[002N: Incorporates alterations certified on 4 October 2024 [R2024/110] ]

Replaces rulebook dated 06 April 2022 in matter [R2022/23]

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

Act 2009 that the pages herein numbered 1 to 138 both inclusive contain a true

and correct copy of the registered rules of The Australian Workers' Union

DELEGATE OF THE GENERAL MANAGER

FAIR WORK COMMISSION

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

Rules of The Australian Workers’ Union

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# PART 1 – ABOUT THE UNION

## RULE 2 – NAME

"The Australian Workers' Union" is the name of the union.

## RULE 3 –NATIONAL OFFICE

The head office of the Union is to be the National Office and the Office of the National Secretary. The National Office will be in Sydney or such other place as the National Conference or National Executive may from time to time decide.

## RULE 4 – OBJECTS

The reasons and purposes for which the Union is established are, to both use the funds of the Union and to use all lawful means:

(1) To uphold the rights of organised labour and to improve, protect and foster the best interests of its members and to assist them to obtain their rights under industrial and social legislation.

(2) To regulate, protect and advance the conditions of labour, the relations between workers and between workers and employers, including by collective bargaining. To regulate the conditions of trade, business or industry in which members work.

(3) To promote the general and material welfare of members.

(4) To provide legal assistance in defence of members' rights where deemed necessary.

(5) To endeavour by political action to secure social justice.

(6) To establish and maintain a Union newspaper.

(7) To establish one Union for all Australian workers and to grow the Union.

(8) To enrol in the Union all persons eligible to be members of the Union.

(9) To uphold the authority of constitutional government and the Constitution of the Commonwealth of Australia and the States and to oppose the growth of doctrines and groups or organisations of persons incorporated or unincorporated which in the opinion of the National Executive advocate, assist or encourage the overthrow by force or violence of the established Government of the Commonwealth of Australia.

(10) To affiliate to, federate with, amalgamate with, or otherwise combine with, any trade or industrial union or association, or association of trade unions or any other organisation having objects similar in whole or in part to the objects of this Union. To establish joint organisation and joint finances with other trade unions as a step towards amalgamation.

(11) To establish a fund for the assistance and support of trade unionists and to carry out these objects.

(12) To assist in the establishment and maintenance of labour and trade union newspapers and electronic media facilities and to invest in shares of such newspapers and electronic media facilities.

(13) To constitute, conduct, carry on and manage clubs in the interest of members.

(14) To pay affiliation fees to and assist financially or otherwise any bona fide labor or trade union organisation or association.

(15) To hold, purchase, lease, transfer, rent, sell, mortgage or otherwise deal in property and to enter in such contracts or agreements in furtherance of these objects.

(16) To raise money including by contributions, levies, investments and commercial endeavours for the purpose of carrying out the objects of the Union.

(17) To provide superannuation or retirement benefits for Officers and employees of the Union.

(18) To establish funeral and other benefit funds.

(19) To establish Branches of the Union throughout the Commonwealth of Australia.

(20) To contribute financially and otherwise to political objects, so as to bring about the election of Federal, State and Territory Labor Governments.

(21) To protect the trade objects of members by any legal method.

(22) To survey all members and potential members as to matters of interest and concern either industrially, politically or socially.

(23) To inform members and potential members of matters of interest and concern industrially, socially and politically.

(24) To assist members with personal injury, workers' compensation and health insurance.

(25) To assist members in obtaining reasonable credit facilities.

(26) To assist members in obtaining discounted consumer items.

(27) To assist members with, promote and/or organise trade union and vocational training.

(28) To develop recreational and holiday facilities for members.

(29) Generally to improve the conditions and promote the interests of members of the Union industrially, politically and socially and to do all such things as are conducive to the attainment of the above objects and which industrial organisations of employees may lawfully do.

(30) To engage persons for the purpose of furthering directly or indirectly any one or more of these objects.

(31) To promote and encourage the merger of Branches of the Union.

(32) To engage in any lawful conduct in advancement of the interests of the Union.

(33) To obtain such other objects as the National Conference or the National Executive shall from time to time determine.

(34) To represent the interests of non-member employees, dependent and independent contractors and to charge fees for such representation.

# PART 2 – WHO CAN JOIN THE UNION

## RULE 5 – ELIGIBILITY FOR MEMBERSHIP

**SECTION 1**

**PART A**

(1) Every bona fide worker, male or female, engaged in manual or mental labour in or in connection with any of the following industries or callings, namely: Pastoral (otherwise than as a shearing contractor), woolclassing except where employed in a wool brokers store, agricultural, farming, horticultural, including the growing, picking and packing of edible fungi, viticultural, which includes employees in wineries (except in the State of South Australia), dairying, poultry farming, fruitgrowing, sugar growing, cane cutting, milling and refining, the handling and loading and storage for export and home consumption of grain, seed and manufactured sugar, except persons eligible to be members of The Waterside Workers Federation of Australia who perform work aboard ships and at the grain shipping terminal at Kwinana, Western Australia, the growing, cutting, production, processing and treatment of tea, flax and tobacco, rabbit trapping, timber and sawmilling industry, afforestation and silviculture, employees engaged in or in connection with the manufacture of masonite and/or caneite and all operations incidental thereto (excepting persons employed at the works of Colonial Sugar Refining Co. Ltd, at Pyrmont), meat preserving and meat trade generally, road making, water and sewerage, railway construction work, all persons (except persons eligible to be members of The Federated Engine Drivers' and Firemen's Association of Australasia in Queensland) other than tradesmen and welders engaged in or in connection with the construction of pipelines used in or in connection with the extraction and transmission of hydrocarbons, solids, slurries and similar substances, all persons engaged in or in connection with the manufacture or preparation, applying, laying or fixing of bitumen emulsion, asphalt emulsion, bitumen or asphalt preparations, hot pre-mixed asphalt, cold paved asphalt, and mastic asphalt, (other than tar paving or asphalt work within the external alignment of buildings not incidental to or part of civil engineering works), metalliferous mining, smelting, reducing and refining of ores, the production and harvesting of salt, gypsum procurement, including all workers engaged in or in connection with dredging or sluicing work, mining for brown coal including the extraction of the by-products; the search and/or drilling for hydrocarbons, the production, processing and transmission of hydrocarbons, the prospecting, surveying, exploration and drilling for minerals and metals (except as to members of organisations in the shipping industry): the manufacture of briquettes, the distillation of oils and all labour incidental thereto,all surface labourers engaged about or in connection with all brown coal mines, and all persons engaged in timber getting for mining purposes, stone quarrying, land surveying, fish cleaning, net making, employees engaged in or in connection with the treatment of whales and by-products, and general labour in connection with fish trawling, fish purse seining or polling, fish farming, fishing activity, marine farming, aquiculture, pisciculture, mariculture, cultivation of live sea and freshwater products, breeding or spawning of fish and hatching of fish or marine products whether in or from the sea, rivers, dams, tanks, ponds, underwater cages, aquariums or other water source, holding, containing, penning or harvesting of live fish or marine products or marine vegetation, cleaning, purging, flushing, packing, freezing, processing, preserving, smoking, treatment or marketing of fish or marine products, cultivation, culling or treatment of oysters, oyster leases or oyster farms, manufacture of copper bars, rods and wire, all persons engaged in or in connection with the manufacture of cables and all persons engaged in the process of covering or insulating cables and all persons engaged in the production or manufacture of aluminium for use as a raw material in the manufacture of articles, the construction, maintenance and conduct of the Commonwealth Railways, and all kinds of general labour, the manufacture of soap and candles, of butterine and margarine, of preparation and packing of crisps and extrusions including from but not limited to, potatoes and cereals, and nut foods, of drugs (other than the milling thereof), of chemicals and gases, of blue, of toys (other than sheet metal), of the manufacture and milling of paper and all labour connected therewith, of the extraction and refining of vegetable oils, of tea packing, employees engaged in or in connection with the dehydration of vegetables and fruit, of all work in laundries, persons employed or competent to be employed as Hairdressers, Barbers, Wigmakers, Hairworkers, and their Assistants (other than Examiners or Hairdressing and Apprenticeship Supervisors) and all employees in and in connection with Beauty Parlours, and receptionists employed in connection therewith, but excluding persons engaged in the sale of goods and in the manufacture of Beauty preparations, of all work in connection with fire brigades, including that of permanent, partially-paid and volunteer firemen under boards of Fire Commissioners, all employees other than craftsmen or engine drivers engaged in boring for water or oil or engaged in refining such oil or in the extraction of the oil products, all persons engaged in or in connection with the production of charcoal, all employees engaged as ginners, stackers, feeders, branders, oil refiners, moulders, and labourers in the cotton industry, all employees other than engine drivers and craftsmen engaged in the destruction of prickly pear or of noxious weeds and vegetation or the treatment of products thereof and the eradication of pests and vermin; or in the treatment of prickly pear or of the products thereof, the manufacture of cement and cement articles and/or the operation of concrete batching plants, the manufacture of fibrolite articles, manufacture of fibre cement and/or asbestos cement products, the formation and maintenance of racecourse tracks, golf links, bowling greens and tennis courts and of all gardens, lawns and greens in connection therewith, ski instructors, employees engaged at chair lifts, T-bars and ski runs either snow or grass, persons employed in or about the Newcastle Iron and Steel Works or any Works directly subsidiary thereto, or in any quarry or mine, or other industrial establishment where the work done is wholly or mainly the supply of materials incidental to the manufacture of iron and steel at the Newcastle Iron and Steel Works other than those employees who are engaged as foremen or staff employees, all persons employed in and about the works of the following companies at Port Kembla - namely: Metal Manufactures Limited, Electrolytic Refining and Smelting Company of Australia Limited, and Australian Fertilizers Limited, excepting in the case of each company, staff employees, blacksmiths, boilermakers, bricklayers, carpenters, electricians (including electrical fitters and linesmen), engine drivers (including crane or winch drivers, firemen, motor drivers or attendants, dynamo attendants, greasers, trimmers and cleaners), engineers (including drillers, fitters, machinists, pipe fitters and turners), moulders, painters, plumbers, storemen and packers within the jurisdiction of the Storemen and Packers' General (State) Conciliation Committee, rubber workers, motor-waggon drivers, riggers, strikers and assistants to the following class of tradesmen, namely: boilermakers, blacksmiths, engineers (including electrical engineers), moulders, coppersmiths, sheet-iron workers, plumbers, springmakers, electricians, motor-mechanics and any other mechanics engaged in the iron, steel and metal industries; all persons who are bona fide employees wholly or partly engaged in or in connection with the business of fellmongers, woolsorters, woolscourers, basil tanners and their assistants; persons who are employed, or are competent to be employed in any position connected with the making, trimming or polishing of coffins, managing of branch establishments or any other general work in connection with the business of an undertaker or in any general work in cemeteries shall be eligible for membership of the Union.

(2) Without limiting the generality of the foregoing or being limited in any way by the foregoing every person employed in or in connection with the industry or calling of horse training and/or horse racing (excluding apprentice jockeys, judges, starters and stewards) shall be eligible for membership of the Union. Provided however that persons who are eligible to be members of the Federated Clerks Union of Australia shall not be eligible for membership of the Union.

(3) Without limiting the generality of the foregoing or being limited in any way by the foregoing every bona fide worker employed in or in connection with the industry or calling of either or both catering and cleaning for or at premises provided for persons working in or in connection with any of the industries described in the other paragraphs of this Rule 6 shall be eligible for membership of the Union except in the Northern Territory provided that this exception shall not apply to the industry or calling of:

the search and/or drilling for hydrocarbons, the production, processing and transmission of hydrocarbons; and

the construction of pipelines used in or in connection with the extraction and transmission of hydrocarbons, solids, slurries and similar substances.

(4) Without limiting the generality of any other provisions of this Rule or being limited in any way thereby, every bona fide worker employed in or in connection with the industries or callings of:

(a) Landscaping (other than in the Northern Territory);

(b) Builders labourers in that area of Queensland situated north of a line commencing at the sea coast with the 22nd parallel of south latitude, thence by that parallel of latitude due west to 147 degrees of east longitude thence by that meridian of longitude due south to 22 degrees 30 minutes of south latitude, thence by that parallel of latitude due west to the western border of the State**.**

(c) The construction, repair maintenance or demolition of:

(i) Civil and/or mechanical engineering projects.

(ii) Power transmission, light, television, radio, communication, radar, navigation, observation towers or structures.

(iii) Power houses, chemical plants, hydrocarbons and/or oil treatment plants or refineries.

(iv) Silos, excepting grain silos in Tasmania, South Australia, Western Australia and that area of Queensland not included in paragraph 4(b) above.

(v) Sports and/or entertainment complexes.

(vi) Car parks excepting car park buildings and car parks within the alignment of a building;

shall be eligible for membership of the Union.

Subject to other paragraphs of this Rule, nothing in paragraph 4(c) shall render eligible to join the Union, pursuant to this Part, any building tradesman; or, except in the area specified in paragraph 4(b) any builders labourer or plumbers labourer employed on a building or building-type structure which is for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant).

Provided that paragraph (c) of this subrule:

(i) Shall have no operation within the Northern Territory;

(ii) Other than in the State of Western Australia and in the State of Queensland in the area specified in paragraph 4(b) shall not render eligible to join the Union, pursuant to this Part, persons, (not being persons engaged on civil engineering works), who are:

(a) assistants or labourers engaged in connection with the work of tradesmen in the iron, steel or metal industries;

(b) riggers, splicers, scaffolders, dogmen, crane chasers, spray painters, iron workers or employees assisting or facilitating the work of a tradesman engaged on the erection of metal structures or the installation of plant and machinery, such erection or installation not being on a building.

(5) Provided however that, notwithstanding the provisions of subrules (1) to (4) above, persons employed in Tasmania by the Hobart City Council, the Launceston City Council, the Southern Regional Cemetery Trust or by any Country Council shall not be eligible for membership pursuant to this Part.

(5A) All persons employed or to be employed by Village Sea World Operations Pty Ltd and Warner Sea World Operations Pty Ltd (collectively trading as Sea World Enterprises) at the Sea World Theme Park, Gold Coast and its associated facilities, shall be eligible for membership of the Union.

(5B) All persons employed or to be employed by Kirby Banner Pty Ltd and Warner World Australia Pty Ltd (collectively trading as Movie World Enterprises) at the Movie World Theme Park, Movie Studios (except where such employees are engaged directly in the production of film or television programmes) and Wet'N'Wild Water Slide Complex at Oxenford in the State of Queensland shall be eligible for membership of the Union.

(5C) All persons employed or to be employed by Janola Dale Pty Ltd, its successors, assignees or transmittees at Dreamworld Theme Park, Coomera, Queensland shall be eligible for membership of the Union.

(5D) All persons employed or to be employed by Village Nine Network Leisure Company Pty Ltd at Intencity, World Live! and Hide and Seek Theme Parks established in the Commonwealth of Australia shall be eligible for membership of the Union.

(5E) Sub-rule to reflect the Live Theatre and Concert Industry Representation Order 1996 made under the Industrial Relations Act 1988 (now the Workplace Relations Act 1996) and recorded in Print N5128.

For the purposes of this sub-rule, the Live Theatre and Concert Industry shall mean all activities undertaken in or in connection with producing, presenting, or otherwise undertaking live theatrical, performance art, operatic, orchestral, dance, variety, revue, comedy, multi-media, choral, or musical performances, productions, presentations, workshops, rehearsals or concerts, including the provision, sale, service or preparation of food or drink and also including selling tickets by any means, for or in or in connection with any such performances, productions, presentations, workshops, rehearsals or concerts, and including the operation of venues or other facilities, whether permanent or temporary, utilised for such performances, productions, presentations, workshops, rehearsals or concerts, whether or not such performances, productions, presentations, workshops, rehearsals or concerts are performed or presented in the presence of an audience, or are recorded by any means.

Notwithstanding any provision of this rule to the contrary but subject to sub-rule (31) in Section 6 Part P of this rule and for the purpose of giving effect to the Live Theatre and Concert Industry Representation Order 1996 made on 18 September 1996 and recorded in Print N5128 and so long as that order remains in force without variation, with effect from 24 September 1998, the following persons shall be eligible for membership of the union:

(a) all persons employed in the Live Theatre and Concert Industry in the State of Queensland save and except for the following:

(i) all persons employed in the Live Theatre and Concert Industry who are eligible to be members of the Media, Entertainment and Arts Alliance by virtue of Part A, Part C, or Part D of Rule 4 - ELIGIBILITY FOR MEMBERSHIP of the rules of the Media, Entertainment and Arts Alliance as at 1 January 1996;

(ii) persons employed at major performing arts venues in Queensland including but not limited to the Queensland Performing Arts Centre, and the Suncorp Theatre, or at companies or employers in receipt of subsidies from either Commonwealth or Queensland state arts funding bodies, including but not limited to the Queensland Theatre Company, the Queensland Opera, Queensland Ballet, and Dance North, or by companies engaged in the contracting of theatre technical and crewing services;

(iii) persons employed in the Live Theatre and Concert Industry at venues or by companies associated with institutions of higher learning and including persons employed by student unions or guilds;

(iv) persons employed in theatre restaurants;

(v) persons employed at the Gold Coast Arts Centre and at Jupiters Casino;

(vi) persons employed at venues or by employers in Queensland which are members of the National Association of Regional Performing Arts Centres other than at the NARPAC centre at Redcliffe Queensland.

(b) persons directly employed by Event Services Pty Ltd other than performers and theatre technical or creative employees or employees of contractors in respect of theatrical or concert performances held at The Royal Agricultural Society site at Paddington (restricted to the stables, Hordern Pavilion and Hall of Industry) and the Homebush Bay Olympic Games Sporting and Recreation site.

(5F)(a) Without limiting the generality of any other provisions of these Rules or being limited in any way thereby, all persons other than clerical employees and craftsmen (but including cooks) employed in or about or in connection with or incidental to the industries or operations of hotels, clubs, casinos, motels, boarding houses, hostels, serviced rooms or flats, residential colleges, cafes, restaurants, catering establishments, resorts, and operations of a like or similar nature including tourism accommodation in Queensland outside the South Eastern Division of Queensland.

(b) All employees who are 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 the Crown, Teachers, Registered Nurses, Musicians, Masters and Engineers who are members of the Australian Institute of Marine and Power Engineers Union of Employees, Queensland District, and the Merchant Service Guild of Australia and the employees of contractors and/or subcontractors employed on the mainland and performing work on Hamilton Island and Dent Island from time to time except where such employees are already eligible for membership of the Union under these rules.

(c) All employees who are employed in or in connection with the conduct of Tourism Resorts situated on Islands off the coast of Queensland, north of the 24 degrees 30 minutes of south latitude, as part of the Island Tourist Resort Industry, other than employees of employers (contractors and/or subcontractors) whose principal business is the provision of services on a contract basis on the mainland, and where those services are provided to a Resort on an Offshore Island except where such employees are already eligible for membership of the Union under these Rules.

(d) All employees employed at Palm Royal Resort, Cairns.

(e) All employees employed in or in connection with the operations of Offshore Island Resorts employed on Fraser Island in the State of Queensland.

(f) All persons employed north of 22 degrees south latitude in or in connection with the operations and conduct of Daikyo (North Queensland) Pty Ltd, Reef Management Pty Ltd, Pacific Growth Investments Pty Ltd, Cairns Marine Terminal, Daikyo Real Estate Pty Ltd, Cairns Peninsula Hotels Pty Ltd, and Daikyo Development Pty Ltd, and employed by one of the above mentioned companies, save and except that nothing in this sub-rule shall make eligible for membership except where such employees are already eligible for membership of the Union under these Rules:-

(i) any person who is employed as a Marine Engineer (however described) who is eligible to be a member of the Australian Institute of Marine and Power Engineers’ Union of Employees, Queensland District; or

(ii) any person employed as a master, mate, marine engineer, principal in charge or launch master, who is, or is eligible to be, a member of the Merchant Service Guild of Australia, Queensland Branch, Union of Employees; or

(iii) any person employed by a bona fide building and/or construction, and/or electrical and/or plumbing contractor or subcontractor.

