall, where the context permits, be taken to be a reference to the Construction and General Division;
- (ii) Any reference in this Rule to ATAIU Division shall, where the context permits, be taken to be a reference to the Forestry Division;
- (iii) Any reference in this Rule to UMW Division shall, where the context permits, be taken to be a reference to the Mining & Energy Division.

42A - DELETED

42B - Merger with ABCE & BLF

- (i) On and from 31 March 1994 the Australian Building Construction Employees and Builders Labourers Federation and, to the extent legally possible, the Australian Builders' Labourers' Federated Union of Workers - Western Australian Branch, the Australian Building and Construction Workers' Federation, the Australian Building, Construction Employees and Builders' Labourers' Federation (Queensland Branch) Union of Employees shall merge with and/or amalgamate with and/or into the CFMEU and become an integral, inseparable and inseverable part of the CFMEU and the Building Unions Division thereof.

42C - AMALGAMATION WITH FBTPU

- (ii) On and from the day fixed for the amalgamation and/or merger in paragraph (i) herein, all assets and liabilities of the Australian Building Construction Employees and Builders' Labourers' Federation (the BLF) shall merge with the assets and liabilities of the CFMEU to be held and controlled in accordance with the rules of the CFMEU, by the Building Unions Division and/or Divisional Branches created by the Rules of the Union and shall be treated as if such assets and liabilities were, at all times, the assets and liabilities of the CFMEU. Such funds shall to the extent that prior to 31 March 1994 they were funds under the control of a BLF Branch, except in the case of the BLF Victorian Branch, be and become funds under the control of the respective Construction Labourers' Divisional Branch established consequent upon these Rules and, otherwise held by the Building Unions Division as Divisional Funds.
- (iii) For all purposes and in all proceedings, an asset or liability of the BLF existing immediately before the day fixed for the amalgamation and/or merger is taken to have become and to have become and to have been at all times an asset or liability of the CFMEU on and from the day fixed for the amalgamation and/or merger. Provided that any liability of BLF Federal Fund to any Branch Fund or vice versa shall continue to be a liability of the Division or Divisional Branch Funds respectively.
- (iv) On and from the day fixed for the amalgamation and/or merger an instrument in which the BLF is mentioned (other than the Builders' Labourers' Federation Cancellation of Registration Act, 1986 and the Builders' Labourers' Federation (Cancellation of Registration - Consequential Provisions) Act, 1986) continues in full force and effect. The instrument has effect, in relation to acts, omissions, transactions and matters done, entered into or occurring on or after the day fixed for the amalgamation and/or merger as if a reference in the instrument to the BLF were a reference to the amalgamated organisation. Provided that any instrument which is inconsistent with the Rules of the CFMEU shall have no force and effect except in so far as it prejudices the rights of a bona fide purchaser for value without notice.
- (v) All officers of the CFMEU and BLF shall take all such steps as are necessary and/or desirable to ensure that the amalgamation and/or merger is fully effective including that holding of all necessary meetings, the passage of all necessary resolutions, the making of all necessary applications and the execution of all necessary documents to give effect to this agreement.
- (vi) On and from the day fixed for the amalgamation and/or merger any and all members of the remaining branches of the BLF, if not already members of the CFMEU, shall be and become members of the CFMEU and be treated in the CFMEU as if all of the period of their membership in the BLF was membership in the CFMEU (except as otherwise provided for in the specific rules dealing with the merger in the rules of the Building Unions Division).
- (vii) On and from the day fixed for the amalgamation and/or merger there shall be a National Senior Vice-President (Builders Labourers) with the same status and standing as any other Senior Vice-President and whomsoever occupies the position of Divisional Senior Vice-President (Builders Labourers) shall be the National Senior Vice-President (Builders Labourers).

42C - AMALGAMATION WITH FBTPU

- (i) On and from the date of amalgamation with the Federated Brick Tile and Pottery Industrial Union of Australia ("the FBTPU"), and notwithstanding the provisions of Rule 13(ii) herein, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to National Conference, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President.
- (ii) On and from the date of amalgamation with the FBTPU, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the National Executive of the CFMEU.