(g) For the purpose of this sub-rule the South Eastern Division of Queensland shall mean the area within the following boundaries in the State of Queensland commencing at Point Danger and bounded thence by the southern boundary of the state westerly to 151 degrees of east longitude, thence by that meridian of longitude bearing true north to 24 degrees 30 minutes of south latitude thence by that parallel of latitude bearing true east to the sea coast, and thence by the sea coast southerly to the point of commencement in the South Eastern Division of Queensland excluding Fraser Island.

**SECTION 2**

**PART B**

(6) Without limiting the generality of the foregoing or being limited in any way by the foregoing, persons engaged in any of the following Trades or Branches of Trades shall be eligible for membership of the Union:

(a) Engineers, Fitters, Turners, Water Meter Fitters, Tool and Gauge Makers, Die Sinkers, Mechanical and/or Scientific Instrument Makers, Scale Makers and Adjusters, Safe Makers, Pipe Fitters, Motor Mechanics, and Tuners and Testers, Cycle and Motor Cycle Mechanics, Typewriter Mechanics, Patternmakers, Coppersmiths, Brassfinishers, Engineering and General Forgers, Forge Furnacemen, Blacksmiths, Shipsmiths, Angle-Ironsmiths, Springsmiths, Spring Fitters, Welders, Oxy-Acetylene Cutters, Locksmiths, Mechanical Draughtsmen, Millwrights, Iron and Steel Rollers, Electrical Fitters, Electrical Mechanics, Machine Makers, Milling Machinists, Planers, Slotters, Borers, Shapers, Drillers, Polishers, Grinders and Lappers, Bolt and Nut Machinists, Agricultural Implement Makers, Panel Beaters (restricted to Panel Beaters employed in the Australian Capital Territory by the Department of the Capital Territory in the Transport Workshop), Gunsmiths, Technicians (except persons who are members or eligible for membership of the Association of Draughting, Supervisory and Technical Employees other than any person or persons who may be eligible for membership of the Union pursuant to any other Part of this Rule) and any other Machine Operators or Mechanics employed in the Engineering, Locomotive, Shipbuilding, Rolling Stock, Aircraft, Munition and Iron Trades, or in any other Industry.

(b) Smiths' strikers and mechanics' assistants or groups of strikers and assistants engaged in any of the above trades deciding to amalgamate with or join this Union shall be admitted upon such terms as shall be agreed upon by the National Conference and consistent with the Rules of the Union, so long as it is not antagonistic to any other Trade Union dealing solely with that class of worker and operating in the immediate locality.

(c) This eligibility rule in so far as it adopts the eligibility rule of the Australasian Society of Engineers prior to amalgamation with The Federated Ironworkers' Association of Australia shall be construed as if it is the eligibility rule of the Australasian Society of Engineers prior to amalgamation and shall be treated as standing alone and separate from the remaining parts of the eligibility rule.

**PART C**

(7) Without limiting the generality of the foregoing or being limited in any way by the foregoing the following persons shall be eligible for membership of the Union:

(a) Persons employed or usually employed, in the Public Service of the Commonwealth, or in private industry, in the manufacture preparation, storage or delivery of ammunition (including sporting and military), cordite, explosives (including commercial and military),

arms (including sporting and military), and munitions or work incidental thereto throughout the Commonwealth.

(b) All workers in wire, employees in or about wire netting or other wire workers, employees engaged in the manufacture of metal wire or of any article or articles made therefrom. Employees engaged in the process of galvanising or tinning articles of wire or any form of metal, and in all processing leading up to the preparation of such tinning or galvanising and all workers engaged in tubular gate making.

(c) All assistants and all labourers, general or special, engaged in connection with the work of boilermakers, blacksmiths, engineers (including electrical engineers), moulders, coppersmiths, sheet-iron workers, plumbers, springmakers, electricians, motor mechanics, and any other mechanics engaged in the iron, steel and metal industries.

(d) Dressers, grinders, drillers on stationary machines, furnacemen (including forge furnacemen), pipe moulders, tool storemen, and all labourers, general or special, engaged in the iron, steel and metal industries, or engaged in the cast-iron, pipemaking industry, steel locking bar pipe industry, riggers and scaffolders (other than riggers on ships and riggers and scaffolders employed in shipyards, dockyards, and in building operations on buildings), machinists (excepting operators of punching, shearing, rivetting, rolling, bending, angle or plate straightening, nipping and notching machines, and smith machines), and all assistants to mechanics, and labourers general or special, employed in constructional shops in industries referred to in sub-rule (6) of Rule 5 in or in connection with which this Union is registered as an organisation.

(e) Machinists engaged in the steel locking bar pipe-making industry. All persons employed in the iron, steel and tin plate rolling industries. All persons employed in the manufacture of galvanised iron, in the manufacture and/or rolling of brass, copper and aluminium and other non-ferrous metals, and in the process of lining and/or covering pipes with bitumen, and all persons employed in the machine horseshoe-making industry and in the reinforced steel industry carried out in workshops or foundries.

(f) Persons engaged in a repetition or specialised process for the production of or assembling of machine parts or metallic articles. Persons engaged in a repetition or specialised process for the production of plastic moulding. Persons engaged in the assembling of motor chasses, bumper bars, motor accessories and the like and employees, including labourers, engaged as assistants in the manufacture of such articles and/or accessories and the like excepting assemblers of engines, engineers, fitters, turners, planers, shapers, slotters, millers and motor mechanics. Operators of metal spraying machines and labourers employed directly or indirectly as assisting such workers. All employees other than tradesmen engaged in the erection of television antennae excepting that those persons including tradesmen who are eligible for membership of the Union pursuant to any other Part of this Rule shall remain eligible for membership of the Union.

(g) All classes of employees which are referred to in the preceding paragraphs 7(a), 7(b), 7(c), 7(d), 7(e) and 7(f), engaged in or in connection with the industries of ship-building and ship repairing or engaged in or in connection with the work of foundries, provided that no boilermaker, blacksmith, engineer, electrician, moulder (other than pipe moulder), coppersmith, sheet metal worker, tinsmith, canister maker, plumber or springmaker shall be eligible to become a member of this Union other than those persons including tradesmen who are eligible for membership of the Union pursuant to any other Part of this Rule.

(h) All persons employed to assist and facilitate the work of engineering, electrical and other metal tradesmen in the performance of work for which such tradesmen or other technical supervisors are responsible, notwithstanding that their work includes hoisting, lowering, fleeting, whether by block and tackle or by other means, tools, equipment, machinery or other articles or material in connection with the work of such tradesmen in ship-yards and dock-yards or on ship or between ship and shipyard and dockyard. This paragraph shall

apply notwithstanding any other provision of this Rule, but shall not by implementation affect the construction of the other provisions of this Rule.

(i) Persons employed or usually employed in any establishment wholly or partly engaged in or connected with the manufacture, preparation and storage (or any of them) of Bone Dust, and other Artificial Manures and Fertilizers (and any of them), and of Acids, Alkalis and Chemicals of all kinds whether in liquid solid or gaseous form (or any of them), and work incidental thereto AND of persons employed in any type of labour in and around such establishment whose employment is incidental to the proper carrying out of the foregoing manufacture, preparation and storage (or any of them).

(8) (a) Notwithstanding sub-rule 7 of this Rule but subject to paragraph (b) below, persons who are employed in or in connection with:

(i) The manufacture and distribution of cables and other conductors for the transmission of energy or

(ii) Processes connected with or incidental to such manufacture and distribution,

and who are employed by:

(1) Pacific Dunlop Limited, Olex Cables Division (other than at Geebung, Queensland).

(2) Optix Australia Limited.

(3) Metal Manufactures Limited, MM Cables Division (excluding Metal Manufactures Limited trading as Pyrotenax, Metal Manufactures Limited, MM Metals Division at Port Kembla, New South Wales and Metal Manufactures Limited, MM Cables Division at Port Kembla, New South Wales.

(4) Pirelli Cables Australia Limited.

(5) Burton Cables Pty. Ltd.

are not eligible for membership of the Union pursuant to this Part.

(b) Nothing in paragraph (a) above limits the right of the Union to enrol persons who are eligible for membership under sub-rule (7) of this Rule and whose principal work is ancillary to the work of tradesmen however classified.

(c) Nothing in paragraph (a) above limits the right of the Union to enrol persons who are otherwise eligible for membership under any other Part of this Rule.

(9) (a) Notwithstanding anything else in sub-rules (6) and (7) but subject to (b) and (c) below, persons employed or to be employed in or at the establishment of Fibremakers Ltd., Canterbury Road, Bayswater, Victoria, in the manufacture and/or production of synthetic filament yarn are not eligible for membership of the Union.

(b) Nothing in paragraph (a) above limits the right of the Union to enrol persons who are otherwise eligible for membership under sub- rules (6) and (7) of this rule and who are employed as assistants to tradesmen or in other classifications concerned with the maintenance of the plant or similar functions not directly connected with the production and/or manufacturing process of synthetic filament yarn.

(c) Nothing in paragraph (a) above limits the right of the Union to enrol persons who are otherwise eligible for membership under any other Part of this rule.

(10) Notwithstanding any other provisions of this Part, persons employed as Production Team Members by Southern Aluminium Pty Ltd at Bell Bay, Tasmania are eligible for membership of the Union.

(11) Notwithstanding anything contained elsewhere in this Rule, the Union shall not pursuant to Section 2 of this Rule be entitled to enrol persons eligible for membership of The Federated Furnishing Trades Society of Australasia pursuant to its eligibility Rules as at 30 June 1992 (including persons employed or engaged in the manufacture of free standing furniture but not including persons, if otherwise eligible for membership of the Union employed in the manufacture of metal or plastic furniture or in aluminium fabrication) in the States of Queensland, New South Wales, Victoria, South Australia and Tasmania or in the Australian Capital Territory.

(12) Notwithstanding anything contained elsewhere in this Rule, the Union shall not pursuant to Section 2 of this Rule be entitled to enrol persons eligible for membership of the Construction Forestry and Mining Employees Union pursuant to its eligibility Rules as at 30 June 1992 employed or engaged in the off-site timber joinery/furniture industry (not including persons, if otherwise eligible for membership of the Union, in the aluminium fabrication industry) in the State of Queensland.

(13) Notwithstanding anything contained elsewhere in this Rule, the Union shall not pursuant to Section 2 of this Rule be entitled to enrol persons employed or engaged in the State of Queensland in glazing work in the timber joinery/furniture industry or employed or engaged substantially and predominantly on glazing work in the aluminium fabrication industry in the State of Queensland.

**PART D**

(14) Notwithstanding anything else in this Rule, and without being limited by any other provision of this Rule and without limiting any other provisions of this Rule the following persons shall be eligible for membership of the Union:

(a) persons 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 occupation, and/or calling, and/or vocations, and/or industrial pursuits of:

and/or

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

and/or

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

Carpenters and/or Joiners including, in the Port of Sydney (excluding Garden Island) in the State of New South Wales and in the State of South Australia, Ships Carpenters and/or Joiners.

(15) (a) Notwithstanding anything contained elsewhere in this Rule, the Union shall not pursuant to Section 2 of this Rule be entitled to enrol persons eligible for membership of The Federated Furnishing Trades Society of Australasia pursuant to its eligibility Rules as at 30 June 1992 (including persons employed or engaged in the manufacture of free standing furniture but not including persons if otherwise within the constitutional coverage of the Union employed in the joinery or shopfitting industry) in the States of Queensland, New South Wales, Victoria, South Australia and Tasmania or in the Australian Capital Territory.

(b) Notwithstanding anything contained elsewhere in this Rule, the Union shall not pursuant to Section 2 of this Rule be entitled to enrol persons, eligible for membership of the Construction, Forestry and Mining Employees Union pursuant to its eligibility Rules as at

30 June 1992 employed or engaged in the off-site joinery/furniture industry in the State of Queensland.

(c) Notwithstanding anything contained elsewhere in this Rule, the Union shall not pursuant to Section 2 of this Rule be entitled to enrol persons eligible for membership of The Operative Painters and Decorators Union of Australia pursuant to its eligibility Rules as at 30 June 1992 employed or engaged in the off-site joinery/furniture industry in the State of Queensland.

**PART E**

(16) Notwithstanding anything else in this Rule and without being limited by any other provision of this Rule, and without limiting any other provisions of this Rule, persons employed in any capacity whatsoever (excepting as to clerks, persons eligible for membership of the Transport Workers Union of Australia and all persons engaged in the manufacture and maintenance of plant and equipment) by any person firm or company engaged solely or mainly in the industry of brushmaking in South Australia who shall be eligible for membership of the Union.

**PART F**

(17) Notwithstanding anything else in this Rule and without being limited by any other provisions of this Rule and without limiting any other provisions of this Rule, persons engaged in, or in connection with the following mills or factories:- Jute, flax, rope, thread, cordage, twine, mats, bags or hessian; including also employees in canteen sections in such mills or factories shall be eligible for membership of the Union.

**PART G**

(18) Notwithstanding anything else in this Rule, and without being limited by any other provisions of this Rule and without limiting any other provisions of this Rule, persons employed or usually employed in connection with the glass manufacturing industry shall be eligible for membership of the Union and without limiting the generality thereof shall comprise all persons within that industry -

(a) in or in connection with the fabrication of goods from the products of that industry; or

(b) in or in connection with the fabrication of goods comprising glass, fibre glass or any other similar matter or substance;

(c) provided that employees engaged in the optical division of the Defence Research Laboratories shall not be eligible for membership of the Union pursuant to this Part.

**PART H**

(19) Notwithstanding anything else in this rule, and without being limited by any other provisions of this rule and without limiting any other provision of this rule, persons employed as entertainment industry products employees and operators employed by Sony Music Australia Limited and Entertainment Distributors Company Limited at their premises at Huntingwood Estate, Eastern Creek in the State of New South Wales are eligible for membership of the union.

**PART I**

(20) Notwithstanding anything else in this rule and without being limited by any other provision of this rule and without limiting any other provision of this rule, persons employed by Auschar Operations Pty. Limited to operate, control and/or maintain its Traralgon plant in the La Trobe Valley in the State of Victoria shall be eligible for membership of the Union.

**SECTION 3**

**PART J**

(21) Notwithstanding anything else in this rule and without being limited by any other provision of this rule and without limiting any other provision of this rule the union shall consist of an unlimited number of persons, namely:

(a) all salaried members of the Staffs of gas companies throughout the Commonwealth of Australia excepting:

(i) general managers (other than in the case of the South Australian Gas Company and its subsidiaries);

(ii) chief executive officers (being officers who are in effect General Managers but not so designated) [other than in the case of the South Australian Gas Company and its subsidiaries]; and

(iii) tradesmen (not being foreman) who from day to day use tools of trade other than for the purpose of demonstrating their use or in cases of emergency;

(b) in addition to, and without detracting from the generality of the coverage conferred by paragraph (a) of this subrule, all persons who are employed by gas companies throughout the Commonwealth of Australia, either wholly or substantially in professional, technical, clerical, marketing or supervisory capacities;

(c) any other persons who may be elected officers of the Union or a branch thereof;

(d) notwithstanding anything contained in paragraph (a) hereof, executive officers who are departmental heads and the officers designated Staff Officer or Industrial Officer and any officer carrying out the duties of any of these positions by whatever designation shall not be eligible for membership of the Federation (other than in the case of the South Australian Gas Company and its subsidiaries);

(e) Provided that nothing in this subrule shall confer eligibility for membership on salaried employees of CSR Limited employed at a yearly rate of pay in the company, including such employees who are either on loan to or on secondment to any subsidiary or any associated company of CSR Limited.

(f) Provided further that nothing in this subrule shall confer eligibility upon a person employed by a person, firm, company, board, trust, body corporate, local government authority or statutory body (whether or not representing the Crown) which is -

(i) engaged in the exploration for hydrocarbons (other than the Gas and Fuel Corporation of Victoria) and the South Australia Gas Company, and their subsidiaries);

(ii) engaged in the extraction of hydrocarbons and/or processing in or in connection with the extraction's process;

(iii) engaged in providing services to other entities which are engaged in activities set out in sub-paragraph (i) or (ii) of this paragraph including the provision of prospecting, maritime, seismic survey, drilling, construction, catering, diving, technical and maintenance services, and/or

(iv) engaged in the transmission by pipeline from the location of activities described in sub-paragraph (ii) of this paragraph and which supplies such hydrocarbons to another entity for refining, reticulation, power generation or other industrial or

commercial use other than the transmission of gas by a gas company for reticulation and who is engaged in or in connection with any of the above activities described in sub-paragraphs (i) - (iv) above.

(g) provided that nothing in this rule shall confer eligibility upon a person who is the employee of an Oil Company which has as its principal business the production, manufacture or wholesale distribution of petroleum products where the employment of that person is principally concerned with the production, manufacture or wholesale distribution of petroleum products.

(h) in these rules, the following definitions shall apply:

"Gas Companies", without limiting the generality of the words, includes any person, firm company, board, trust, body corporate, local government authority or statutory body (whether or not representing the Crown) engaged in or in connection with:

(i) the exploration for, production, sale, marketing or distribution of town gas either alone or in conjunction with any other substance within the Commonwealth of Australia; or

(ii) the handling, conveying, carrying or transportation by means of pipeline or otherwise, of town gas either alone or in conjunction with any other substance within the Commonwealth of Australia.

But does not include the State Energy Commission of Western Australia, its subsidiaries, or its public body successors who are within the Statutory Corporation or Municipal Industry.

But does not include employees of the Australian Government or employees of Statutory Authorities of the Australian Government.

"Town Gas", wherever used herein shall be deemed to include carburetted water gas, coal gas, liquefied gas, natural gas, oil gas, producer gas, refinery gas, reformed liquefied petroleum gas, reformed refinery gas, tempered liquid petroleum gas, water gas, synthetic natural gas, liquefied natural gas, reformed natural gas, tempered natural gas, bio-gas and a mixture of two or more such gases.

The gases hereby included in the definition are defined as under:

"Carburetted Water Gas" is flammable gas produced by the interaction of steam and hot coke and which had its heating power increased by the admixture of a gas.

"Coal Gas" includes all flammable gases produced by the thermal treatment of coal.

"Liquefied Petroleum Gas" is a mixture composed substantially of C3 or C4 hydrocarbons or both of them either in a liquid or a gaseous state.

"Natural Gas" is a gaseous material containing hydrocarbons and obtained from bore holes or from crude oil otherwise than by thermal or catalytic process.

"Oil gas" is gas manufactured from petroleum or other oil by thermal, catalytic or other process but not including liquefied petroleum gas.

"Producer Gas" is gas manufactured by the action of air on hot coke.

"Refinery Gas" is the residual gas produced at a refinery and left over after all normally usable products (including liquefied petroleum gas) have been made extracted from the crude or feed stock.

"Tempered Liquid Petroleum Gas" is gas manufactured by mixing liquefied petroleum gas with air.

"Water Gas" is gas manufactured by the action of steam on hot coke.

"Liquefied Natural Gas" is natural gas as defined above when liquefied by the action of increase pressure or reduced temperature or both.

"Reformed Natural Gas" is gas produced by thermal, catalytic or other processing of natural gas.

"Tempered Natural Gas" is gas manufactured by mixing natural gas with air.

"Reformed Refinery Gas" is gas produced by thermal, catalytic or other processing of refinery gas.

"Bio-Gas" is any hydrocarbon containing gas produced by biological action on an organic substrate.

"Reformed Liquefied Petroleum Gas" is gas produced by thermal, catalytic or other processing or liquefied petroleum gas.

"Synthetic Natural Gas" is gas manufactured by mixing liquefied petroleum gas with air or a gas manufactured to have the same combustion quality as natural gas.

Notwithstanding the foregoing Rule, the following persons shall not be eligible for membership of the Federation, namely persons employed in, about or in connection with a coal or shale mine and employed by the owner or operator or a subsidiary or related company thereof.

(i) In addition the following persons or classes of persons shall be eligible for membership of the Union, namely:

independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be employees eligible for membership of the Federation.

Nothing in paragraphs (a) to (i) inclusive of this sub-rule limits the right of the union to enrol persons who are otherwise eligible for membership under any other sub-rule of this Rule.

**SECTION 4**

**PART K**

(22) Notwithstanding anything else in this Rule and without being limited by any other provision of this Rule and without limiting any other provision of this Rule the union shall consist of persons employed in or in connection with the following industries or callings:-

The preparation, manufacture, processing and packaging of tobacco, cigarettes, cigars or allied products in the States of New South Wales and Victoria, together with any person who is an officer of the Union.

**SECTION 5**

**PART L**

(23) Notwithstanding any other provision of this Rule, nothing in any one Section of this Rule limits the eligibility of a person for membership of the Union pursuant to any other Section of this Rule, nor the right of the Union to enrol such persons who are otherwise eligible for membership pursuant to such other Section or Sections of this Rule.

(24) Notwithstanding the other provisions of this rule, the holders of Office in the Union shall be eligible for membership of the Union together with such other persons whether employees in any industrial pursuit or pursuits or not, who may have been appointed officers of the Federation of Industrial Manufacturing and Engineering Employees prior to the amalgamation of that organisation with The Australian Workers' Union and admitted as members thereof.

(25) Notwithstanding anything contained elsewhere in this rule, the union shall not, in the Australian Capital Territory and in the State of New South Wales, pursuant to Section 2 of this Rule, be entitled to enrol persons eligible for membership of the Construction, Forestry, Mining and Energy Union pursuant to its eligibility rules as at 23 June 1993 employed or engaged in the off-site timber joinery/furniture industry (not including persons, if otherwise eligible for membership of the union, in the aluminium fabrication industry) or substantially and predominantly engaged on glazing work in the aluminium fabrication industry.

(26) Nothwithstanding anything contained elsewhere in this rule, the Union shall not pursuant only to Section 2 of this Rule be entitled to enrol persons employed or engaged by any person, body, corporation, employer or principal who is engaged in the Building and/or Construction Industry in the occupation of a carpenter and/or joiner except those persons employed by the Crown or Local Government. Nothing in this paragraph affects the rights of the union to enrol and/or represent persons in accordance with Section 1 of these Rules nor anyone under Section 2 other than the persons specifically identified in the foregoing sentence, nor does the agreement alter or affect in any way the 1986 demarcation agreements between the Australian Workers Union, as it then were, and the Federated Ironworkers Association of Australia, as it then were, on the one hand, and the Building Workers Industrial Union of Australia and the Federated Engine Drivers and Firemens Association of Australasia, as they then were, on the other, nor does it affect the 1992 Agreement between the Construction, Forestry and Mining Employees Union, as it then was, and the Australian Workers Union, as it then was.

(27) (a) Notwithstanding anything else in this rule and without being limited by any other provision of this rule and without limiting any provision of this rule, persons employed or to be employed in the Exhibitions (Trade and Public Promotion) Industry shall be eligible for membership of the union.

(b) For the purposes of the rule, Exhibitions (Trade and Public Promotion) Industry means the industry of fabricating, supplying, preparing, marking out, installing, dismantling or hiring exhibition stands and/or associated components used in or in connection with promotions, exhibitions, meetings and/or conventions, provided that this industry shall not be taken to include:

(i) Any work coming within the scope of the National Joinery and Building Trade Products Award 1993 [Print K6616 [N0183]], the National Building and Construction Industry Award 1990 [Print L2807 [N0122]] or The Building and Construction Industry (ACT) Award 1991 [Print K0679 [B0171]] or their State counterpart awards; and/or

(ii) Work undertaken by employees of any employer party directly or indirectly respondent to the National Joinery and Building Trade Products Award 1993, the National Building and Construction Industry Award 1990 or The Building and Construction Industry (ACT) Award 1991 or their State counterpart awards; and/or

(iii) Work undertaken in or in connection with special events (e.g. Expos, Royal Easter Show, Australian Formula One Grand Prix) or industry shows within the constitutional coverage of the Construction, Forestry, Mining and Energy Union pursuant to its eligibility rule; and/or

(iv) Work undertaken in or in connection with, or by an employer whose normal business is, the construction of sets, scenery, props or other equipment or components for any theatrical, motion picture, video, television or entertainment production; and/or

(v) Work undertaken by an employer whose normal business in the business of transport with the constitutional coverage of the Transport Workers' Union of Australia.

(vi) Any work coming within the scope of the Electrical Contracting Industry Award 1992 [Print K3299 [E0068]], the Electrical Engineering and Contracting Industries (Northern Territory) Award 1995 [Print M0637 [E0021CRN]], and the State counterpart electrical contracting awards, and/or work undertaken by the employees of any employer party directly or indirectly respondent to the Electrical Contracting Industry Award 1992, the Electrical Engineering and Contracting Industries (Northern Territory) Award 1995, and the State counterpart electrical contracting awards.

**SECTION 6**

**PART M**

(28) Notwithstanding anything else in this Rule, and without being limited by any other provisions of this Rule and without limiting any other provision of this Rule, all persons employed or to be employed by Luna Park Amusements Pty Limited at Luna Park in Sydney in the State of New South Wales with the exception of those persons solely or principally employed as performers shall be eligible for membership of the union.

**PART N**

(29) Without limiting the generality of the foregoing or being limited in any way by the foregoing every person employed or to be employed by Energy Developments Limited and/or by subsidiaries or related companies to Energy Developments Limited within the meaning of the Corporations Law shall be eligible for membership of the union and the union shall have the right to the exclusion of the ALHMWU, the AMWU, the CEPU and the CFMEU to represent under the Act, the industrial interests of such persons.

**PART O**

(30) Sub-rule to reflect orders made under the Industrial Relations Act 1988 (now the Workplace Relations Act 1996) and recorded in Print N2624

Notwithstanding any provision of this rule to the contrary and for the purpose of giving effect to the orders made on 18 June 1996 and recorded in Print N2624, and subject to further order of the Commission to vary or set aside the orders, with effect from 2 May 1997 persons employed by National Rail Corporation Limited shall not be eligible to become members of the union.

**PART P**

(31) Sub-rule to reflect orders made under the Industrial Relations Act 1988 (now the Workplace Relations Act 1996) and recorded in Print N3460

Notwithstanding any provision of this rule to the contrary and for the purpose of giving effect to orders made on 18 July 1996 and recorded in Print N3460, the union shall not have the eligibility to cover persons who are eligible to be members of the Australian Liquor, Hospitality and Miscellaneous Workers Union employed by contract cleaning and/or catering and/or food and/or security companies other than the following:

1. persons employed by Spotless in Commercial Support Program of the Australian Department of Defence contract work who are employed substantially in the following activities: grounds maintenance, tarmac maintenance, mechanical and electrical maintenance, building repair and/or maintenance, technical or supervisory and generally other persons whose work activities may generally be characterised as 'outdoor work'.

2. persons employed in contract cleaning and associated work undertaken by Event Services (excluding catering or food services work), in the following activities/locations

Homebush Bay Showground and services directly provided in association with events at the showground, the Eastern Creek Equestrian Centre, the Royal Hall of Industries, the Hordern Pavilion and associated facilities in regard to exhibitions at Paddington, and the AGVIEW event conducted at Camden (previously administered by the Royal Agricultural Society of New South Wales).

3. persons employed by Cleanevent Pty Ltd primarily employed in cleaning work in the following activities/locations: race courses, motor racing, golf tournaments, agricultural and horticultural events, outdoor entertainment venues (other than at sports stadiums), and employees performing horticultural work in sports stadiums/venues.

This rule shall not apply in the State of Queensland and the Northern Territory.

**PART Q**

(32) Without limiting anything else in Rule 6 Parts A to P inclusive, and without being limited thereby, the following persons shall be eligible to be members of the Union:

(a) (1) All persons employed by the owners and/or operators of Olympic venues other than:

(i) persons engaged in the preparation and/or sale of food and/or snacks and/or beverages;

(ii) security officers;

(iii) child care workers;

(iv) persons employed in or by accomodation services associated with Olympic venues;

(v) persons employed in drug testing units associated with Olympic venues or events;

(vi) persons employed in cleaning (other than those employees subject to Part P(31)(3) of Rule 6).

(2) Provided that the Australian Liquor, Hospitality and Miscellaneous Workers' Union shall have the exclusive right to represent all employees engaged by contract companies to provide any of the following services at Olympic venues: food and beverage; catering; cleaning (other than those employees subject to the provisions of Part P(31)(3) of Rule 6); security; gardening; parking; and child care.

(3) Provided that the Union shall not have the eligibility to cover persons who are eligible to be members of the Australian Rail, Tram and Bus Industry Union employed by the owners and/or operators of rail and bus services to/from or at the Olympic venues.

(4) Provided that the Union shall not have the eligibility to cover persons employed in or in connection with motion picture, film, video and television production, broadcasting and live theatre who are eligible for membership of the Media Entertainment and Arts Alliance Rule 4, Eligibility for Membership, Part B;

(5) Provided that the Union shall not have the eligibility to cover persons employed in the public service of New South Wales;

(6) For the purposes; of this subclause, Olympic venues means those venues described in the Homebush Bay Master Plan and includes the Olympian Equestrian Centre, the Sydney International Aquatic and Athletic Centre, the Stadium Australia, the Sydney Super Dome; N.S.W. Tennis Centre; and the State Sports Centre and associated facilities.

(b) (1) All persons employed by the Sydney Olympic Games Organising Committee in its capacity as an employer of persons working during the Sydney 2000 Olympics in August-September 2000, for a period of 60 days other than the following:

(i) persons engaged in the preparation and/or sale of food and/or snacks and/or beverages;

(ii) security officers;

(iii) persons employed in or by accommodation services associated with Olympic venues;

(iv) persons employed in drug testing units associated with Olympic venues, or events;

(v) cleaning workers;

(vi) child care workers;

(vii) gardening workers;

(viii) parking attendants;

(ix) persons employed as journalists, performers, film/television and video production staff and live theatre crews.

(2) Provided that the Australian Liquor, Hospitality and Miscellaneous Workers' Union shall have the exclusive right to represent all employees engaged by contract companies to provide any of the following services at Olympic venues: food and beverage; catering; cleaning; security; gardening; parking; and child care.

(3) Provided that this rule shall cease to apply from 1 January 2001.

(c) All persons employed by Event Services Pty Ltd who are engaged at Homebush Bay Showground and/or engaged in services directly provided in association with events at the Homebush Bay Showground and/or engaged at Eastern Creek Equestrian Centre other than persons employed by Event Services Pty Ltd who are primarily engaged in the sale and/or preparation of food and/or snacks and/or beverages which are produced and/or sold to or for the public, at Homebush Bay Showground and the Eastern Creek Equestrian Centre;

(d) (1) All persons employed in theme parks in Queensland other than:

(i) persons employed by contract food and/or snacks and/or beverages and/or catering and/or cleaning and/or security and/or gardening and/or parking and/or child care companies who are eligible to be members of the Australian Liquor Hospitality and Miscellaneous Workers Union in accordance with the rules of that Union as at 6 September 2000;

(2) For the purposes of this subclause contract companies means companies which provide such services pursuant to contracts or arrangements with a principal or principals or persons or organisations which sub-contract such work to those companies on behalf of principals.

(3) Theme park shall mean any amusement park offering theme attractions such as rides (whether indoors or outdoors or both) for the entertainment of the public, which is of a substantial size but does not include:

(1) zoos,

(2) aquariums,

(3) entertainment or sporting or educational venues or centres or facilities owned, funded or operated by the Commonwealth or by the Crown in right of a State or Territory or by any person, firm, board, trust, company or corporation employing persons on behalf of the Government of a State or Territory.

(e) (1) All persons employed in theme parks other than:

(i) All persons employed at:

(1) Sovereign Hill, Ballarat;

(2) Australia's Wonderland;

(3) Old Sydney Town; and

(4) Essendon Airport.

(ii) All persons employed directly or by contract in the preparation and/or sale of food and/or snacks and/or beverages and/or catering and/or cleaning and/or security and/or gardening and/or parking and/or child care companies who are eligible to be members of the Australian Liquor Hospitality and Miscellaneous Workers Union in accordance with the rules of that Union as at 6 September 2000;

(iii) Without limiting the foregoing, all persons employed directly or by contract companies who are eligible to be members of the Australian Liquor, Hospitality and Miscellaneous Workers' Union in accordance with the rules of that Union as at 6 September 2000.

(2) Theme park shall mean any amusement park offering theme attractions such as rides (whether indoors or outdoors or both) for the entertainment of the public, which is of a substantial size but does not include:

(i) zoos,

(ii) aquariums,

(iii) entertainment or sporting or educational venues or centres or facilities owned, funded or operated by the Commonwealth or by the Crown in right of a State or Territory or by any person, firm, board, trust, company or corporation employing persons on behalf of the Government of a State or Territory.

(3) For the purposes of this subclause contract companies means companies which provide such services pursuant to contracts or arrangements with a principal or principals or persons or organisations which sub-contract such work to those companies on behalf of principals.

(f) (1) All persons employed by owners or operators of indoor and outdoor family theme parks/amusement centres/amusement arcades including but not limited to persons employed by Village Nine Leisure Companies, Avel Pty. Ltd. and Sega Ozisoft Pty. Ltd. other than:

(i) Persons employed:

(1) at Sovereign Hill, Ballarat;

(2) at Australia's Wonderland;

(3) at Old Sydney Town;

(4) at Essendon Airport;

(5) by Greater Union companies excluding Kidsports and Fun and Games;

(6) by employers respondent to the Showmen's Guild Award at 30 May, 1997; and

(7) at Magic Mountain (Adelaide).

(ii) All persons employed by directly or by contract food and beverage and/or catering and/or cleaning and/or security and/or gardening and/or parking and/or child care companies who are eligible to be members of the Australian Liquor Hospitality and Miscellaneous Workers Union in accordance with the Rules of that Union as at 6 September 2000.

(iii) For the purposes of this subclause contract companies means companies which provide such services pursuant to contracts or arrangements with a principal or principals or persons or organisations which sub-contract such work to those companies on behalf of principals.

(iv) all persons employed as performers.

(2) Theme park shall mean any amusement park offering theme attractions such as rides (whether indoors or outdoors or both) for the entertainment of the public, which is of a substantial size but does not include:

(i) zoos,

(ii) aquariums,

(iii) entertainment or sporting or educational venues or centres or facilities owned, funded or operated by the Commonwealth or by the Crown in right of a State or Territory or by any person, firm, board, trust, company or

corporation employing persons on behalf of the Government of a State or Territory.

(g) All persons employed as administrative staff (officials) in the thoroughbred, harness and greyhound racing industries.

(h) All persons employed by owners or operators of ten pin bowling and squash centres:

(i) except for all persons employed by contract food and beverage catering and/or cleaning and/or security and/or gardening and/or parking and/or child care companies who are eligible to be members of the Australian Liquor Hospitality and Miscellaneous Workers Union in accordance with the Rules of that Union as at 6 September 2000.

(ii) For the purpose of this subclause contract companies means companies which provide such services pursuant to contracts or arrangements with a principal or principals or persons or organisations which sub-contract such work to those companies on behalf of principals;

(iii) except persons employed in the Northern Territory.

(i) (i) Persons employed by contract companies who are eligible to be members of the Automotive, Food, Metal, Engineering, Printing and Kindred Industries Union and Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union in accordance with the rules of those unions as at 12 February 1999, shall not be eligible for membership under sub-rules (a), (b), (c), (d), (e), (f), (g) and (h).

(ii) Notwithstanding anything else in this sub rule, nothing in this sub rule is taken to make eligible to be a member of the Union any person engaged as a boilermaker or sheet metal worker who is eligible to be a member of the Automotive, Food, Metal, Engineering, Printing and Kindred Industries Union in accordance with that union's rules as at 1 July 1998.

(iii) Persons eligible to be members of the Shop, Distributive & Allied Employees Association shall not be eligible for membership under sub rules (a), (b), (g) and (h) of this sub rule.

(iv) For the purposes of this subclause contract companies means companies which provide services pursuant to contracts or arrangements with a principal or principals or persons or organisations which sub-contract such work to those companies on behalf of principals.

(j) All persons employed by owners or operators of convention centres and/or exhibition halls throughout the State of Queensland.

(k) Notwithstanding anything else in these rules, nothing in Part Q herein shall render eligible for membership of the Union any person eligible for membership of the Construction, Forestry, Mining and Energy Union as at the 12 February 1999.

**PART R**

(33) All persons engaged as professional netball players participating in the Commonwealth Bank Trophy (or equivalent) and/or for Netball Australia as an Australian Squad member.

(34) All persons engaged as professional basketball players participating in the Women’s National Basketball League and the Australian Women’s Basketball Team.

## RULE 6 - DESCRIPTION OF INDUSTRY

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

**PART A**

(1) Without limiting any provisions of other sub-rules hereofthe industries of the employment of every bona fide worker, male or female, engaged in manual or mental labour in or in connection with any of the following industries or callings, namely:

Pastoral, agricultural, farming, horticultural, including the growing, picking and packing of edible fungi, viticultural (which includes employees in wineries), dairying, poultry farming, fruit growing, sugar growing, cane cutting, milling and refining, the handling and loading and storage for export and home consumption of grain, seed and manufactured sugar, the growing, cutting, production, processing and treatment of tea, flax and tobacco, rabbit trapping, timber and sawmilling, afforestation and silviculture, the manufacture of masonite and/or caneite and all operations incidental thereto, meat preserving and meat trade generally, road making, water and sewerage, railway construction work, all persons (except persons eligible to be members of The Federated Engine Drivers' and Firemen's Association of Australasia in Queensland) other than tradesmen and welders engaged in or in connection with the construction of pipelines used in or in connection with the extraction and transmission of hydrocarbons, solids, slurries and similar substances, manufacture or preparation, applying, laying or fixing of bitumen emulsion, asphalt emulsion, bitumen or asphalt preparations, hot pre-mixed asphalt, cold paved asphalt and mastic asphalt, (other than tar paving or asphalt work within the external alignment of buildings not incidental to or part of civil engineering works), metalliferous mining, smelting, reducing and refining of ores, the production and harvesting of salt, gypsum procurement, dredging or sluicing work, mining for brown coal, including the extraction of the by-products; the search and/or drilling for hydrocarbons, the production, processing and transmission of hydrocarbons, the prospecting, surveying, exploration and drilling for minerals and metals (except as to members of organizations in the shipping industry); the manufacture of briquettes and the distillation of oils, timber getting for mining purposes, stone quarrying, land surveying, fish cleaning, net making, fish trawling, fish purse seining or polling, fish farming, fishing activity, marine farming, aquiculture, pisciculture, mariculture, cultivation of live sea and freshwater products, breeding or spawning of fish and hatching of fish or marine products whether in or from the sea, rivers, dams, tanks, ponds, underwater cages, acquariums or other water source, holding, containing, penning or harvesting of live fish or marine products or marine vegetation, cleaning, purging, flushing, packing, freezing, processing, preserving, smoking, treatment or marketing of fish or marine products, cultivation, culling or treatment of oysters, oyster leases or oyster farms, treatment of whales and by-products, manufacture of copper bars, rods and wire, the manufacture of cables and the process of covering or insulating cables, the production or manufacture of aluminium for use as a raw material in the manufacture of articles, the construction, maintenance and conduct of the Commonwealth Railways and all kinds of general labour, the manufacture of soap and candles, of butterine and margarine, of preparation and packing of crisps and extrusions including from but not limited to, potatoes and cereals, and nut foods, of drugs (other than the milling thereof), of chemicals and gases, of blue, of toys (other than sheet metal), the manufacture and milling of paper, the extraction and refining of vegetable oils, tea packing, the dehydration of vegetables and fruit, laundries, persons employed or competent to be employed as Hairdressers, Barbers, Wigmakers, Hairworkers, and their assistants (other than Examiners or Hairdressing and Apprenticeship Supervisors) and all employees in and in connection with Beauty Parlours, and receptionists employed in connection therewith, but excluding persons engaged in the sale of goods and in the manufacture of beauty preparations, fire brigades, including that of permanent, and firemen under Boards of Fire Commissioners, boring for water or oil or refining such oil or the extraction of the oil products, the production of charcoal, ginners, stackers, feeders, branders, oil refiners, moulders and labourers in the cotton industry, the destruction of prickly pear or of noxious weeds and vegetation or the treatment of products thereof and the eradication of pests and vermin; the treatment of prickly pear or of the products thereof, the manufacture of cement and cement articles and/or the operation of concrete batching plants, the manufacture of fibrolite articles, manufacture of fibre cement and/or asbestos cement products, the formation and maintenance of racecourse tracks, golf links, bowling greens and tennis courts and of all gardens, lawns and greens in connection therewith, ski instructors, employees engaged at chair lifts, T-bars and ski runs either snow or grass, persons employed in or about the Newcastle Iron and Steel Works or any works directly subsidiary thereto, or in any quarry or mine or other industrial establishment where the work done is wholly or mainly the supply of materials incidental to the manufacture of iron and steel at the Newcastle Iron and Steel Works other than those employees who are engaged as foremen or staff employees, persons employed in and about the works of the following companies at Port Kembla - namely: Metal Manufactures Limited, Electrolytic Refining and Smelting Company of Australia Limited, and Australian Fertilizers Limited, excepting, in the case of each company, staff employees, blacksmiths, boilermakers, bricklayers, carpenters, electricians (including electrical fitters and linesmen), engine drivers (including crane or winch drivers, firemen, motor drivers or attendants, dynamo attendants, greasers, trimmers and cleaners), engineers, (including drillers, fitters, machinists, pipe fitters and turners), moulders, painters, plumbers, storemen and packers within the jurisdiction of the Storemen and Packers' General (State) Conciliation Committee, rubber workers, motor-waggon drivers, riggers, strikers and assistants to the following class of tradesmen - namely: boilermakers blacksmiths, engineers (including electrical engineers), moulders, coppersmiths, sheet-iron workers, plumbers, springmakers, electricians, motor mechanics and any other mechanics engaged in the iron, steel and metal industries; fellmongering, woolsorting and woolscouring and basil tanning; undertaking and burial. Provided, however, that notwithstanding the foregoing, persons employed in:

(a) the manufacture of masonite and/or caneite and all operations incidental thereto,

(b) the manufacture or preparation of bitumen emulsion, asphalt emulsion, bitumen or asphalt preparations, hot mixed asphalt, cold paved asphalt and mastic asphalt,

(c) the treatment of whales and by-products,

(d) the manufacture of cables and the process of covering or insulating cables,

(e) the production or manufacture of aluminium for use as a raw material in the manufacture of articles,

(f) the dehydration of vegetables and fruit,

(g) the production of charcoal,

who are eligible to be members of The Federated Engine Drivers' and Firemen's Association of Australasia, or the Transport Workers' Union of Australia, and in respect to the dehydration of vegetables and fruit, persons employed in:

(a) the State of Tasmania,

(b) the States of New South Wales, Victoria and South Australia other than the dehydration of vegetables and fruit, which is performed actually on dried fruit and vine fruit blocks or dehydration plants erected in dried fruits packing establishments situated in recognised dried fruit areas and other than dehydration establishments in the Murrumbidgee Irrigation Area and in the Young and Batlow districts, except employees of the Batlow Co-Operative Co. Ltd, who are eligible to be members of the Food Preservers Union of Australia,

shall not be eligible for membership pursuant to this Part.

(2) Without limiting the generality of the foregoing or being limited in any way by the foregoing the industry of or calling of horse training and/or horse racing.

(3) Without limiting the generality of the foregoing or being limited in any way by the foregoing the industry or calling of either or both catering and cleaning for or at premises provided for persons

working in or in connection with any of the industries described in the other paragraphs of this Rule 5 except in the Northern Territory provided that this exception shall not apply to the industry or calling of:

the search and/or drilling for hydrocarbons, the production, processing and transmission of hydrocarbons; and

the construction of pipelines used in or in connection with the extraction and transmission of hydrocarbons, solids, slurries and similar substances.

(4) Without limiting the generality of any other provisions of this Rule or being limited in any way thereby, the industries or callings of:

(a) Landscaping, (other than in the Northern Territory);

(b) Builders labourers in that area of Queensland situated north of a line commencing at the sea coast with the 22nd parallel of south latitude, thence by that parallel of latitude due west to 147 degrees of east longitude thence by that meridian of longitude due south to 22 degrees 30 minutes of south latitude, thence by that parallel of latitude due west to the western border of the State.

(c) The construction, repair maintenance or demolition of:

(i) Civil and/or mechanical engineering projects.

(ii) Power transmission, light, television, radio, communication, radar, navigation, observation towers or structures.

(iii) Power houses, chemical plants, hydrocarbons and/or oil treatment plants or refineries.

(iv) Silos, excepting grain silos in Tasmania, South Australia, Western Australia and that area of Queensland not included in paragraph 4(b) above.

(v) Sports and/or entertainment complexes.

(vi) Car parks excepting car park buildings and car parks within the alignment of a building.

Subject to other paragraphs of this Rule, nothing in paragraph 4(c) shall render eligible to join the Union any building tradesman; or, except in the area specified in paragraph 4(b) any builders labourer or plumbers labourer employed on a building or building- type structure which is for the purpose of housing persons, goods or workshop equipment (other than mechanical or electrical plant).

Provided that paragraph (c) of this subrule shall have no operation within the Northern Territory.

**PART B**

(5) Without limiting the generality of the foregoing or being limited in any way by the foregoing, the industry of Engineering.

**PART C**

(6) Without limiting the generality of the foregoing or being limited in any way by the foregoing, the industries or the employment of an unlimited number of persons being:

(a) Persons employed or usually employed in the Public Service of the Commonwealth, or in private industry, in the manufacture, preparation, storage or delivery of ammunition (including sporting and military), cordite, explosives (including commercial and military), arms (including sporting and military), and munitions, or work incidental thereto throughout the Commonwealth.

(b) All workers in wire, employees in or about wire netting or other wire workers, employees engaged in the manufacture of metal wire or of any article or articles made therefrom. Employees engaged in the process of galvanising or tinning articles of wire or any form of metal, and in the processing leading up to the preparation of such tinning or galvanising and all workers engaged in tubular gate making.

(c) All assistants and all labourers, general or special, engaged in connection with the work of boilermakers, blacksmiths, engineers (including electrical engineers), moulders, coppersmiths, sheet- iron workers, plumbers, springmakers, electricians, motor mechanics and any other mechanics engaged in the iron, steel and metal industries.

(d) Dressers, grinders, drillers on stationary machines, furnacemen (including forge furnacemen), pipe moulders, tool storemen, and all labourers, general or special, engaged in the iron, steel and metal industries, or engaged in the cast-iron, pipemaking industry, steel locking bar pipe industry, riggers and scaffolders (other than riggers on ships and riggers and scaffolders employed in shipyards, dockyards and in building operations on buildings), machinists (excepting operators of punching, shearing, rivetting, rolling, bending, angle or plate straightening, nipping and notching machines, and smith machines), and all assistants to mechanics, and labourers general or special, employed in constructional shops in industries referred to in subrule (6) of this Rule in or in connection with which this Union is registered as an organisation.

(e) Machinists engaged in the steel locking bar pipe-making industry. All persons employed in the iron, steel and tin plate rolling industries. All persons employed in the manufacture of galvanised iron, in the manufacture and/or rolling of brass, copper and aluminium and other non-ferrous metals and in the process of lining and/or covering pipes with bitumen, and all persons employed in the achine horseshoe-making industry and in the reinforced steel industry carried out in workshops or foundries.

(f) Persons engaged in a repetition or specialised process of the production of or assembling of machine parts or metallic articles. Persons engaged in a repetition or specialised process for the production of plastic moulding. Persons engaged in the assembling of motor chasses, bumper bars, motor accessories and the like and employees including labourers, engaged as assistants in the manufacture of such articles and/or accessories and the like excepting assemblers of engines, engineers, fitters, turners, planers, shapers, slotters, millers and motor mechanics. Operators of metal spraying machines and labourers employed directly or indirectly as assisting such workers. All employees other than tradesmen engaged in the erection of television antennae excepting that those persons including tradesmen who are eligible for membership of the Union pursuant to subrule(5) shall remain eligible for membership of the Union.

(g) All classes of employees which are referred to in the preceeding paragraphs (a), (b), (c), (d), (e) and (f), engaged in or in connection with the industries of ship-building and ship repairing or engaged in or in connection with the work of foundries, together with such other persons, whether employees in any industrial pursuit or pursuits or not, who may have been appointed Officers of the Union and admitted as members thereof provided that no boilermaker, blacksmith, engineer, electrician, moulder (other than pipe moulder), coppersmith, sheet metal worker, tinsmith, canister maker, plumber or springmaker shall be eligible to become a member of this Union, pursuant to this Part.

(h) Persons employed or usually employed in connection with the Artificial Manures, Fertilizers, Acids, Alkalis and Chemical Industries.

**PART D**

(7) Notwithstanding anything else in this Rule and without being limited by any other part of this Rule or limiting any other part of this Rule, the Carpentry and Joinery Industry including, in the port of Sydney (excluding Garden Island) in the State of New South Wales and in the State of South Australia, the industry of ships carpentry and/or joinery; and

**PART E**

(8) Notwithstanding anything else in this Rule and without being limited by any other part of this Rule or limiting any other part of this Rule in South Australia the industry of brushmaking; and

**PART F**

(9) Notwithstanding anything else in this Rule and without being limited by any other part of this Rule or limiting any other part of this Rule, the Rope and Cordage Industry.

**PART G**

(10) Notwithstanding anything else in this Rule and without being limited by any other provision of this Rule or limiting any other provisions of this Rule, the glass industry.

**PART H**

(11) Notwithstanding anything else in this rule, and without being limited by any other provision of this rule and without limiting any other provision of this rule, persons employed as entertainment industry products employees and operators employed by Sony Music Australia Limited and Entertainment Distributors Company Limited at their premises at Huntingwood Estate, Eastern Creek in the State of New South Wales are eligible for membership of the Union.

**PART I**

(12) Notwithstanding anything else in this rule and without being limited by any other provision of this rule and without limiting any other provision of this rule, persons employed by Auschar Operations Pty. Limited to operate, control and/or maintain its Traralgon plant in the La Trobe Valley in the State of Victoria shall be eligible for membership of the Union.

**PART J**

(13) Notwithstanding anything else in this rule and without being limited by any other part of this rule and without limiting any other part of this rule, the industry of

(a) all salaried members of the staffs of gas companies throughout the Commonwealth of Australia excepting:

(i) general managers (other than in the case of the South Australian Gas Company and its subsidiaries);

(ii) chief executive officers (being officers who are in effect General Managers but not so designated) [other than in the case of the South Australian Gas Company and its subsidiaries]; and

(iii) tradesmen (not being foremen) who from day to day use tools of trade other than for the purpose of demonstrating their use or in cases of emergency;

(b) in addition to, and without detracting from the generality of the coverage conferred by paragraph (a) of this sub-rule, all persons who are employed by gas companies throughout

the Commonwealth of Australia either wholly or substantially in professional, technical, clerical, marketing or supervisory capacities;

(c) any other persons who may be elected officers of the Union or a branch thereof;

(d) Provided that nothing in this Rule shall confer eligibility for membership on salaried employees of CSR Limited employed at a yearly rate of pay in the company including such employees who are either on loan to or on secondment to any subsidiary or any associated company of CSR Limited.

(e) Provided further that nothing in this Rule shall confer eligibility upon a person employed by a person, firm, company, board, trust, body corporate. local government authority or statutory body (whether or not representing the Crown) which is -

(i) engaged in the exploration for hydrocarbons (other than the Gas & Fuel Corporation of Victoria and the South Australia Gas Company, and their subsidiaries);

(ii) engaged in the extraction of hydrocarbons and/or processing in or in connexion with the extraction process;

(iii) engaged in providing services to other entities which are engaged in activities set out in sub-paragraphs (i) or (ii) of this paragraph including the provision of prospecting, maritime, seismic survey, drilling, construction, catering, diving, technical and maintenance services; and/or

(iv) engaged in transmission of hydrocarbons by pipeline from the location of activities described in sub-paragraph (ii) of this paragraph and which supplies such hydrocarbons to another entity for refining, reticulation, power generation or other industrial or commercial use other than the transmission of gas by a gas company for reticulation and who is engaged in or in connexion with any of the activities described in sub-paragraphs (i) - (iv) above.

(f) in these rules, the following definitions shall apply;

"Gas Companies", without limiting the generality of the words, includes any person, firm, company, board, trust, body corporate, local government authority or statutory body (whether or not representing the Crown) engaged in or in connexion with:

(i) the exploration for, production, sale, marketing or distribution of town gas either alone or in conjunction with any other substance within the Commonwealth of Australia; or

(ii) the handling, conveying, carrying or transportation by means of pipeline or otherwise, of town gas either alone or in conjunction with any other substance within the Commonwealth of Australia.

But does not include the State Energy Commission of Western Australia, its subsidiaries, or its public body successors who are within the Statutory Corporation or Municipal Industry.

But does not include employees of the Australian Government or employees of Statutory Authorities of the Australian Government.

"Town Gas", wherever used herein shall be deemed to include carburetted water gas, coal gas, producer gas, refinery gas, reformed liquified petroleum gas, reformed refinery gas, tempered liquid petroleum gas, water gas, synthetic natural gas, liquified natural gas, reformed natural gas, tempered natural gas, bio-gas and a mixture of two or more such gases.

The gases hereby included in the definition are defined as under:

"Carburetted Water Gas" is flammable gas produced by the interaction of steam and hot coke and which has had its heating power increased by the admixture of a gas.

"Coal Gas" includes all flammable gases produced by the thermal treatment of coal.

"Liquified Petroleum Gas" is a mixture composed substantially of C3 or C4 hydrocarbons or both of them either in a liquid or a gaseous state.

"Natural Gas" is a gaseous material containing hydrocarbons and obtained from bore holes or from crude oil otherwise than by thermal or catalytic process.

"Oil Gas" is gas manufactured from petroleum or other oil by thermal, catalytic or other process but not including liquified petroleum gas.

"Producer Gas" is gas manufactured by the action of air on hot coke.

"Refinery Gas" is the residual gas produced at a refinery and left over after all normally useable products (including liquified petroleum gas) have been made or extracted from the crude or feed stock.

"Tempered Liquid Petroleum Gas" is gas manufactured by mixing liquified petroleum gas with air.

"Water Gas" is gas manufactured by the action of steam on hot coke.

"Liquified Natural Gas" is natural gas as defined above when liquified by the action of increased pressure or reduced temperature or both.

"Reformed Natural Gas" is gas produced by thermal, catalytic or other processing of refinery gas.

"Tempered Natural Gas" is gas manufactured by mixing natural gas with air.

"Reformed Refinery Gas" is gas produced by thermal, catalytic or other processing of refinery gas.

"Bio-gas" is any hydrocarbon containing gas produced by biological action on an organic substrate.

"Reformed Liquified Petroleum Gas" is gas produced by thermal, catalytic or other processing of liquified petroleum gas.

"Synthetic Natural Gas" is gas manufactured by mixing liquified petroleum gas with air or a gas manufactured to have the same combustion quality as natural gas.

Notwithstanding the foregoing Rule, the Industry in connexion with which the Federation is formed excludes persons employed in, about or in connexion with a coal or shale mine and employed by the owner or operator or a subsidiary or related company thereof.

**PART K**

(14) Notwithstanding anything else in this rule and without being limited by any other part of this rule or limiting any other part of this rule, in or in connection with the industry of preparation, manufacture, processing and packaging of tobacco, cigarettes, cigars and allied products in the States of New South Wales and Victoria.

**PART L**

(15) Notwithstanding any other provision of this Rule, nothing in any one part of this Rule limits the description of industries in or in connection with which the Union is registered pursuant to any other part of this Rule.

(16) This industry Rule in so far as it adopts the industry Rule of the Australasian Society of Engineers prior to amalgamation with The Federated Ironworkers' Association of Australia shall be construed as if it is the industry Rule of the Australasian Society of Engineers prior to amalgamation and shall be treated as standing alone and separate from the remaining parts of the industry Rule.

**PART M**

(17) Notwithstanding anything else in this Rule and without being limited by any other provisions of this Rule and without limiting any other provision of this Rule, all persons employed or to be employed by Luna Park Amusements Pty Limited at Luna Park in Sydney in the State of New South Wales with the exception of those persons solely or principally employed as performers are eligible for membership of the union.

**PART N**

(18) Without limiting anything else in Rule 5 Parts A to M inclusive, and without being limited thereby, the following persons shall be eligible to be members of the Union:

(a) (1) All persons employed by the owners and/or operators of Olympic venues other than:

(i) persons engaged in the preparation and/or sale of food and/or snacks and/or beverages;

(ii) security officers;

(iii) child care workers;

(iv) persons employed in or by accomodation services associated with Olympic venues;

(v) persons employed in drug testing units associated with Olympic venues or events;

(vi) persons employed in cleaning (other than those employees subject to Part P(31)(3) of Rule 6).

(2) Provided that the Australian Liquor, Hospitality and Miscellaneous Workers' Union shall have the exclusive right to represent all employees engaged by contract companies to provide any of the following services at Olympic venues: food and beverage; catering; cleaning (other than those employees subject to the provisions of Part P(31)(3) of Rule 6); security; gardening; parking; and child care.

(3) Provided that the Union shall not have the eligibility to cover persons who are eligible to be members of the Australian Rail, Tram and Bus Industry Union

employed by the owners and/or operators of rail and bus services to/from or at the Olympic venues.

(4) Provided that the Union shall not have the eligibility to cover persons employed in or in connection with motion picture, film, video and television production, broadcasting and live theatre who are eligible for membership of the Media Entertainment and Arts Alliance Rule 4, Eligibility for Membership, Part B;

(5) Provided that the Union shall not have the eligibility to cover persons employed in the public service of New South Wales;

(6) For the purposes; of this subclause, Olympic venues means those venues described in the Homebush Bay Master Plan and includes the Olympian Equestrian Centre, the Sydney International Aquatic and Athletic Centre, the Stadium Australia, the Sydney Super Dome; N.S.W. Tennis Centre; and the State Sports Centre and associated facilities.

(b) (1) All persons employed by the Sydney Olympic Games Organising Committee in its capacity as an employer of persons working during the Sydney 2000 Olympics in August-September 2000, for a period of 60 days other than the following:

(i) persons engaged in the preparation and/or sale of food and/or snacks and/or beverages;

(ii) security officers;

(iii) persons employed in or by accommodation services associated with Olympic venues;

(iv) persons employed in drug testing units associated with Olympic venues, or events;

(v) cleaning workers;

(vi) child care workers;

(vii) gardening workers;

(viii) parking attendants;

(ix) persons employed as journalists, performers, film/television and video production staff and live theatre crews.

(2) Provided that the Australian Liquor, Hospitality and Miscellaneous Workers' Union shall have the exclusive right to represent all employees engaged by contract companies to provide any of the following services at Olympic venues: food and beverage; catering; cleaning; security; gardening; parking; and child care.

(3) Provided that this rule shall cease to apply from 1 January 2001.