- (iii) Delegates to the National Conference and National Executive of the Union from the Clay and Ceramics Industry Divisional Branch shall, for the purposes of determining the vote which they are entitled to exercise on those bodies in accordance with Rule 13(iii) herein, be taken to have derived from the Construction and General Division and shall be counted as members of the Divisional Executive of that Division.
- (iv) On and from the date of amalgamation, the Clay and Ceramics Industry Divisional Branch shall be entitled to two delegates to the Divisional Conference of the Construction and General Division, one of whom shall be the Industry Divisional Branch Secretary and the other shall be the Industry Divisional Branch President (Honorary) of the Clay and Ceramics Industry Divisional Branch.
- (v) On and from the date of amalgamation, the Industry Divisional Branch Secretary of the Clay and Ceramics Industry Divisional Branch shall, ex officio, be a member of the Divisional Executive of the Construction and General Division of the CFMEU.
- (vi) The provisions of this rule shall not be altered or amended by the National Conference or National Executive or the Construction and General Division, Divisional Conference or Divisional Executive, whilst ever the Clay and Ceramics Industry Divisional Branch exists, without the consent of the Management Committee of the Industry Divisional Branch.

42D - DELETED

42E - TRANSITIONAL RULE – MUA AND TCFUA

- (i) The provisions of this Rule shall apply notwithstanding anything elsewhere contained in the Rules of the Union.
- (ii) This Rule is intended to enable the amalgamation of the Union with The Maritime Union of Australia (“MUA”) and the Textile, Clothing and Footwear Union of Australia (“TCFUA”).
- (iii) For the purposes of this Rule, “amalgamation date” shall mean the date fixed in accordance with section 73 of the RO Act as the day on which the amalgamation of the Union, the MUA and the TCFUA takes effect.
- (iv) This Rule shall take effect on the amalgamation date.
- (v) On and from the amalgamation date, the Forestry, Furnishing, Building Products and Manufacturing Division shall be known as the Manufacturing Division.
- (vi) This Rule shall be read in conjunction with Rule 68 of the Rules of The Maritime Union of Australia Division and Rule 44 of the Rules of the Manufacturing Division.
- (vii) (a) On the amalgamation date, the National Officers of the Union shall be those National Officers holding office on the date preceding the amalgamation date together with one (1) International President the office of which shall be held by the Divisional National Secretary of The Maritime Union of Australia Division and two (2) additional National Vice Presidents. The office of one (1) additional National Vice President shall be held by the Divisional National Presiding Officer of The Maritime Union of Australia Division and the office of the other additional National Vice President shall be held by the TCF National Secretary.

- (b) Provided that (other than the office of National Vice President referred to in paragraph (a) above held by the Divisional National Presiding Officer of The Maritime Union of Australia Division and the additional office of National Vice President referred to in paragraph (a) above held by the TCF National Secretary), the National Officers shall, unless they resign or are removed from office in accordance with the Rules of the Union, continue to hold office until 31 December 2018.
- (c) The National Officers (other than the office of National Vice President referred to in paragraph (a) above held by the Divisional National Presiding Officer of The Maritime Union of Australia Division and the office of the additional National Vice President referred to in paragraph (a) above held by the TCF National Secretary) elected in 2018 shall commence office on 1 January 2019.
- (viii) On the amalgamation date, the National Executive Committee shall consist of the National Officers referred to in sub-rule (vii)(a) above, those members of the National Executive Committee who were members of the National Executive Committee on the day preceding the amalgamation date and four (4) additional National Executive Committee members of The Maritime Union of Australia Division being the Divisional Deputy National Secretary, the two (2) Divisional Assistant National Secretaries and the Divisional Deputy National Presiding Officer.
- (ix) On the amalgamation date, the National Executive shall consist of the National Officers referred to in sub-rule (vii)(a) above; the other members of the National Executive Committee referred to in sub-rule (viii) above, the other members of the National Executive who were members of the National Executive on the day preceding the amalgamation date together with the principal officers of each Divisional Branch of The Maritime Union of Australia Division that is not otherwise a member of the National Executive Committee and, in the case of Manufacturing Division, the Senior Vice President (TCF) and the additional Divisional Assistant Secretary established pursuant to Rule 44 the Rules of the Manufacturing Division.
- (x) Casual vacancy
- Any casual vacancy arising in respect of any office referred to in sub-rules (vii), (viii) and (ix) above shall be dealt with in accordance with Rule 16 (vii).
- (xi) MUA Membership
- On the amalgamation date, any period of membership and/or financial membership in the MUA in accordance with that Union's Rules prior to the amalgamation date, shall be deemed to be for all purposes a period of membership and/or financial membership of the Union. Any period of unfinancial membership in the MUA in accordance with that Union's Rules prior to the amalgamation date shall be deemed to be for all purposes a period of unfinancial membership of the Union.
- (xii) TCFUA Membership
- On the amalgamation date, any period of membership and/or financial membership in the TCFUA in accordance with that Union's Rules prior to the amalgamation date, shall be deemed to be for all purposes a period of membership and/or financial membership of the Union. Any period of unfinancial membership in the TCFUA in accordance with that Union's Rules prior to the amalgamation date shall be deemed to be for all purposes a period of unfinancial membership of the Union.