(c) All persons employed by Event Services Pty Ltd who are engaged at Homebush Bay Showground and/or engaged in services directly provided in association with events at the Homebush Bay Showground and/or engaged at Eastern Creek Equestrian Centre other than persons employed by Event Services Pty Ltd who are primarily engaged in the sale and/or preparation of food and/or snacks and/or beverages which are produced and/or sold to or for the public, at Homebush Bay Showground and the Eastern Creek Equestrian Centre;

(d) (1) All persons employed in theme parks in Queensland other than:

(i) persons employed by contract food and/or snacks and/or beverages and/or catering and/or cleaning and/or security and/or gardening and/or parking and/or child care companies who are eligible to be members of the Australian Liquor Hospitality and Miscellaneous Workers Union in accordance with the rules of that Union as at 6 September 2000;

(2) For the purposes of this subclause contract companies means companies which provide such services pursuant to contracts or arrangements with a principal or principals or persons or organisations which sub-contract such work to those companies on behalf of principals.

(3) Theme park shall mean any amusement park offering theme attractions such as rides (whether indoors or outdoors or both) for the entertainment of the public, which is of a substantial size but does not include:

(1) zoos,

(2) aquariums,

(3) entertainment or sporting or educational venues or centres or facilities owned, funded or operated by the Commonwealth or by the Crown in right of a State or Territory or by any person, firm, board, trust, company or corporation employing persons on behalf of the Government of a State or Territory.

(e) (1) All persons employed in theme parks other than:

(i) All persons employed at:

(1) Sovereign Hill, Ballarat;

(2) Australia's Wonderland;

(3) Old Sydney Town; and

(4) Essendon Airport.

(ii) All persons employed directly or by contract in the preparation and/or sale of food and/or snacks and/or beverages and/or catering and/or cleaning and/or security and/or gardening and/or parking and/or child care companies who are eligible to be members of the Australian Liquor Hospitality and Miscellaneous Workers Union in accordance with the rules of that Union as at 6 September 2000;

(iii) Without limiting the foregoing, all persons employed directly or by contract companies who are eligible to be members of the Australian Liquor, Hospitality and Miscellaneous Workers' Union in accordance with the rules of that Union as at 6 September 2000.

(2) Theme park shall mean any amusement park offering theme attractions such as rides (whether indoors or outdoors or both) for the entertainment of the public, which is of a substantial size but does not include:

(i) Zoos,

(ii) Aquariums,

(iii) entertainment or sporting or educational venues or centres or facilities owned, funded or operated by the Commonwealth or by the Crown in right of a State or Territory or by any person, firm, board, trust, company or corporation employing persons on behalf of the Government of a State or Territory.

(3) For the purposes of this subclause contract companies means companies which provide such services pursuant to contracts or arrangements with a principal or principals or persons or organisations which sub-contract such work to those companies on behalf of principals.

(f) (1) All persons employed by owners or operators of indoor and outdoor family theme parks/amusement centres/amusement arcades including but not limited to persons employed by Village Nine Leisure Companies, Avel Pty. Ltd. and Sega Ozisoft Pty. Ltd. other than:

(i) Persons employed:

(1) at Sovereign Hill, Ballarat;

(2) at Australia's Wonderland;

(3) at Old Sydney Town;

(4) at Essendon Airport;

(5) by Greater Union companies excluding Kidsports and Fun and Games;

(6) by employers respondent to the Showmen's Guild Award at 30 May, 1997; and

(7) at Magic Mountain (Adelaide);

(ii) All persons employed by directly or by contract food and beverage and/or catering and/or cleaning and/or security and/or gardening and/or parking and/or child care companies who are eligible to be members of the Australian Liquor Hospitality and Miscellaneous Workers Union in accordance with the Rules of that Union as at 6 September 2000.

(iii) For the purposes of this sub-rule contract companies means companies which provide such services pursuant to contracts or arrangements with a principal or principals or persons or organisations which sub-contract such work to those companies on behalf of principals.

(iv) all persons employed as performers.

(2) Theme park shall mean any amusement park offering theme attractions such as rides (whether indoors or outdoors or both) for the entertainment of the public, which is of a substantial size but does not include:

(i) zoos,

(ii) aquariums,

(iii) entertainment or sporting or educational venues or centres or facilities owned, funded or operated by the Commonwealth or by the Crown in right of a State or Territory or by any person, firm, board, trust, company or

corporation employing persons on behalf of the Government of a State or Territory.

(g) All persons employed as administrative staff (officials) in the thoroughbred, harness and greyhound racing industries.

(h) All persons employed by owners or operators of ten pin bowling and squash centres:

(i) except for all persons employed by contract food and beverage catering and/or cleaning and/or security and/or gardening and/or parking and/or child care companies who are eligible to be members of the Australian Liquor Hospitality and Miscellaneous Workers Union in accordance with the Rules of that Union as at 6 September 2000.

(ii) For the purposes of this subclause contract companies means companies which provide such services pursuant to contracts or arrangements with a principal or principals or persons or organisations which sub-contract such work to those companies on behalf of principals;

(iii) except persons employed in the Northern Territory.

(i) (i) Persons employed by contract companies who are eligible to be members of the Automotive, Food, Metal, Engineering, Printing and Kindred Industries Union and Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union in accordance with the rules of those unions as at 12 February 1999, shall not be eligible for membership under sub-rules (a), (b), (c), (d), (e), (f), (g) and (h).

(ii) Notwithstanding anything else in this sub rule, nothing in this sub rule is taken to make eligible to be a member of the Union any person engaged as a boilermaker or sheet metal worker who is eligible to be a member of the Automotive, Food, Metal, Engineering, Printing and Kindred Industries Union in accordance with that union's rules as at 1 July 1998.

(iii) Persons eligible to be members of the Shop, Distributive & Allied Employees Association shall not be eligible for membership under sub rules (a), (b), (g) and (h) of this sub rule.

(iv) For the purposes of this subclause contract companies means companies which provide services pursuant to contracts or arrangements with a principal or principals or persons or organisations which sub-contract such work to those companies on behalf of principals.

(j) All persons employed by owners or operators of convention centres and/or exhibition halls throughout the State of Queensland.

(k) Notwithstanding anything else in these rules, nothing in Part N herein shall render eligible for membership of the Union any person eligible for membership of the Construction, Forestry, Mining and Energy Union as at the 12 February 1999.

**PART O**

(19) (a) Without limiting the generality of any other provisions of these Rules or being limited in any way thereby, all persons other than clerical employees and craftsmen (but including cooks) employed in or about or in connection with or incidental to the industries or operations of hotels, clubs, casinos, motels, boarding houses, hostels, serviced rooms or flats, residential colleges, cafes, restaurants, catering establishments, resorts, and operations of a like or similar nature including tourism accommodation in Queensland outside the South Eastern Division of Queensland.

(b) All employees who are 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 the Crown, Teachers, Registered Nurses, Musicians, Masters and Engineers who are members of the Australian Institute of Marine and Power Engineers Union of Employees, Queensland District, and the Merchant Service Guild of Australia and the employees of contractors and/or subcontractors employed on the mainland and performing work on Hamilton Island and Dent Island from time to time except where such employees are already eligible for membership of the Union under these rules.

(c) All employees who are employed in or in connection with the conduct of Tourism Resorts situated on Islands off the coast of Queensland, north of the 24 degrees 30 minutes of south latitude, as part of the Island Tourist Resort Industry, other than employees of employers (contractors and/or subcontractors) whose principal business is the provision of services on a contract basis on the mainland, and where those services are provided to a Resort on an Offshore Island except where such employees are already eligible for membership of the Union under these Rules.

(d) All employees employed at Palm Royal Resort, Cairns.

(e) All employees employed in or in connection with the operations of Offshore Island Resorts employed on Fraser Island in the State of Queensland.

(f) All persons employed north of 22 degrees south latitude in or in connection with the operations and conduct of Daikyo (North Queensland) Pty Ltd, Reef Management Pty Ltd, Pacific Growth Investments Pty Ltd, Cairns Marine Terminal, Daikyo Real Estate Pty Ltd, Cairns Peninsula Hotels Pty Ltd, and Daikyo Development Pty Ltd, and employed by one of the above mentioned companies, save and except that nothing in this sub-rule shall make eligible for membership except where such employees are already eligible for membership of the Union under these Rules:-

(i) any person who is employed as a Marine Engineer (however described) who is eligible to be a member of the Australian Institute of Marine and Power Engineers’ Union of Employees, Queensland District; or

(ii) any person employed as a master, mate, marine engineer, principal in charge or launch master, who is, or is eligible to be, a member of the Merchant Service Guild of Australia, Queensland Branch, Union of Employees; or

(iii) any person employed by a bona fide building and/or construction, and/or electrical and/or plumbing contractor or subcontractor.

(g) For the purpose of this subclause the South Eastern Division of Queensland shall mean the area within the following boundaries in the State of Queensland commencing at Point Danger and bounded thence by the southern boundary of the state westerly to 151 degrees of east longitude, thence by that meridian of longitude bearing true north to 24 degrees 30 minutes of south latitude thence by that parallel of latitude bearing true east to the sea coast, and thence by the sea coast southerly to the point of commencement in the South Eastern Division of Queensland excluding Fraser Island.

## RULE 6A - ADDITIONAL ELIGIBILITY FOR ADMISSION TO MEMBERSHIP IN THE STATE OF QUEENSLAND

(1) Notwithstanding Rules 5 and 6, and without limiting the generality of those rules, this Rule 6A does not apply outside the State of Queensland.

(2) This Rule 6A applies subject to any Queensland State demarcation order or a demarcation undertaking or agreement (however described) in relation to the class of employees to which that demarcation undertaking or agreement (however described) applies.

(3) Only within this Rule 6A the following definitions apply:

a. “Agriculture” shall mean all work usually carried on or in connection with a farm, and shall be deemed to include market gardening, threshing grain, chaff cutting, corn crushing, compressing hay, straw, and fodder stacking, loading or unloading grain, all work on a sugar plantation or farm or sugar mill or refinery.

b. “Bona fide Worker” means any employee, male or female, engaged in manual or mental labour in or in connection with any of the industries mentioned in Rule 6A(4) hereof.

c. “Dairying industry” shall mean any work usually carried on in connection with a dairy farm, butter factory, cheese factory, creamery, milk preserving or condensing factory.

d. “Fruit growing” shall be deemed to mean fruit growing and all work carried on in connection with fruit farms and orchards.

e. “Viticulture” shall mean all work carried on in or in connection with vineyards and all work connected with the preparation of the product of such vineyards for market, including manufacture of wine.

f. “Timber and Sawmilling Industry” shall mean any work carried on in connection with sawmills, timber yards, box and case factories, sawmakers’ shops, and including hewers, splitters, firewood, and mining timber getters, and the preparation of woodwork for joiners, carpenters, implement makers, coachbuilders, car and wagon builders; and the felling and preparation of railway piles, transoms, girders and sleepers, felling and preparation of bridge, wharf and pier piles, transoms, girders and decking.

(4) Subject to this Rule 6A every bona fide worker male or female, engaged in manual or mental labour in or in connection with any of the following industries or callings namely:

1. Pastoral.

2. Butter and Cheese Factories.

3. Creameries.

4. Milk Preserving or Condensing.

5. Cultivation of sugar.

6. Cane Cutting and harvesting including mechanical harvesting, mechanical loading, and mechanical transport.

7. Sugar Manufacturing, including sugar refining and all industry operations including the making of invert (other than tradesmen’s work) and all work in or in connection with or incidental to the Sugar Manufacturing Industry generally, including all work (other than tradesmen’s work) performed during slack seasons (that is during the period of the year between each year’s crushing season when no sugar cane is being crushed) at, in, about or for Sugar Mills in the State, or in connection with the receiving, handling, storage, sampling, and maintenance of sugar and by-products of the Sugar Industry at bulk shipping terminals or installations, including the loading or unloading of all forms of bulk transportation.

8. Rabbit trapping.

9. Timber - which includes felling and preparation of railway piles, transoms, girders and sleepers, felling and preparation of bridge, wharf and pier piles, transoms, girders and decking - and sawmilling industry, which includes any work carried on in connection with sawmills, timber yards, box and case factories, sawmakers’ shops, and including hewers, splitters, firewood and mining timber getters, and the preparation of woodwork for joiners, carpenters, implement makers, coach-builders, car and wagon builders, and the sanding of floors and/or woodwork.

10. All employees other than craftsmen engaged in the Veneer and Ply- making industry.

11. Meat Preserving, Meat trade generally.

12. Road Making including construction and/or maintenance and/or repair and all work in or in connection with or incidental thereto.

13. Water Supply construction and/or maintenance and/or repair and/or operation of and all work in or in connection with or incidental thereto. Sewerage construction and/or maintenance and/or repair and/or operation of and all work in or in connection with or incidental thereto.

14. Railway construction and/or Maintenance and/or repairs and all work in or in connection with or incidental thereto.

15. All labour other than craftsmen employed on in or in connection with or incidental to the construction and/or maintenance and/or repair and/or operation of State and/or Federal Public Works, and/or works for semi-governmental bodies (including Harbour Boards).

16. (i) Mining, smelting, reducing and/or refining of ores and/or concentrates and/or products, including persons engaged in metal and/or mineral exploration and development work and prospecting incidental to mining.

(ii) Handling, mixing, and manufacture of all types of ‘fracture’, explosives and all work incidental thereto.

(iii) All employees other than craftsmen engaged in or in connection with sampling, checking materials, handling for sampling purposes and all work incidental thereto at a mine site, loading facility or elsewhere of all materials.

(iv) All employees other than tradesmen engaged in or in connection with or incidental to the receiving, handling, storage, sampling, maintenance, pumping, loading or unloading of Coal, Coke, Carbon and Carbon derivatives, Mineral Sands, Mineral Earths, Clays, Marine Oil, Ores and all concentrates in any form associated with mining and/or smelting and/or reducing and/or refining and/or exploration, at all Terminals, Storage and Distribution areas.

16.A Mining of all clays (including all laminated clays, marine, oil, argillaceous or otherwise). The treatment of such clays. The distillation of such clays, including the processing and recovery of oil and all other by-products therefrom, and/or the manufacturing of products therefrom.

16.B Hydrocarbons including mining for and/or treatment of and/or smelting of and/or refining of and/or distillation of hydrocarbons; and the processing and/or recovery of oil and all other by-products therefrom.

16.C All employees engaged on work in or in connection with or incidental to the mining, treatment, storage, handling, piping and loading of phosphates, and exploration and development work incidental to mining phosphates.

16.D Notwithstanding any other provision of this Rule, the AWU does not have the right to enrol as members, employees of Mount Isa Mines Limited who are engaged in the following Divisions or Departments:-

(a) Engineering Division (except for employees engaged in Control Systems Maintenance Department);

(b) Surface Workshop Department of the Copper Stream and the Fans and Refrigeration Department of the Copper Stream.

17. All employees engaged in or in connection with or incidental to the construction and/or maintenance and/or repair and/or operation of local authority work or works.

18. All employees engaged in the construction and maintenance of tramways.

19. Shop Assistants, Motor Vehicle Salesmen and Van Salesmen.

20. Bridge Carpenters and all other labour employed in or in connection with or incidental to the construction and/or maintenance and/or repair and/or alteration and/or demolition of bridges, wharves, piers, jetties, dolphins, barrages and other similar or like structures.

21. All gas work employees other than craftsmen, and all employees other than craftsmen employed in the gas industry in or in connection with the production, sale and distribution of gas including refined and residual oil gas, and by-products of that industry and goods from the products of that industry including coke, tar, pitch-fuel, sulphate of ammonia and benzol, and the bottling, delivering, installing and maintaining of all or any types of gas including liquified petroleum gas, propane and butane gas used for hearing and lighting purposes, the installing and maintaining of all or any types of gas pipes, and in the production, piping, reticulation, distribution and sale of all or any types or forms of manufactured or natural gases.

22. Employees employed in quarries.

23. Ironworkers’ assistants.

24. All kinds of general labour (including builders’ labourers).

25. Agricultural pursuits including all work carried on or in connection with farms, also market gardening, chaff cutting, corn crushing, compressing hay, straw, and fodder stacking, loading and/or unloading grain.

26. Horticulture and all work in or in connection with the hiring out and incidental servicing of pot plants.

27. Viticulture (including all work carried on in or in connection with vineyards and all work connected with the preparation of produce of such vineyards for markets including manufacture of wine).

28. Fruit growing and all work carried on in connection with fruit farms and orchards.

29. Dairy farming.

30. Fish Cleaning.

31A. All persons other than craftsmen employed in or in connection with, incidental thereto, or in conjunction with racecourses (including Trotting and Dog Racing), showgrounds, sportsgrounds (including the construction and maintenance of racecourses, showgrounds and sportsgrounds), theme parks, tourist parks or farms, animal parks, marine animal parks, aquatic shows, aquariums, non-governmental exhibitions or museums (including industry or trade exhibitions or museums), industry displays or shows, safari tours, fishing expeditions, and any other operations of a like nature, and the operation of totalisators upon racecourses by employees (a) whose work is not wholly or principally that of a clerical nature, and (b) whose work is not that of any trade or calling to which an apprenticeship applies.

31B. All employees employed in any kind of amusement, whether outdoor or indoor, or in or about the theatres, halls, racecourses, sports, exhibition and agricultural shows, and in all aspects of Motion Picture Film Production including Producers, Directors, Production and/or Studio Unit Managers, Assistant Directors, Dialogue, and/or Commentary Writers, Script and/or Continuity Recordists, Location and/or Talent Scouts, Contact Men, Make-up Artists, Casting Directors, Art Directors, Chief Cameramen, Operative Cameramen, Special Effects and/or Process Cameramen, Title and/or Cartoon Cameramen, Camera, Dolly and/or Rotambulator Operators, Slate Operators, Studio Grip Men, Studio Mechanists, Chief Sound Engineers, Sound Engineers, Sound Recordists, Microphone Boom Operators, Sound “Mixers”, Film Editors, Film Cutters, Specialist Film Cutters, Film Librarians, Film Vault Keepers, Film Splicers, Laboratory and/or Studio Maintenance Men, Film Stock Keepers, Film Laboratory Manager, Film Laboratory Technical Supervisors, Film Laboratory Chemists, Film Printing Operators, Film By-Product Recovery Chemists, Film “Timers”, Film Cleaners and/or “Waxers”, Film Checkers, Laboratory and/or Studio Projectionists, Film Processors, Film Graders, Film “Dispatchers”, Film Packers, and Film Examiners together with such other persons, whether so employed or not, as have been elected officers of the Union and admitted members thereof.

32. Manufacture of cement including all work in or in connection with or incidental thereto.

33. Manufacture of cork boards and “Margarite”.

34. Net making.

35. Making or repairing bags of jute and hessian or such like material.

36. Rope and twine manufacture.

37. Manufacture of rubber.

38. Growing, cultivation, harvesting, production and manufacture of tobacco.

39. Fire Brigades, excepting any person employed in a full-time capacity by the Commissioner of Fire Services in the State of Queensland, who is eligible for membership of the United Firefighters’ Union of Australia, Union of Employees, Queensland such eligibility to be determined under Rule 5 of the Rules of the United Firefighters’ Union of Australia, Union of Employees, Queensland, as at 15 April 1994. This exception does not include persons employed under the Queensland Fire Service Maintenance and Service Employees Industrial Agreement.

40. Gardeners.

41. All labour other than craftsmen or Officers engaged in -

All classes of Surveying (including hydrographic surveying);

Forestry work;

Fish trawling, crabbing, prawning and all fishing;

Culture and harvesting (including sorting, bagging or packing, storing and despatching) of prawns or oysters.

42. All employees other than tradesmen engaged in or in connection with or incidental to the production, manufacture, and distribution of copper bars, rods, wire and other refined copper products; including rolling, drawing, standing, plastic extruding of covered conductors, sticking, pickling, shaving, annealing, coiling, binding, die polishing, in the process of production or manufacture.

43. All employees engaged as overlookers, classers, blenders, and sorters, or in the receiving, weighing branding and dispatch of wool in connection with the reclassing and resorting of wool in the State of Queensland.

44. All labour other than craftsmen engaged in the manufacture of concrete and reinforced concrete pipes and/or the making of concrete kerbing and channelling, concrete manhole covers, concrete paving slabs, concrete box drains and lids, concrete septic covers, concrete pig troughs or other concrete troughs used for farming and agricultural purposes, and all other concrete articles.

45. All employees engaged in Prisons throughout the State.

46. All employees engaged as Ginners, Stackers, Feeders, Branders, Oil Refiners, Moulders and Labourers in the Cotton Industry.

47. All employees other than craftsmen or engine drivers engaged in boring for oil or water or engaged in oil refining or the extraction of products thereof including the manufacture, processing and handling of petrochemicals, gases, carbon black and all other products and by-products of the petroleum industry.

48. Boat builders’ labourers.

49. Domestic servants employed in the pastoral industry such as gardeners, chauffeurs, grooms, stablemen, kitchenmen, cooks, waitresses, laundresses, housemaids, nurse girls, and general servants.

50. Persons other than Tradesmen engaged in or in connection with the manufacture of Arms and/or Munitions.

All persons engaged in or in connection with the following:-

51. The production of charcoal.

52. The manufacture or preparation or applying or laying or fixing of bitumen emulsion, asphalt emulsion, bitumen or asphalt preparations, hot pre-mixed asphalt, cold paved asphalt and mastic asphalt (other than (a) in the Southern Division of Queensland, tarpaving in connection with building operations and/or asphalt work as specified above in connection with building operations, and (b) in the Northern and Mackay Divisions of Queensland, the work of building tradesmen on building operations).

53. All persons engaged on any operation in or in connection with or incidental to the handling, preparation, manufacture or repair of cables and all persons engaged on any operation in or in connection with or incidental to the process of covering or insulating cables.

54. All persons engaged in the manufacture of aluminium or aluminium articles and/or products incidental thereto.

55. Wineries.

56. The distillation of power alcohol and all labour incidental thereto.

57. All employees other than craftsmen engaged in or in connection with the manufacture of masonite and/or canite, and/or celetex, and/or gyprock, and/or other similar hardboards, and all work incidental thereto.

58. The dehydration of vegetables, fruit, meat and butter.

59. The manufacture of lead pencils and all employees engaged in the making of bituminous waterproof paper, paper felts and paper hessian.

60. The preserving and packing of fish.

61. The dry-egg industry.

62. Cultivation, harvesting and refining of rubber.

63. Manufacture of Rubber Goods including rubber boots and/or shoes and similar goods; motor tyres; tubes and repair materials; the laying in position of floors and/or wall facings of rubber and/or latex and/or plastics and/or similar materials; the repairing of motor car and motor cycle covers and tubes, including tread making, wrapping, buffing, vulcanising, use of sectional moulds, fitting of solid horse vehicle tyres; the manufacture of rubber mechanical goods, cutting washers, discs, valves, wringers, and rollers, and work of a similar nature in connection with the manufacture or repair of rubber goods, rubber mats; and other rubber goods.

64. Cultivation and harvesting of cotton.

65. Manufacture of toys and/or novelties.

66. All persons other than craftsmen employed on Poultry Farms and in Hatcheries.

67. Reclaiming and reconditioning wool and cotton waste.

68. Killing, cleaning and treating poultry at poultry abattoirs and all work incidental thereto.

69. The killing, skinning, treating, preserving and freezing and storage of rabbit meat, the preparation and curing of rabbit skins and all work incidental thereto.

70. The Dehydration of mutton and lamb and all work incidental thereto.

71. The reclaiming of tallow, dripping, and other fats and all work incidental thereto.

72. The reclaiming and reconditioning of rubber wastes and all work incidental thereto.

73. The manufacture of wooden holders for confectionery, frozen delicacies and similar articles.

74. Employees engaged in cleaning, preparing and making fireproof aeroplane tanks.

75. Persons engaged in the manufacture of fabricated building units.

76. Employees engaged in cultivation, harvesting, manufacture or preparation of arrowroot.

77. Employees engaged in cultivation, harvesting and/or preserving ginger.

78. Workers engaged in airgraphing, sorting, processing, packing mail matter and all labour incidental thereto.

79. Employees engaged in the calling of fumigation.

80. Employees engaged in the work of pest extermination.

81. Persons engaged in or in connection with the recovery of wax from sugar cane waste and other material.

82. Employees engaged in the manufacture of all classes of animal, fish or poultry foods, including protolick.

83. Employees engaged in or in connection with the treatment and processing of milk (including milk drying) and the manufacture of all milk products (including casein and cultured milk products).

84. Employees engaged in nut including peanut grading, shelling processing, manufacture of by-products and/or work incidental thereto.

85. Employees engaged in manufacture of macaroni, spaghetti, vermicelli, and similar products.

86. Employees engaged in the manufacture and distribution of all kinds of alcoholic and non-alcoholic beverages.

87. Bread Bakers and pastry cooks and all persons employed in or in connection with or incidental to the Baking and/or Pastrycooking Industry.

88. (a) All employees other than clerical employees and craftsmen (but including Cooks) employed in or about or in connection with or incidental to the industries or operations of hospitals, nursing homes, aged peoples’ homes, garden settlements, hotels, clubs, casinos, motels, boarding houses, hostels, serviced rooms or flats, residential colleges, cafes, restaurants, catering establishments, and operations of a like or similar nature including tourist accommodation.

(b) All employees at the various hospitals throughout Queensland, provided that for the purposes of this paragraph (b) a hospital shall be considered to be a building or an institution for the reception, care, or treatment of persons who, from any cause are unable to support or provide for themselves, and are therefore, more or less, dependant on the help of others.

(ba) All employees (excluding such persons wholly engaged as Clerks) employed by the Queensland AIDS Council Incorporated.

(c) All employees who are 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 the Crown, Teachers, Registered Nurses, Musicians, Masters and Engineers who are members of the Australian Institute of Marine and Power Engineers Union of Employees, Queensland District, and the Merchant Service Guild of Australia and the employees of contractors and/or subcontractors employed on the mainland and performing work on Hamilton Island and Dent Island from time to time.

(ca) All employees who are employed in or in connection with the conduct of Tourist Resorts situated on Islands off the coast of Queensland, north of 24 degrees 30 minutes of south latitude, as part of the Island Tourist Resort Industry, other than employees of employers (contractors and/or subcontractors) whose principal business is the provision of services on a contract basis on the mainland, and where those services are provided to a Resort on an Offshore Island except where such employees are already eligible for membership of the Union under these rules.

(cb) All employees employed at Palm Royale Resort, Cairns

(cc) All employees employed in or in connection with the operations of Offshore Island Resorts employed on Fraser Island in the State of Queensland.

(cd) All persons employed north of 22 degrees south latitude in or in connection with the operations and conduct of Daikyo (North Queensland) Pty Ltd, Reef Management Pty Ltd., Pacific Growth Investments Pty Ltd., Cairns Marine Terminal, Daikyo Real Estate Pty Ltd; Cairns Peninsula Hotels Pty Ltd and Daikyo Development Pty Ltd and employed by one of the above mentioned companies, save and except that nothing in this sub-rule shall make eligible for membership of the union:-

(i) any person who is employed as a Marine Engineer (however described) who is eligible to be a member of the Australian Institute of Marine and Power Engineers’ Union of Employees, Queensland District; or

(ii) any person employed as a master, mate, marine engineer, principal in charge or launch master, who is, or is eligible to be, a member of the Merchant Service Guild of Australia, Queensland Branch, Union of Employees; or

(iii) any person employed by a bona fide building and/or construction, and/or electrical and/or plumbing contractor or sub-contractor.

89. Employees engaged in or in connection with the transport of goods or passengers by road.

90. Employees engaged in or in connection with the manufacture of coke, paper board, concrete products, fibrocement products, ice, ice-cream, soap, washing soda crystals, mosquito coils, edible fungi and like products.

91. Laundry workers (including employees in laundries, laundrettes, laundromats, and other self service laundering establishments however nominated, and employees engaged in ironing services and similar types of services), dyers and cleaners.

92. Milk Distributors.

93. Storemen and packers and cold storage employees including the treatment and preservation of hides and skins.

94. Toll Collectors.

95. Employees engaged in or in connection with or incidental to the Salt Industry, including the preparation of areas for the subsequent drying of salt, pumping of brine, harvesting of salt, drying and refining of salt.

96. (i) All employees engaged in, at, or about silos.

(ii) All employees engaged in or in connection with the receiving, handling, storage, sampling, and maintenance of all types of grain or seed at silos or other storage facilities, depots, and bulk shipping terminals and installations and all work incidental thereto, including all ancillary fumigation work, the loading or unloading of all forms of bulk transportation, and the treatment, bagging and stacking of grain or seed.

97. Employees engaged handling and packing waste paper and cardboard.

98. Barbers, hairworkers, hairdressers, wigmakers, beauticians, manicurists, employees engaged upon scalp treatment in hairdressers’ salons or saloons, and callings incidental thereto.

99. Employees engaged in or in connection with the making of floral bouquets, emblems, wreaths, sprays (real or artificial), light shades, telephone decorations, sashlets, puffs, toilet novelties, raffia work, shoe trees, coat and dress hangers, or similar articles.

100. Employees engaged in the manufacture of all classes of bricks and pottery, including calcium silicate bricks and denaro bricks and all work incidental thereto.

101. Employees engaged in the work of lagging for the purpose of insulating against heat, cold and/or sound.

102. Employees engaged in the manufacture of asbestos and fireproof sheeting.

103. Employees engaged in the manufacture of slag wool.

104. Employees engaged in the manufacture of ceramic mosaic, marble mosaic and terrazzo blocks.

105. Employees employed on dredges, barges and tugs, and launches north of 25th parallel of south latitude.

106. Employees engaged in or in connection with the manufacture of wooden rules, rulers, measuring rules, yard sticks, foot rules and similar articles.

107. Employees engaged in the manufacture of clothing accessories including materials for linings, pocketings, bias bindings, piping and similar articles.

108. Employees engaged in the application and/or use of sealkote, semi- liquid asbestos compound.

109. Employees engaged in or in connection with (including work incidental to) the manufacture and/or processing of, scouring and dyeing, top making, yard spinning, weaving, mercerising, dyeing and/or bleaching and/or finishing of all fibres and materials including wool, cotton, silk, etc., worsteds, art silks, pure silks, silktex, flax, linen, ryon and all synthetic or artificial fibres yarns and materials, hosiery, felt from wool and all other fibres, textile furnishings, tapestries, braids, tassels, etc., carpets, rugs, mats, cotton and cotton wool (including cotton spinning, winding and doubling and weaving), wide and narrow fabrics (including printed fabrics, ribbons, tapes, name tags, bindings, trimmings), garnetting (including textile waste and flock), lace, embroidery, draft paper yarns and fabrics, sanitary pads and belts, making, repairing and/or mending any article used for human wear.

110. Employees engaged in or in connection with the manufacture of elastic or elastic articles, including two way stretch elastic piece goods and fine elastic.

111. Employees engaged in salvage work including loading, handling, and dumping of scrap tin plate clippings.

112. Employees engaged in the work of handling, sorting and/or packing scrap ferrous and/or non-ferrous metals or wrecking or dismantling plant or machinery for scrap as salvage.

113. Employees engaged in or in connection with or incidental to the extraction of oil from seed and/or the refining of seed oil and/or the processing of seed oil (and/or the by-products of the extraction process) to produce Textured Vegetable Protein.

114. Employees engaged in the manufacture of engine cleaning cotton waste and flock, garnetted fillings, and in the sorting and scouring of household rags.

115. Employees engaged in the manufacture of wire netting, barbed wire, and fencing wire.

116. Employees engaged in the recovery of oils and fertilizers from whales.

117. Boat builders.

118. Boat builders’ Assistants.

119. Boat painters in boat building yards in the Factories and Shops District of Brisbane.

120. Employees engaged in the pulp and paper manufacturing industry including employees engaged in any occupation connected with the manufacture, processing and supply of pulp used in the foregoing industry.

121. Employees engaged in any occupation connected with the manufacture, processing and supply of paper, paper board and straw board.

122. Employees engaged in the handling, sorting, bailing and/or packaging of waste paper.

123. Employees engaged in the manufacture of Hardboard.

124. The Production of Algin, the production of Alginates, and all employees engaged in or in connection with such production on ships and in treatment plant.

125. Employees engaged in the manufacture of building and/or other board made from wheat and barley straw or similar materials.

126. Employees other than tradesmen engaged in the erection of Television Antennae.

127. Employees engaged in or in connection with the manufacture of goods and products (including boat building) from Fibre Glass Reinforced Plastic.

128. Plastic millers (that is, employees engaged in the mechanical process of changing gypsum into plaster of paris).

129. All labour engaged in the handling, packing, processing, and preparation of all sea foods (including fish, crustacea and all shell fish) and fishing bait, and all work incidental thereto.

130. Horse handlers, stable hands, strappers and labourers, and all other employees other than jockeys and apprentices, engaged in the horse- training industry.

131. All employees, other than professionals and students, engaged in animal husbandry, animal health and welfare, and artificial insemination of stock.

132. First Aid Men and Ambulance Men associated with Industry (other than the Queensland Ambulance Transport Brigade) where the Australian Workers’ Union has any form of preference in the industry.

133. Blast Hole Diamond Drillers and their Assistants.

134. Diamond Drill Runners and their Assistants and all other classes of Drill Runners and Drill Helpers.

135. Machinemen including drillers and assistants operating percussion or auger drills or raise borers or down the hole hammer machines or rock drilling machines of any like or similar nature.

136. Watchmen and Cleaners.

137. Forklift Operators, End Loader Operators, Electric Locomotive Drivers and Winchmen.

138. Employees other than craftsmen engaged in the iron, steel and metal industries.

139. All employees engaged in or in connection with the handling, preparation and manufacture of plastic or rubber materials including compounds thereof, duperite, bakelite, casein or similar compositions, synthetic rubberlikes, guttaperchalikes, rubberlike plastics, thermoplastics and thermosetting plastics, nitrocellulose, leathercloth, elastomers, and the processing and fabrication of products or articles therefrom.

140. All employees other than craftsmen engaged in or in connection with the treatment of limestone and the manufacture and/or processing of carbide.

141. All persons other than craftsmen engaged in land reclamation.

142. All labour other than craftsmen employed in and attendant to the gathering, sorting and classification of pearl shell, and in the cultivation, gathering and classification of cultured pearls.

143. (a) All persons other than craftsmen engaged in the installation, repair, maintenance, collection of cash, and patrol of parking meters and areas;

(b) All persons employed by Local Authorities in the enforcement of the Litter Act.

144. All persons engaged in or in connection with visually counting or estimating the volume of vehicular and/or pedestrian traffic.

145. All persons engaged on any operation in or in connection with the mining, recovery, treatment or processing of brown coal or peat for the reduction of brown coal or peat and/or the mixing of other substances therewith in the production of humus, compost, or any form of fertiliser.

146. Employees engaged in or in connection with the manufacture, processing, and/or handling of fertiliser and like products, including chemicals and/or other products and/or by-products manufactured, processed, and/or handled in conjunction with the fertiliser industry.

147. All persons engaged in or in connection with the match manufacturing industry - including the breaking down or preparing of logs, timber or substituted material and the processing, finishing and adapting of matches for sale.

148. All persons engaged in or in connection with the manufacture of wooden skewers, cuisenaire rods and similar articles.

149. All persons engaged in or in connection with the rice industry - including the preparation of land, the cultivation, planting, care, harvesting, milling, processing, storing and despatching of rice for sale.

150. All persons engaged in or in connection with the cultivation, planting, care, harvesting, storing and despatching of nuts.

151. Persons engaged in all classes of underwater diving work, and assistants and/or attendants thereto.

152. Sewerage (or Sewage) Treatment Plant Operators and Operators’ Assistants.

153. Water Treatment, and/or Filtration Plant Operators and Operators’ Assistants.

154. All persons engaged in or in connection with the planting, cultivation, care, harvesting or picking, storing, processing and packing of Tea.

155. Pressing wool by any type of press, whether manual or power (including the Jumbo Press) into bales, and all work on or in connection with or incidental thereto, but excluding employees:-

(a) engaged on the work of wool dumping in wool dumping stores in the Southern Division of Queensland; or

(b) engaged in wool pressing in the Southern Division of Queensland covered by Awards of the Conciliation and Arbitration Commission of Queensland made in favour of The Federated Storemen and Packers’ Union of Employees of Australia (Queensland Branch), or who may be covered by Awards of the Queensland Commission made from time to time in favour of the above Union.

156. Employees engaged in the mooring and unmooring of ships and all work in or in connection therewith or incidental thereto.

157. All employees (excluding tradesmen and clerks) in establishments or sections of establishments which are operated as commercial motor vehicle garages and/or service stations for any form of motorised transport, used motor vehicle yards (including wrecking yards), used caravan and/or other used vehicular trailer yards, automobile hiring services, tyre fitting depots, automotive anticorrosion treatment and/or steam cleaning services; car park attendants, car wash attendants, and tow truck operators and their assistants.

158. All persons other than mechanical or electrical tradesmen engaged in or in connection with the cultivation, planting, care, picking or harvesting, storing, treatment, processing and bagging or packing of Coffee.

159. All employees other than mechanical or electrical tradesmen engaged in the cultivation, planting, growing, harvesting, preparation, treatment and processing of Soya Beans, and the manufacture of Soya Bean Products, including Soya Bean drink or “milk”.

160. All employees other than mechanical or electrical tradesmen engaged in the cultivation, planting, growing and care, picking or harvesting, preparation and processing of Jojoba and the manufacture of products derived therefrom.

161. All employees other than mechanical or electrical tradesmen engaged in the cultivation, planting, growing, care, picking or harvesting, preparation and processing of Aloe Vera and the manufacture of products derived therefrom.

162. Employees at the resort known in August 1993 as the Laguna Quays Resort (by whatever name called) who are engaged in clerical work or who, whether as greenkeepers (including qualified greenkeepers) or otherwise are involved in the maintenance of golf courses or gardens.

163. All employees engaged in all classes of work at the Townsville Suns Basketball Supporters Club Incorporated and the Cowboys Rugby League Football Club Limited.

164. Notwithstanding any other provision in these rules, a person employed in the Private Pathology Industry shall not be eligible to become a member of the Industrial Organisation.

And all persons appointed or elected officers of the Union, shall be entitled to become and remain a member of the Union.

Provided that this Rule 6 shall only apply to persons engaged or employed as aforesaid within the State of Queensland.

## RULE 6B - ADDITIONAL ELIGIBILITY FOR ADMISSION TO MEMBERSHIP IN THE STATE OF WESTERN AUSTRALIA

This Rule 6B does not apply outside the State of Western Australia.

Notwithstanding the foregoing rules, and without limiting the generality of those rules, and without being limited thereby, the following provisions of this Rule 6B provides for additional eligibility for admission to membership of the Union in the State of Western Australia.

This Rule 6B applies subject to any Western Australian State demarcation order or a demarcation undertaking or agreement (however described) in relation to the class of employees to which that demarcation undertaking or agreement (however described) applies.

Subject to this Rule 6B, the Union shall consist of an unlimited number of workers employed or usually employed in any of the following industries or callings:-

(1) Pastoral, Agricultural, Horticultural, Viticultural, Fruitgrowing, the growing of Flax, Guayule, Tobacco, Sugar, Rice, Cotton, and of Safflower and other oil seeds, Afforestation and Silviculture (including the harvesting and/or processing and/or packing of any products of the aforesaid industries), the production of firewood, dairying and rabbit trapping, the handling and/or storage of grain for milling and/or export, including domestic and other work performed at agricultural research stations and farms and agricultural schools and colleges.

(2) Road making and road maintenance, other than in the building industry, and the construction, maintenance, conduct and operations of railways (but excluding the conduct and operations of railways by the Western Australian Government Railways Commission), bridges, water and sewerage works.

(3) Metalliferous mining and the production of minerals (including the harvesting of salt, dredging and sluicing work), the transport, storage, loading and unloading, other than the loading and unloading of ships South of the 26th parallel of latitude, of minerals, metals and ores, the production and supplying of electric current, mechanical engineering, the smelting, reducing and refining of ores and metals (including the charcoal iron and steel industry) and the supplying of firewood for mines.