BRANCH RULES**43 - NAME**

The name of the branch shall be the "Construction, Forestry, Maritime, Mining and Energy Union, X Branch" where X is the State or Territory for which the Branch has been established.

44 - MEMBERSHIP AND CONSTITUTION

All members of all Divisional Branches within the State or Territory shall be members of the Branch with the same status of membership as is held in the Divisional Branch.

45 - SEAL

The seal of the Branch shall be oval in shape, inscribed on the outer edge "Construction Forestry, Maritime, Mining and Energy Union" and the name of the Branch on the inside.

46 - STATE CONFERENCE

- (i) The supreme governing body of the Branch shall, subject to the autonomy of the Divisional Branches, be the State Conference convened every two (2) years and especially in accordance with these Rules.

The State Conference shall meet no later than 30 December in the year following the elections in the Divisional Branches, being the general election and at least every two (2) years thereafter.

- (ii) The State Conference shall consist of all of the members of each and every Divisional Branch Management Committee for every Divisional Branch of the Union within the State or Territory covered by the Branch.
- (iii) Persons elected as members of a Divisional Branch Management Committee shall be elected in accordance with the Rules of the Union applicable to the particular Divisional Branch.

Nothing in this sub-rule shall interfere with the transitional provisions which shall take effect on and from amalgamation.

Each member of a Divisional Branch Management Committee shall exercise a vote on the State Conference equal to the percentage of financial members of the Union in the Divisional Branch from which the member derives divided by the number of members of the Divisional Branch Management Committee entitled to vote.

Provided that nothing in this sub-rule shall prevent proxy voting or multiple voting.

- (iv) The method of calculation of financial members of any Divisional Branch shall be in accordance with Rule 13 of the National Rules of the Union, the necessary changes, if any, being made.
- (v) Members of the Divisional Branch Management Committees or State Conference shall remain in office until the election of their successors.
- (vi) Divisional Branches may, where elected Divisional Branch Delegates to State Conference agree, arrange multiple voting representation at a State Conference by notifying the State Conference of the number of Divisional Branch Delegates to be credentialed and the arrangements for proxy voting to be adopted by that Divisional Branch at the State Conference.

- (vii) Where a delegate is unable to attend a meeting of the State Conference or any part thereof, that delegate may where the Divisional Branch Executive agrees appoint another elected delegate to State Conference from the same Divisional Branch as proxy to act in that delegate's stead.

Where the Divisional Branch Management Committee agrees, a delegate may appoint as the proxy to State Conference an elected delegate from another Divisional Branch within the State Territory covered by the Branch. Each member of the Divisional Branch Management Committee shall be a delegate to the State Conference.

- (viii) A majority of delegates to State Conference, representing not less than two Divisions, shall form a quorum of the State Conference.
- (ix)
 - (a) The State Conference shall have power, unless any rule deprives the State Conference of power or grants to another body within the area covered by the Branch exclusive power over a subject matter, to do all things necessary and/or desirable for the furtherance of the objects of Union, to co-ordinate Divisional Branches within the branch area and for the care, control and management of the Branch.
 - (b) The function of the State Conference shall be to coordinate the Divisional Branches in the area concerned and shall have the powers, subject to these Rules, necessary for that purpose and shall, without limiting the generality of the foregoing:
 - (A) perform such functions referred to it by the Divisional Branches.
 - (B) affiliate to any body for and on behalf of any Divisional Branch, or with the agreement of each Divisional Branch for and behalf of the Branch as a whole;
 - (C) Supervise the funds, if any, paid to the Branch office by Divisional Branches;
 - (D) Subject to the review of its actions by Divisional Executives and National Executive, settle disputes between Divisional Branches.
 - (c) Provided that the State Conference shall not have power over any matter which concerns the members of one Divisional Branch only unless that Divisional Branch consents thereto.
- (x) Meetings of the State Conference and State Executive shall be held at such time and place as shall be decided by at least one State President and one State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such State Executive or State Conference which shall be held at such time and place as stipulated by such members in such demand. The quorum for any meeting shall be three (3) a majority of the State Officers may demand a meeting of the State Executive which shall be held at such time and place as stipulated by such State Officers.

47 - STATE EXECUTIVE

- (i) There shall be a State Executive composed of the full time elected officers, (other than organisers except where otherwise provided for in these rules), of each Divisional Branch within the Branch area, one of whom shall be the State President, another of whom shall be a State Senior Vice President, another of whom shall be the State Secretary and another of whom shall be State Assistant Secretary, provided that where a Division has more than one Divisional Branch in an area, the Division will determine its representation. The President of each Divisional Branch shall, if not otherwise a member of the State Executive, be such a member.

48 - ELECTION OF STATE OFFICERS – OTHER THAN NSW STATE BRANCH

- (ii) The State Executive shall have and exercise all of the powers of the State Conference, subject to the review thereof by the State Conference, but shall have no more powers than State Conference.

Any decision of the State Executive may be overturned by the State Conference and all decisions of the State Conference shall be binding on the State Executive.

- (iii) The State Secretary may take a telegraphic, telex, facsimile, telephonic, written and/or postal vote of members of the State Executive or State Conference at any time.

Members of the State Executive or State Conference shall be advised of the details of the voting. Such votes shall have the same effect as a decision of such body made in meetings assembled.

- (iv) The State Executive shall be held at such time and place as shall be decided by the State Secretary, provided that a majority of the members of the State Executive may demand a meeting of such

State Executive or State Conference which shall be held at such time and place as stipulated by such members of the State Executive. The quorum for any meeting shall be a majority of the members entitled to vote thereat.

There shall be a State Executive meeting held before the meeting of State Conference in the year following the general elections of the Union.

- (v) All decisions of the State Executive shall be made by a majority of votes cast at the meeting unless otherwise provided by these rules. The votes cast by members of the State Executive shall be on a card system and the value of the vote cast by any member of the State Executive, including State Officers, shall be determined in the same way, the necessary changes being made as the value of a vote cast by delegates to the State Conference with State Officers being included in the Division from which they derive.

48 - ELECTION OF STATE OFFICERS – OTHER THAN NSW STATE BRANCH

- (i) The State Officers, being the State Secretary, the State Assistant Secretary (except in the State of Victoria, where there shall be two State Assistant Secretaries), the State President and the State Senior Vice-President shall be elected by and from the State Conference. The election shall be held, the necessary changes being made, in the same way as Divisional Officers are elected from the Divisional Conference under Rule 9 of the Construction & General Division Rules, provided that each Division shall be represented by at least one State Officer.

Provided that for the A.C.T. Branch (while that Branch has only one Divisional Branch) Officers elected to the Construction & General Division A.C.T. Branch, shall hold the equivalent position within the A.C.T. State Branch.

Further provided that, each Division shall hold at least one position of Joint Vice-President.

Further provided that, each Division, prior to the calling for nominations, shall decide its nominees for the above positions, by resolution from that Division's Divisional Branch Management Committee.