(4) Stone quarrying, crushing and screening.

(5) Surveying of land.

(6) Fish trawling, cleaning and canning, net making, and all general labour in connection therewith.

(7) Boring for water.

(8) Destruction of noxious weeds and vegetation, or the treatment of the products thereof and the eradication of pests and vermin.

(9) Manufacturing of cement and cement and fibrolite and fibre (other than glass fibre) cement articles.

(10) Formation and maintenance of golf links, bowling greens, tennis courts, and of all gardens, lawns and greens in connection therewith.

(11) Rubber working, the manufacturing of tyres and tubes, including the tyre retreading industry.

(12) Service Station attendants, other than tradesmen and clerical workers, lubritorium attendants and vehicle service attendants, other than tradesmen, in motor vehicle sales establishments. Workers other than tradesmen and clerical workers in rust prevention, cleaning and paint protection of motor vehicles.

(13) Manufacture of sealing devices for bottles or jars, and the manufacture of badges and emblems (other than those made out of textile materials).

(14) The clearing of land for cultivation, sub-division for settlement and formation of aerodromes and parking areas.

(15) The laying of oil, gas, or steam pipe lines and the installation of electric power lines.

(16) Not certified.

PROVIDED THAT all persons who have been appointed as officers or employees of the Union shall be entitled also to become and remain members of the Union during their continuance in office or employment; PROVIDED further that no person who is or is eligible to be a member of –

Eastern Goldfields Municipal and Road Board Labourers' Union of Workers;

Western Australian Municipal, Road Boards, Parks and Racecourse Employees' Union of Workers, Perth;

The Western Australian Government Tramways, Motor Omnibus and River Ferries Employees' Union of Workers, Perth;

The Builders Labourers' Union of Workers of Perth, Western Australia;

Except to the extent provided by subrule 28, Westralian Brickyard, Pottery, Porcelain and Roof Tile Fixers Employees' Union of Workers, Perth;

as constituted on the 19th day of August, 1947; or any other Union registered under the provisions of "Industrial Arbitration Act, 1912-1941" (as reprinted) at the date of registration of this Union shall be eligible for or admitted to Membership of the Union, but as from 7th day of March, 1979, the limitation herein imposed by virtue of the registration of the Sugar Refining Employees' Industrial Union of Workers, Fremantle, W.A., as 18 July 1941 shall no longer apply.

(17) Not certified.

(18) Foremen employed in the sleeper cutting and/or saw milling industry (but excluding foremen not exclusively employed as such, and tradesmen foremen), and further excluding that portion of the State of Western Australia comprised within a radius of twenty two and a half (22.5) kilometres of the General Post Office, Perth.

(19) The construction, maintenance and/or demolition of floating docks, graving docks, slipways, bridges, viaducts, causeways, wharves, jetties, breakwaters, moles, retaining walls, and all sheds, and buildings, on or about floating docks, graving docks, slipways, wharves and jetties, and the dredging of harbours, rivers and passages. Provided that workers who are employed in the following vocations shall not be eligible for membership: Fitters, Coppersmiths, Turners, Pattern makers, Tool and Gauge makers, Scalemakers and adjusters, Blacksmiths, Shipsmiths, Toolsmiths, Angle-iron Smiths, Springmakers, Millwrights, Oxy-acetylene and Electric Welders and Cutters, Locksmiths, Mechanical and Scientific Instrument Makers, Motor Mechanics, Motor Cycle Mechanics, Aircraft Mechanics, Die Sinkers, Milling Machinists, Press Tool Makers, Drilling Machinists and the assistants to all the foregoing tradesmen, Carpenters, Painters, Bricklayers, Rubble Wallers, Plasterers, Stone Masons, Plumbers and Sheet Metal Workers, Moulders, Coremakers, Shipwrights, Masters, Mates, Marine Engineers, Clerks and Watchmen, Electrical Workers (except such as are covered by paragraph"15" hereof). Provided further that no person who is eligible to be a member of the "Coastal and E.G. Government Water, Sewerage and Drainage Employees' Industrial Union of Workers" as constituted on the 4th day of July, 1952, shall be admitted to membership of the Union.

(20) (a) Boring for oil, refining, treating, processing, packing, pumping, and all work whatsoever in or in connection with the boring for oil, refining, treating, processing, packing and pumping of oil, and the manufacture (including the extraction) of the by-products of oil, when such manufacture (including extraction) is incidental to and consequent upon the refining of oil carried on by a company whose principal business is oil refining; Provided that workers who are employed in the following vocations shall not be eligible for membership: Fitters, Coppersmiths, Turners, Patternmakers, Tool and Gauge makers, Scalemakers and adjusters, Blacksmiths, Shipsmiths, Toolsmiths, Angle-Iron Smiths, Springmakers, Millwrights, Oxy-acetylene and Electric Welders and Cutters, Locksmiths, Mechanical and Scientific Instrument Makers, Motor Mechanics, Motor Cycle Mechanics, Aircraft Mechanics, Die Sinkers, Press Tool Makers, Milling Machinists, Bolt and Nut Machinists, Drilling Machinists in the Engineering Industry, and the assistants to all the foregoing tradesmen; Carpenters, Painters, Bricklayers, Rubble Wallers, Plasterers, Stone Masons, Plumbers and Sheet Metal Workers, Moulders, Coremakers, Masters, Mates, Marine Engineers, Clerks, Watchmen, Cleaners, Electrical Workers (except such as are covered by paragraph "15" hereof), Builders' Labourers employed to assist building tradesmen on the construction of buildings.

(b) Boring for natural gas and the production, distribution, treatment and storage of natural gas, and all work in connection with the boring for natural gas and the production, distribution, treatment and storage of natural gas: Provided that, no person, who immediately prior to the 23rd of March, 1966, was not eligible for membership of the Union and who is or is eligible to be a member of –

The Federated Engine Drivers and Firemen's Union of Workers of Western Australia.

The Collie Federated Engine Drivers and Firemen's Union of Western Australia.

Transport Workers' Union of Australia, Industrial Union of Workers, Western Australian Branch.

Municipal Councils, Road Boards and Local Government Employees' Association of Workers, Western Australia.

Municipal Road Boards, Parks and Race Course Employees' Union of Workers, Perth - Western Australia.

Federated Moulders (Metals) Union of Workers, Perth.

Australasian Society of Engineers' Industrial Union of Workers, Perth, W.A.

Australasian Society of Engineers' Industrial Union of Workers, Fremantle.

The Australasian Society of Engineers, Collie River District, Industrial Union of Workers.

Australasian Society of Engineers' Industrial Union of Workers, Goldfields No. 1 Branch.

Australasian Society of Engineers' Industrial Union of Workers, Midland Junction Branch.

The Association of Architects, Engineers, Surveyors, and Draughtsmen of Australia, Union of Workers, Western Australian Division.

The Boilermakers Society of Australia, Union of Workers, Coastal Districts, W.A.

Electrical Trades Union of Workers of Australia (Western Australian Branch), Perth.

Federated Ship Painters and Dockers' Union of Australia (West Australian Branch) Union of Workers.

The Seamen's Union of Western Australia Industrial Union of Workers, Fremantle.

Building Trades Association of Unions of Western Australia (Association of Workers).

The West Australian Gas Works Industrial Union of Workers.

Amalgamated Engineering Union of Workers, Perth Branch.

Amalgamated Engineering Union of Workers, Kalgoorlie Branch.

as constituted on the 23rd of March, 1966, shall be eligible for or admitted to membership of the Union.

(21) Iron and Steel Rolling, and all work in or in connection with iron and steel rolling (including all persons engaged in the following locality: "All that area of land and the waters of Cockburn Sound contained within boundaries starting from the intersection of the South-Eastern side of Rockingham Road (Road No. 695) and the North-Eastern side of Ocean Street and extending West to the low-water mark of the said sound and onwards for a distance of 1.6 kilometres; thence North to a point situated in prolongation Westerly of the Northern side of Russell Road (Road No. 678); thence Easterly along that prolongation to the low-water mark of Cockburn Sound and onwards for a distance of 4.8 kilometres; thence South to a point situate East of the starting point) and thence West to the starting point loading and discharging material or matter of any kind used in or in connection with iron and steel rolling".

PROVIDED THAT workers who are employed in the following vocations shall not be eligible for membership: Fitters, Coppersmiths, Turners, Patternmakers, Tool and Gauge makers, Scalemakers and adjusters, Blacksmiths, Shipsmiths, Toolsmiths, Angle-Iron Smiths, Springmakers, Millwrights, Oxy-acetylene and Electrical Welders and Cutters, Locksmiths, Mechanical and Scientific Instrument Makers, Motor Mechanics, Motor Cycle Mechanics, Aircraft Mechanics, Die Sinkers, Press Toolmakers, Milling Machinists, Bolt and Nut Machinists, Drilling Machinists, and the assistants to all the foregoing tradesmen: Carpenters, Painters, Bricklayers, Rubble Wallers, Plasterers, Stone Masons, Plumbers and Sheet Metal Workers, Moulders, Coremakers, Clerks, Watchmen, Cleaners, Electrical Workers (except such as are covered by paragraph "15" hereof), Builders' Labourers employed to assist building tradesmen on construction of buildings.

No Person employed in any of the industries or callings mentioned in paragraphs "17" to "21" hereof (both inclusive) and who by reason of such employment is eligible to be a member of any Union affiliated with the Federated Engine Drivers and Firemen's Association (Western Australian Branch) Association of Workers on the 11th August, 1952, shall be eligible to be a member of this Union.

(22) All work in or in connection with Stevedoring operations in that portion of the State of Western Australia North of the 26th parallel of latitude.

(23) All workers (other than journeymen, apprentices, and workers employed or usually employed in or in connection with the construction, repair, demolition or removal of any building) employed in or in connection with the construction of foundations for machinery or plant.

(24) In or in connection with the extraction from wood of a base for tanning compound.

Provided that, no person who is eligible to be a member of any other Union (other than persons eligible for membership in the Wood Extract Industrial Union of Workers, South West Land Division, W.A.) registered under the provisions of the Industrial Arbitration Act, 1912-1952 on the 3rd day of May, 1955, shall be eligible for membership of this Union in the industry referred to in this paragraph.

(25) Not certified.

(26) The manufacture or preparation of bitumen emulsion, asphalt emulsion, bitumen or asphalt preparation, hot mixed asphalt, cold paved asphalt, and mastic asphalt or similar materials.

(27) The production or manufacture of aluminium for use as a raw material in the manufacture of articles.

(28) The Union shall also consist of workers engaged in the manufacture of bricks at the enterprise trading as Narrogin Brick.

Provided that workers who are employed in the following vocations shall not be eligible for membership: Fitters, Coppersmiths, Turners, Patternmakers, Tool and Gauge makers, Scalemakers and adjusters, Blacksmiths, Boilermakers and Steel Constructional Tradesmen, Shipsmiths, Toolsmiths, Angle-Iron Smiths, Spring Makers, Millwrights, Oxy-acetylene and Electrical Welders and Cutters, Locksmiths, Mechanical and Scientific Instrument Makers, Motor Mechanics, Motor Cycle Mechanics, Aircraft Mechanics, Die Sinkers, Press Tool Makers, Machinists, Bolt and Nut Machinists, Drilling Machinists, Riggers, Laggers, and the assistants to all the foregoing tradesmen: Carpenters, Painters, Bricklayers, Rubble Wallers, Plasterers, Stonemasons, Plumbers and Sheet Metal Workers, Moulders, Coremakers, Clerks, Watchmen, Cleaners, Electrical Workers (except such as are covered by paragraph "15" hereof), Builders' Labourers employed to assist building tradesmen on construction of buildings.

No Person, who is eligible under subclauses (26) and (27) to be a member of any Union affiliated with the Federated Engine Drivers and Firemen's Association (Western Australian Branch) Association of Workers on the 11th April, 1963, shall be eligible to be a member of this Union.

Notwithstanding anything contained in the foregoing, drivers and/or loaders and/or operators and/or washers of all mechanically propelled or animal-drawn vehicles or implements or machines and their assistants, stablemen and yardmen, employed in or in connection with the cartage, conveyance, movement or transportation of persons, goods, merchandise, wares, implements, machines, vehicles, live-stock, material or matter of any kind shall not be eligible for membership in this Union, except such persons who are employed –

(a) in farming, mining (other than coal mining), or pastoral industries; or

(b) in or in connection with –

(i) agriculture, forestry, land clearing, water conservation or irrigation;

(ii) construction and/or maintenance of railways, roads or bridges; or

(iii) stevedoring operations,

by any Government department or public statutory body established by or under a law of the State to carry out all or any functions of such a department or by any port authority; or

(c) in supplying of firewood for gold mines; or

(d) as fork lift operators in the asbestos cement or fibre (other than glass fibre) cement industry; or

(e) as fork lift operators in the sugar refinery industry.

(29) Piano and/or Piano Player Makers, Repairers and Tuners, Organ Makers and/or Repairers, Makers and/or Repairers of Gramophones, and all other musical instruments of which wood forms a part.

(30) Clock Case Makers and/or Repairers of which wood forms a part, Makers of Sewing Machine Stands of wood, Makers of Wireless Instrument Cases or Cabinets of wood, Billiard Table Makers and Fitters, Wood Mantelpiece Makers, Overmantel Makers, Cabinet Makers, Chair Makers, Couch Makers, Veneer Makers in Furniture Factories, Wood Turners, Wood Carvers, Upholsterers (including Upholsterers of Tubular Steel Furniture), Bedding Makers, Wire Mattress Makers, Picture Frame Makers, Bamboo, Pith, Caneand Wicker Workers, Baby Carriage Makers, French Polishers, Enamellers of Furniture and Spraying Machine Operators engaged in the manufacture and/or repair of furniture and Assemblers of furniture, Estimators of furniture of any description, Carpet and Linoleum Planners and Cutters and Measurers and Carpet Sewers, Soft Furnishing Makers of all descriptions and including without limitation thereof Makers of Curtains, Drapes, Loose Covers, Bedspreads and Jabos, Iron Bedstead Makers, Metal Furniture Makers of all descriptions and Makers of Tubular Steel Furniture (except such persons employed as Chromium and/or Electro Platers and/or Polishers) and Designers of furniture of all descriptions.

(31) All Woodworking Machinists employed in preparing and/or handling material for the above employees including the programming and operating of computerised and numerically controlled machines and persons machining materials that are wood substitutes for the above employees. Provided that such persons are solely or substantially engaged in the manufacture of furniture.

(32) Glass Bevellers, Cutters, Polishers and Silverers, Lead-Light Glaziers and Cutters, Brilliant Cutters, Sandblasters of Glass, Draughtsmen and Painters.

(33) Such other persons not being qualified tradesmen or apprentices who are employed or usually employed in the foregoing occupations may be admitted as "Furniture Workers".

(34) In addition to the aforementioned workers, the Union shall also consist of an unlimited number of persons employed, or usually employed, as follows: Coffin Makers, Iron Bedstead Makers employed in Furniture or Bedding factories, Makers of Plastic and/or similar furniture and including without limitation thereof Makers of Fibreglass furniture and Foam Rubber furniture makers and Makers of Tubular Steel Furniture (except such persons employed as Chromium and/or Electro Platers and/or Polishers).

(35) Carpet and Linoleum Planners and all Floor Covering Layers, Outdoor Hands employed in measuring and/or fixing furnishings of any description and including without limitation thereof, the installation of blinds, awnings, curtains and drapes and the tracks to which the aforementioned are to be attached and shall include canvas blind cutting and/or making and/or fixing and Venetian Blind Makers and/or Fixers, Wire Blind Makers and/or Fixers, Packers of Furniture, Pictures, Carpets, Drapings, Plate and Sheet Glass in warehouses, shops, factories or stores.

(36) Timber Stackers, Yardmen and Labourers employed in furniture factories, Cementers of Leadlights, Rag Pickers and Fumigators for furniture and upholstery.

(37) Males or Females wheresoever employed in the manufacture of upholstery, carpets, drapings, furnishings of all descriptions, pianos, mattresses, venetian blinds, wire blinds, mantelpieces, billiard tables, overmantels, bedding, picture frames, bamboo, cane, pith and wicker work, and upholstery machinists, upholstery cutters and semi-skilled operatives of all descriptions involved in the manufacture of upholstery and including the making of cushions, together with such other persons, whether employees engaged in the industry or not, who have been appointed officers of the Union.

(38) The Union shall consist of workers employed or usually employed in the sawmilling, sleeper cutting and wood chipping industry as hereinafter defined throughout the South West Land Division of the State of Western Australia excluding the locality comprised within a radius of forty-five (45) kilometres from the G.P.O. Perth, together with the persons who from time to time are elected General Secretary and/or Organiser and/or Industrial Officer of the Union. Notwithstanding the foregoing persons engaged in felling or cutting of timber in plantations at Gnangara, Mundaring, Yanchep and Pinjar shall be eligible for membership of the Union provided that such persons as at 2 November 1992 are not eligible to be members of any other Union registered in the State of Western Australia.

(39) For the purpose of this Rule, the sawmilling, sleeper cutting and wood chipping industries shall include felling, hewing, splitting or otherwise dealing with timber in the bush, transporting such timber to a mill or railway, constructing and maintaining roads or railway lines used in connection with timber or wood chipping mills, sawing, machining, chipping, milling or dealing with timber in any other way in a sawmill or woodchipping mill and despatching the timber or timber product to a railway or seaport; and shall include:

(a) The work of and incidental to the preserving, stacking, seasoning and treatment treating of timber, whether within or without the curtilage of sawmill premises.

(b) The work of peeling logs for plywood and all other work incidental to the manufacture of plywood and particle boards.

(c) The work of and incidental to timber yards of retail merchants at which the business of saw milling is not carried out.

A person shall not be a member of the Union (except in the capacity of an honorary member or a 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) who is not an employee within the meaning of the Industrial Relations Act, 1979.

PROVIDED that no person shall be eligible to be a member of the Union unless they were eligible to be a member of:

The Australian Workers’ Union, West Australian Branch, Industrial Union of Workers; or

The Forest Products, Furnishing and Allied Industries Industrial Union of Workers, WA

As at the date of the amalgamation of the two Unions on 19 September 2012.

(40) Subject to sub clause (41) the Union shall consist of an unlimited number of persons comprising those -

(a) who are employed in the manufacture, packing, bottling, blending, refining, pulping, brewing, mixing, the following:- pastry, confectionery, biscuits, cakes, cake ornaments, ice, ice cream, grocers' sundries, chemists' sundries.

(b) who are engaged in processing by canning, quick-freeze, or other methods of preservation of poultry, rabbits, game, fruit, vegetables, fish including crustaceans and molluscs or any part thereof.

(c) who are employed or usually employed in or in connection with the handling, candling, grading, packing, pulping, dehydrating, oiling or by any other method processing eggs, with the exception of transport workers, worked engaged in any clerical capacity, or workers employed in or about warehouses which do not deal solely in eggs or workers employed in or about retail shops.

(d) who are employed assisting in the production or putting up for sale the products or wares of factories or establishments manufacturing and/or dealing with any of the classes of goods referred to in paragraphs (a), (b) and (c) of this sub-rule.

(e) provided that such persons are not eligible to join:-

The Australasian Meat Industry Employees' Union Industrial Union of Workers', Western Australian Branch, Perth.

The Western Australian Bakers', Pastrycooks' and Confectioners' Union of Workers.

The Federated Engine Drivers' and Firemens' Union of Workers of Western Australia, Perth, or any other existing Industrial Union.

(f) who are engaged in packing fruit (other than apples or pears) but only where that work is done in connection with a process designed to preserve the fruit or improve its appearance.

(g) who are engaged in the preparation and packing of edible fungus.

(h) who whether employed in the industry or not are for the time being officers of the union.