- (ii) Where, in accordance with the Rules of the Union, an officer of a Divisional Branch within a Branch area ceases to hold office as an officer of the Divisional Branch such officer shall at the same time cease to hold office as a State officer in accordance with this rule. Provided that the member who replaces such a Divisional Branch officer in the office in the Divisional Branch shall also fill the vacancy created in the position of State officer only until such time as the State officer's position can be filled in accordance with the rules governing casual vacancy, or, if the vacancy occurs within 12 months of an ordinary election, by the ordinary election.
- (iii) The term of office of officers of a Branch of the union shall be four (4) years.

- (iv) This rule does not apply to the NSW Branch upon commencement of rule 48A.

48A – ELECTION OF STATE OFFICERS NSW STATE BRANCH

- (i) From the time of the commencement of this rule, the State Officers in the New South Wales Branch will be as contained in the table below and will be filled on an ex officio basis by the holders of the corresponding Divisional Office.

STATE OFFICER	DIVISIONAL OFFICE
State Secretary	Divisional Branch Secretary – Construction & General Division (NSW)
State Assistant Secretary (MNF)	<i>NSW District Secretary Manufacturing Division</i>
State Assistant Secretary (MUA)	<i>Sydney Divisional Branch Secretary (Sydney Divisional Branch - MUA)</i>
State President	<i>District President of the Northern Mining & NSW Energy District Branch, Mining & Energy Division</i>
State Senior Vice President	<i>Divisional Branch President – Construction & General Division (NSW)</i>
State Joint Vice President (M&E)	<i>District President of the South West District Branch, Mining & Energy Division</i>
State Joint Vice President (C&G)	<i>Divisional Branch Assistant Secretary – Construction & General Division (NSW)</i>
State Joint Vice President (MNF)	<i>NSW District President Manufacturing Division</i>
State Joint Vice President (MUA)	<i>Newcastle Divisional Branch Secretary (MUA)</i>
State Assistant Joint Vice President (MUA)	<i>Southern New South Wales Divisional Branch Secretary (MUA)</i>

- (ii) As the above offices for State Officer are held on an ex-officio basis, where a person commences or ceases to hold the Divisional Office position referred to in the second column, they also commence or cease, as the case may be, to hold office as a State Officer in the State Branch.
- (iii) For the avoidance of doubt, the terms of office for the above State Branch Offices are determined by the term of office of the Divisional Office referred to in the second column, however, such terms of office may be for no longer four (4) years.

49 - FUNDS OF THE BRANCH

- (i) Each Divisional Branch in the area covered by the Branch of the Union shall pay to the Branch on a basis which is proportionate to the respective financial membership of each Divisional Branch, an amount that is determined by the State Executive as sufficient to enable it to fulfil its functions.
- (ii) All moneys received by the Branch shall be paid to the credit of the Branch on current account with a bank. No funds shall be drawn from the Bank except by cheques signed by two (2) persons who are the State Secretary, State Assistant Secretary or State President and not from the same Divisional Branch.
- (iii) All expenditure for ordinary purposes, namely incurred in directly furthering the objects of the Branch or in the expenses of management, may be dispersed by decision of the State Secretary and

either the State President or State Assistant Secretary, provided that both signatories shall not be officers from the one Division.

Expenditure for other purposes authorised by the Rules may be disbursed by a majority decision of the State Conference or the State Executive.

- (iv) The funds of the Branch shall be invested where possible in the name of the Branch. Where it is not possible to invest money or funds in such name, the investment shall be made in the name of Trustees under these Rules.

Nothing in this Rule prevents the Branch from entering into an agreement with a Trade or Industrial Union or organisation of employees registered under any legislation of any State of the Commonwealth for the investment of funds on a joint basis or on a basis on which the funds are held in common or jointly so long as the funds are treated, for all purposes, insofar as they relate to members of the Branch, as funds of the Branch.

- (v) The property of the Branch, vested in the Branch in accordance with these rules and the other rules of the Union, shall be under the control of the State Executive.

- (vi) In Western Australia no decision of the WA Branch shall adversely affect the Building Unions Division WA Plasterers Divisional Branch in relation to funds or any other matter without the consent of that Divisional Branch.

50 - AUDIT

The State Executive shall appoint as Auditor a competent person resident in the city in which the State Office is located who shall each year for the period ending 31 December audit the books and accounts of the Branch and draw up a correct report on same.

The Auditor shall, in the aforesaid report, draw attention of the State Executive to any deficiencies or other matters which the Auditor may think proper. The Auditor shall have full and complete access to all the books and documents of the Branch.

For the purpose of this Rule a competent person shall have the same meaning as in the RO Act and the Regulations made pursuant thereto.

Upon receipt by the State Branch Secretary of a petition, signed by not less than 5% of the members of the State Branch, requesting that a general meeting of members of the State Branch be called for the purpose of considering the auditor's report, the general purpose financial report and the operating report of the State Branch, the State Branch Secretary shall convene such meeting as soon as is practicable.

50A - POLICIES AND PROCEDURES - EXPENDITURE

- (a) Each Branch shall develop and implement internal control policies and procedures relating to the expenditure of the Branch, to ensure that the Branch is conducted in accordance with the principles of good governance and to ensure accountability to members of the Branch.
- (b) Such policies and procedures shall be adopted by the State Executive and once adopted, shall be binding on all officers and members of the Branch. Such policies and procedures must be identified in the resolutions of the State Executive as Rule 50A policies and procedures.
- (c) Rule 50A policies and procedures must be published on the website of the Branch with fourteen (14) days of their adoption.
- (d) The provisions of sub-rules (a) to (c) herein shall apply, mutatis mutandis, to each Division and Divisional/District Branch of the Union.

50B - DISCLOSURE BY BRANCH OFFICERS OF REMUNERATION AND NON-CASH BENEFITS

- (a) Each person holding office in a Branch shall disclose to the Branch any remuneration paid of the officer:
 - (i) because the officer is a member of a board if:
 - (A) the officer is a member of the board only because the officer is an officer of the Branch; or
 - (B) the officer was nominated for the position by the Union, a Branch of the Union or a peak council; or
 - (ii) by a related party of the Branch, in connection with the performance of the officer's duties as an officer.
- (b) The disclosure required by sub-rule (a) shall be made to the State Executive and the Divisional Executive of the Division from which the officer derives:
 - (i) as soon as practicable after the remuneration is paid to the officer; and
 - (ii) in writing.
- (c) The Branch shall disclose to the members of the Branch:
 - (i) the identity of each officer of the Branch who, when all officers of the Branch are ranked by relevant remuneration for the disclosure period (from highest to lowest) is ranked no lower than second;
 - (ii) for each of those officers
 - (A) the actual amount of the officer's relevant remuneration for the disclosure period; and
 - (B) the form of the officer's relevant non-cash benefits for the disclosure period.

50D - DISCLOSURE BY BRANCH OF PAYMENTS

- (d) For the purposes of sub-rules (c), the disclosure shall be made:
 - (i) in relation to each financial year;
 - (ii) within six (6) months after the end of the financial year; and
 - (iii) in writing and published in the annual financial returns or any application for exemption therefrom.

50C - DISCLOSURE BY BRANCH OFFICERS OF MATERIAL PERSONAL INTEREST

- (a) Each person holding an office in the Branch shall disclose to the Branch any material personal interest in a matter that:
 - (i) the officer has or acquires; or
 - (ii) a relative of the officer has or acquires;that relates to the affairs of the Union or Branch.
- (b) The disclosure required by sub-rule (a) shall be made to the State Executive and the Divisional Executive of the Division from which the officer derives:
 - (i) as soon as practicable after the interest is acquired; and
 - (ii) in writing.
- (c) The State Executive shall disclose to the members of the Branch the interests disclosed to the Branch pursuant to sub-rule (a).
- (d) For the purposes of sub-rule (c), the disclosures shall be made:
 - (i) in relation to each financial year:
 - (ii) within six (6) months after the end of the financial year; and
 - (iii) in writing and published in the annual financial returns or any application for exemption therefrom.

50D - DISCLOSURE BY BRANCH OF PAYMENTS

- (a) The Branch shall disclose to the members of the Branch either of the following
 - (i) each payment made by the Branch, during the disclosure period:
 - (A) to a related party of the Branch; or
 - (B) to a declared person or body of the Branch; or
 - (ii) the total of the payments made by the Branch during the disclosure period:
 - (A) to each related party of the Branch; or
 - (B) to each declared person or body of the Branch.

52 - REFERENDA

- (b) Sub-rule (a) does not apply to a payment made to a related party if the payment consists of amounts deducted by the Branch from remuneration payable to officers or employees of the Branch.
- (c) Sub-rule (a) does not apply to a payment made to a related party if:
 - (i) the related party is an officer of the Branch; and
 - (ii) the payment:
 - (A) consists of remuneration paid to the officer by the Branch; or
 - (B) is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.
- (d) For the purposes of sub-rule (a), the disclosures shall be made:
 - (i) in relation to each financial year;
 - (ii) within six (6) months after the end of the financial year; and
 - (iii) in writing and published in the annual financial returns or any application for exemption therefrom.

51 - OFFICERS

- (i) The Officers of the Branch shall be the State President/s, the State Secretary, the State Senior Vice President, the State Vice President/s, the State Assistant Secretary/s and members of the State Executive.
- (ii) And such rights and duties shall, the necessary changes being made, be the same in relation to the Branch concerned as the rights and duties of National Officers and National Executive Members are in relation to the Union as a whole.

52 - REFERENDA

- (i) On a decision of a majority of Divisional Branches in the Branch area or Divisional Branches in a Branch area whose membership constitutes a majority of the members of that Branch, or on receipt of a petition signed by not less than 10% of the financial members of the Branch, the State Executive shall take a referendum of the whole of the members of the Branch upon a matter or matters submitted by the Divisional Branches or by the petition.

A decision reached by the majority of the actual votes recorded at such referendum shall be binding on the Branch, including the State Conference and State Executive thereof, and the members thereof provided that the decision shall not affect the autonomy of any Division.
- (ii) The State Executive or State Conference may at any time of its own motion take a referendum of the whole of the members of the Branch or of the whole of the financial members of the Branch upon any matter it thinks fit.

54 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

- (iii) The referendum referred to in this Rule shall be conducted on the basis that the State Executive shall determine the question to be submitted to the members entitled to vote and the form of the ballot paper, fix the time for the dispatch and return of the ballot paper and give the necessary instructions for printing the same, appoint a State Returning Officer and State Scrutineer in conjunction with Divisional Branch Returning Officers to conduct the ballot, no material other than that authorised by the State Conference or State Executive shall be enclosed in the envelope in which the ballot paper is posted to the member and in all other respects the referendum shall be held as nearly as practicable in the manner provided for the holding of election of Divisional Branch Delegates to Divisional Conference in accordance with Rule 17 (iii) except that the roll of voters shall be the financial membership at the end of the calendar month immediately preceding the holding of the referendum.

53 - RULES OF THE BRANCH

- (a) The Rules of the Branch contained herein shall be binding on all Divisions and all members thereof. Such Rules may be altered, rescinded, varied or made by the National Conference and/or National Executive in accordance with Rule 25 of the National Rules.
- (b) The State Conference and State Executive shall have power to make alter and rescind by laws for the working of the Branches, any Sub-Branches and any other matter over which such Branch has control under these or any other rules.

Provided that no such by laws shall be inconsistent with any other rule of the union and shall, to the extent of any such inconsistency, be void and inoperative.

54 - VOTING OTHERWISE THAN AT MEETINGS ASSEMBLED

Rule 37 of the National Rules of the Union shall apply, the necessary changes being made, to the Branch and the State Secretary shall in the same way as provided for the National Secretary under Rule 37 of the National Rules, take a vote of the State Executive or the State Conference in any manner whatsoever.

Such vote shall have the same effect in relation to the Branch as a vote taken under Rule 37 of the National Rules has in relation to the Union.

END OF RULES