(i) The following persons shall not be eligible for membership of the Union:

Persons employed as production employees in the poultry processing industry by Inghams Enterprises Pty Ltd situated, as at 14 September 2000, in Baden Street and Powell Street, Osborne Park or at such other location or locations at which the said enterprise at Osborne Park may subsequently be carried out. In this paragraph, Inghams Enterprises Pty Ltd includes its successors, assignees, transmittees or any purchaser of the whole or any part of its business.

(41) In sub-rule (40) each of the following terms shall have the respective meaning hereby assigned to it -

"Grocers' Sundries", means and includes cereal and farinaceous foods, tea, coffee and/or chicory essence, coffee chicory, cocoa, honey, jams, self-raising flour, salt, starch, bird seed, matches, sauces, vinegar, pickles, chutneys, rice, sago, tapioca, macaroni, vermicelli, spaghetti, mustard, spices, herbs, condiments, peppers, soups, fish, and fish pastes, Italian paste, flavouring and colouring essences, peel, preserved fruits, dried fruits, health salines, nuts and nut foods and products, edible oils, margarine, eggs, baking powder, custard powder, blanc mange powder, jelly or jelly crystals, gelatine, vegetables, methylated spirits, turpentine, linseed oils, oils, benzine and polishing materials.

"Polishing Materials" means and includes oils, boot blacking, boot paste, boot polish, harness dressing, harness compounds, ebonite shine, stove polish, metal polish, knife polish, washing blue, moulders' blacking, moulders' plumbago preparations, grinding charcoal or coal dust.

"Chemists Sundries" means and includes tartaric acid, citric acid, alum, bicarbonate of soda, cream of tartar, fruit essences, cordials as manufactured by manufacturing chemists, patent medicines, ointments, hair oils, cosmetics, toilet preparations other than soap, essential oils and health salines.

PROVIDED that no person shall be eligible to be a member of the Union unless they were eligible to be a member of:

The Australian Workers’ Union, West Australian Branch, Industrial Union of Workers;

or

The Food Preservers’ Union of Western Australia, Union of Workers

As at the date of the amalgamation of the two Unions on 14 December 2016.

## RULE 6C - ADDITIONAL ELIGIBILITY FOR ADMISSION TO MEMBERSHIP IN THE STATE OF SOUTH AUSTRALIA

(1) Notwithstanding Rules 5, 6, 6A and 6B, and without limiting the generality of those rules, this Rule6C does not apply outside the limits of the State of South Australia and only applies inside the limits of the State of South Australia.

(2) This Rule, 6C applies subject to any South Australian representation order, South Australian demarcation order or South Australian demarcation undertaking or agreement (however described) in relation to the class of employees referred to in such an order, undertaking, or agreement.

(3) AWU

Without limiting the generality of any other sub-rules hereof or being limited in any way by them, all bona fide workers engaged in any of the following industries or callings shall be eligible for membership of the Union:

Pastoral; agricultural; grain threshing; grain handling including lumping; horticultural, viticultural; dairying fruit growing; sugar growing, cane cutting; milling and refining; rabbit trapping; timber and saw milling; meat preserving and meat trade generally; construction or maintenance of roads, foot paths, aerodromes, bridges, reservoirs, lock, drains, dams, weirs, channels, tunnels, water and sewerage; railways construction work

including the construction maintenance and repair of railway lines, railway yards, railway sheds and railway sidings; excavating of earth and earthworks and driving of machines and vehicles for moving earth; metalliferous mining, smelting, reducing and refining of ores; quarrying, winning, crushing and treatment of stone, slate, gravel, sand, clay, sillimanite or other minerals or metals; manufacture treatment and handling of line, cement or charcoal; manufacture of cement bricks, cement blocks or roofing tiles and all work incidental thereto; scraping, treatment and handling of salt and gypsum; land surveying; land drainage; fish cleaning; net making and general labour in connection with fish trawling; manufacture of re-enforced concrete pipes and the lining of pipes; manufacture of copper bars, rods and wire; shunting and work incidental thereto; construction and maintenance of race-courses, tennis courts, bowling greens, gardens, cemeteries, ovals, school grounds or play grounds; works and undertakings carried out by or on behalf of any Local Governing body; glazing, lining, varnishing, lacquering, painting, graining, enamelling, marbling, gliding, scrollwork, or sign writing or ships or buildings at the ship yards at Whyalla or on any building or structure owned or leased by the Broken Hill Proprietary Company Limited; the construction maintenance and conduct of the Commonwealth Railways; all kinds of general labour; all employees in the brick-making, tile-making, pottery making and earthenware industries; and all persons appointed or elected officers of the Union.

(4) FIA

(a) Without limiting the generality of the foregoing or being limited in any way by the foregoing, membership of the Union shall be open to the following classes of employees who reside or work in the territory of South Australia south of a line drawn by extending the northern boundary of the township of Clare across to the eastern and western boundaries of the State parallel with the line representing the 34th parallel of latitude (hereinafter referred to as the said territory):

(i) All assistants and all labourers, general or special engaged in connection with the work of boilermakers, blacksmith, engineers, (including electrical engineers) moulders, coppersmiths, sheet ironworkers, plumbers, spring makers, electricians, motor mechanics, and any other mechanics engaged in iron steel and metal industries.

(ii) Dressers, grinders, drillers on stationary machines, furnacement, (including forge furnacement). Pipe moulders, tool storemen, and labourers, general or special, engaged in the iron, steel, and metal industries, or engaged in the cast-iron-pipmaking industry, steel locking bar pipe industry, riggers, and scaffolders, (other than riggers on ships and riggers and scaffolders employed in ship yards, dock yards, and in building operations). Machinist (excepting operators of punching, shearing, riveting, rolling, bending, angle or plate straightening, nipping and notching machines, and smithing machines) and all assistants to mechanics, labourers general or special employed in constructional shops, and persons engaged in or assisting in the production of plastic moulded parts or in extruding rolling and production generally of brass, copper and lead sections, angles and ingots.

(iii) Machinists engaged in the steel locking-bar pipe-making industry, all persons employed in machine horse-shoe-making industry, reinforced steel industry carried out in workshops, factory, or foundry, iron and steel rolling industry, men employed in the manufacture of galvanised iron.

(iv) Persons engaged in a repetition or specialised process for the production of or assembling of machine parts or metallic articles. Persons engaged in the assembling of motor chasses, bumper bars, motor accessories and the like, the employees including labourers engaged as assistants in the manufacture of such articles and/or accessories and the like, excepting assemblers of engines, engineers, fitters, turners, planers, shapers, slotters, millers, and motor mechanics. Operators of metal spraying machines and labourers employed directly or indirectly as assisting such workers. All employees other than tradesmen engaged in the erection of television antennae.

(v) All classes of employees which are referred to in the preceding paragraphs, (i), (ii), (iii), (iv) engaged in or in connection with the industries of ship building and ship repairing or engaged in or in connection with the work of foundries.

And the following shall also be members of the Union, viz: such persons whether or not employees in the industries in which the classes of persons referred to in the preceding paragraphs (i), (ii), (iii), (iv) and (v) are employees as have been appointed officers of the Union and admitted as members thereof.

The classes of persons referred to in paragraphs (i) to (v) inclusive, shall be exclusive of any boilermakers, blacksmith, engineer, electrician, coppersmith, sheet-iron workers, tin-smith, canister making sheet metal worker, plumber or spring maker.

(vi) All persons employed to assist and facilitate the work of engineering, electrical and other metal tradesmen in the performance of work for which such tradesmen or either technical supervisors are responsible, notwithstanding that their work includes hoisting, lowering, fleeting, whether by block and tackle or by other means, tools equipment, machinery or other articles or material in connection with the work of such tradesmen in ship-yards and dock-yards or on ship or between ship and shipyard and dockyard. This paragraph shall apply notwithstanding any other provision of this rule, but shall not by implication affect the construction of the other provisions of this rule.

(vii) Employed or usually employed in any establishment wholly or partly engaged in or connected with the manufacture, preparation and storage (or any of them) of bone dust, and other artificial manures and fertilisers (and any of them), and of acids, alkalis and chemicals of all kinds whether in liquid solid or gaseous form (or any of them), and work incidental thereto AND of persons employed in any type of labour in and around such establishment whose employment is incidental to the proper carrying out of the foregoing manufacture preparation and storage (or any of them).

(b) Membership of the Union shall be open to all persons who reside or work in the State of South Australia and who are employed or usually employed as moulders and/or coremakers, or apprenticed, or juniors and engaged in any class of moulding and/or coremaking for the production of castings from molten metal of any kind, or making moulds for any other materials in any industry or branch of any industry.

(c) Not certified.

(5) ASE

Without limiting the generality of the foregoing or being limited in any way by the foregoing, persons engaged in any of the following trades or branches of trades shall be eligible for membership of the Union:

(a) Engineers, fitters, Turners, Water Meter Fitters, Tool and Gauge Makers, Die Sinkers Mechanical and/or Scientific Instrument Makers, Scale Makers and Adjusters, Safe Makers, Pipe Fitters, Motor Mechanics, and Tuners and testers, cycle and Motor Cycle Mechanics, Typewriter Mechanics, Pattern makers, Coppersmiths, Brassfinishers, (Engineering and General) Forgers, Forge Furnacemen, Blacksmiths, Shipsmiths, Angle Ironsmiths, Springsmiths, Oliversmiths, Spring Fitters, Autogenous Welders, OxyAcetylene Cutters, Locksmiths, Mechanical Draughtsmen, Millwrights, Iron and Steel Rollers, Electrical Fitters, Electrical Mechanics and Wiremen, Machine Makers, Milling Machinists, Planers, Slotters, Borers, Shapers, Drillers, Polishers, Grinders and Lappers, Bolt and Nut Machinists, Agricultural Implement Makers, and any other Machine Men or Mechanics employed in the Engineering, Locomotive, Shipbuilding, Rolling Stock, Aircraft and Iron Trades, including employees engaged in the occupation of Tube Manufacturing and all work incidental thereto, or in any other industry, and the paid officials of the Union.

(b) Smiths' strikers and mechanics' assistants or groups of strikers and assistants engaged in any of the above trades deciding to amalgamate with or join this Union shall be admitted upon such terms as shall be agreed upon by the Executive and consistent with the Rules of the Union, so long as it is not antagonistic to any other Trade Union dealing solely with that class of worker and operating in the immediate locality.

(6) CARPENTERS AND JOINERS

Without limiting the generality of the foregoing or being limited in any way by the foregoing, membership of the Union shall be open to any person;

(a) 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 occupation, and/or calling, and/or vocations, and/or industrial pursuits of: and/or

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

(c) who, otherwise than as employees, are engaged in the industrial pursuit or pursuits of Carpenters and/or Joiners including, Ships Carpenters and/or Joiners, together with such other persons whether employees in the industry or not as have been elected or appointed officers of the Union and admitted as members thereof.

## RULE 6D - ADDITIONAL ELIGIBILITY FOR MEMBERSHIP IN THE STATE OF NEW SOUTH WALES

This Rule 6D does not apply outside the State of New South Wales.

Notwithstanding the foregoing rules, and without limiting the generality of those rules, and without being limited thereby, the following provisions of this Rule 6D provides for additional eligibility for admission to membership of the Union in the State of New South Wales.

This Rule 6D applies subject to any New South Wales State demarcation order or a demarcation undertaking or agreement (however described) in relation to the class of employees to which that demarcation undertaking or agreement (however described) applies.

The Union shall be entitled to enrol as members persons within the following industries and occupations.

**PART A**

Subject to these Rules all kinds of general labour and every bona fide worker, male and female, engaged in manual and mental labour in or in connection with any of the following industries or callings, namely;-

Pastoral (otherwise than as shearing contractor), woolclassing except where employed in a wool brokers store, agricultural, which includes employees of the Grain Handling Authority of New South Wales, The Australian Wheat Board, The New South Wales Wheat Shippers Industrial Association and Premium Wheat Growers' Association Limited engaged in or in connection with the storage weighing, testing and other handling of grain, but excluding persons within the Constitution Rules of the Federated Miscellaneous Workers’ Union of Australia, New South Wales Branch; the Transport Workers' Union of Australia, New South Wales Branch, horticultural; landscaping; other than landscaping performed by officers or employees of the New South Wales Public Service or by employees of the Universities of New South Wales, Newcastle or Wollongong or any University formed from a college of those Universities, any college of Advanced Education, a School Gardening Service, the New South Wales Zoological Parks Board, the Georges River Park Trust or by employees of the Department of Main Roads of or above the classification of Foreman; viticultural (which includes employees in wineries, excepting the cellar staff at the Minchinbury Winery at Rooty Hill, New South Wales); dairying, fruit growing, poultry farming, sugar cane growing, cutting and milling and the refining of sugar, hydrocarbon plantations the growing, cutting and treatment of flax and tobacco, trapping and/or shooting of rabbits, kangaroos, feral goats, feral pigs, foxes other than by officers or the employees of the New South Wales Public Service, or by employees of any Pastures Protection Board not being Reserve Workers employed by any such board; timber and saw milling; afforestation and silviculture; all persons engaged in the manufacture of charcoal, excepting persons engaged in the hewing, splitting, hauling and felling of timber in connection therewith: employees engaged in or in connection with the manufacture of Masonite and/or Caneite (excepting persons employed at the works of the Colonial Sugar Refining Co Ltd at Pyrmont) and all operations incidental thereto: road making; Toll Collecting (other than by employees of the Crown in the State of New South Wales within the meaning of Rule 5(a) of the Constitution Rule of the Public Service Association of New South Wales as at 18 October 1991); water and sewerage: water, conservation and irrigation: reclamation work, rock chopping; railway and tramway construction: construction work on civil and/or mechanical engineering projects, fencers; grubbers and clearers; metalliferous mining, smelting, reducing and refining of ores: dredging and sluicing works: mining for brown coal, including the extraction of the by products, the manufacture of briquettes: the distillation of oils; employees engaged in the production of power alcohol (excepting persons employed at the works of the Colonial Sugar Refining Co. Ltd. at Pyrmont): and the extraction of hydrocarbons from plants: solar energy; and oil from coal and shale: surface labourers engaged about or in connection with brown coal mines: persons engaged in timber getting for mining purposes; stone and other quarrying; gravel and sand pits: land surveying; fish cleaning, preserving and packing within the jurisdiction of the Fish Canning &c./ (State) Conciliation Committee: net making and general labour in connection with fish trawling; persons employed in or in connection with the marketing, smoking, processing, packing and treatment of Fish and marine products: persons employed in or in connection with oyster leases or farms, including employees engaged in the cultivation, culling and treatment or handling of oysters; employees engaged in or in connection with the treatment of whales and by-products therefrom (but excluding persons within the Constitution Rules of The Federated Miscellaneous Workers' Union of Australia, New South Wales Branch: Transport Workers' Union of Australia, New South Wales Branch: The New South Wales Branch of the Merchant Service Guild of Australia: The Shop Assistants and Warehouse Employees' Federation of Australia, New South Wales: Shop Assistants and Warehouse Employees Federation of Australia, Newcastle and Northern New South Wales: The Federated Ship Painters and Dockers' Union of Australia, New South Wales Branch: The Federated Storemen and Packers' Union of Australia, New South Wales Branch, and the Federated Clerks' Union of Australia New South Wales Branch, employees engaged in or in connection with the handling, reception, sale or deliver of fruit and vegetables at wholesale markets within the country of Northumberland, the Parish of Stockton and the Municipality of Raymond Terrace, excluding clerks, carters, grooms stablemen and yardmen, drivers of motor and other power propelled vehicles and storemen and packers: the manufacture of copper bars rods and wire: employees engaged in the process of the weaving of copper braid: the manufacture of soap candles and buttrine, margarine, nut foods drugs (other than milling thereof, the manufacture of products for intravenous therapy and intravenous nutrition, (excepting persons within the constitution rule of The Federated Miscellaneous Workers' Union of Australia N.S.W. as at 1 October 1982) chemicals and gases; the manufacture, preparation and packing of crisps or extrusions, processed from Potato and/or cereals being snack foods of the nature of potato crisps, corn crisps, expanded and shaped extruded cereal snack foods or the like, excepting employees in grain and/or cereal food mills: the manufacture of petrochemicals: the manufacture of insecticides, fungicides and compounds other than in a drug factory: manufacture of fertilisers, blue and toys (other than sheet metal); the manufacture and milling of paper-employees engaged in the making of bituminous preparations and bituminous waterproof paper, paper and paper hessian and in fixing and applying thereof (excepting persons employed by Australian Sisikraft Co. Pty Ltd.) but excluding, persons within the Constitution Rules of the Furnishing Trades Society of New South Wales; The Operative Painters and Decorators’ Union of Australia New South Wales Branch; The Operative Plasterers and Plaster Workers Federation of Australia, New South Wales Branch; employees engaged in the manufacture of pencils and pens without limiting the generality of the foregoing including the employees of Columbia Writing Products Staedtler (Pacific) Pty Ltd. and Parker Pen (Australia) Pty. Ltd. excluding cleaners and watchmen; parachutes (other than parachute harness) and matches: employees engaged in the fumigating of factories, shops, houses, and office furniture: employees engaged in pest extermination; the extraction and refining of vegetable oils: tea packing and preparation and manufacture of malted milk, the dehydration and preservation of vegetables and fruit at Leeton Cooperative Cannery Ltd Leeton, New South Wales; workers in laundries; persons employed or competent to be employed as hairdressers barbers, wigmakers, hairworkers, and their assistants (Other than Examiners or Hairdressing and apprenticeship Supervisors) and all employees in and in connection with beauty parlours, and receptionists employed in connection therewith, but excluding, persons engaged in the sale of goods and in the manufacture of beauty preparations, Fire brigades employees, including permanent, partially-paid and volunteer Firemen: employees (other than craftsmen and engine drivers) engaged in boring for water or oil, in refining and in the extraction of oil products, ski instructors: employees engaged at chair lifts, T-bars and ski runs; employees engaged as ginners, stackers, feeders and branders, oil refiners, moulders and labourers in the cotton industry; employees (other than engine drivers and craftsmen engaged in the destruction of prickly pear and noxious weed and vegetation, and in the treatment of prickly pear and the products thereof the manufacture of cement, cement and/or concrete articles and Fibrelite articles and/or the operation of concrete batching plants; the formation and maintenance of racecourses, showgrounds, greyhound tracks, recreation areas, golf links, bowling greens and tennis courts, and of all gardens, lawns and greens in connection therewith, and zoological gardens; employees engaged as grooms, stablehands and general hands employed by horse trainers and/or horse owners and horse breeders, but excluding persons within the constitution Rules of the Transport Workers' Union of Australia, New South Wales Branch, persons employed as Jockeys and persons employed as apprentice Jockeys; Mushroom culture; persons employed in or about Newcastle Iron and Steel Works or any Works directly subsidiary thereto or in any quarry or mine or other industrial establishment the work done is wholly or mainly the supply of materials incidental to the manufacture of iron and steel at the Newcastle Iron and Steel Works, other than those employees who are engaged as foremen or staff employees, persons employed in and about the works of the following companies at Port Kembla, namely; Metal Manufactures Limited Electrolytic Refining and Smelting Company of Australia Limited, and Australian Fertilizers Limited excepting in the case of each company, staff employees, blacksmiths, boilermakers, bricklayers, carpenters, electricians (including 50 electrical fitters and linesmen), engine drivers (including crane or winch drivers, fireman motor drivers, or attendants, dynamo attendants, greasers, trimmers and cleaners), engineers (including drillers, fitters, machinists, pipe fitters and fumers), moulders, painters, plumbers, storemen and packers within the jurisdiction of the Storemen and Packers, General (State) Conciliation Committee, rubber workers, motor-wagon drivers, riggers, strikers, and assistants to the following class of tradesmen, namely: Boilermakers, blacksmiths, engineers (including electrical engineers), moulders, coppersmiths, sheet-iron workers, plumbers, springmakers, electricians, motor mechanics and any other mechanics engaged in the iron, steel and metal industries, persons operating, attending, fuelling, greasing, cleaning, maintaining mobile and stationary machines, cranes, winches and other motors and mechanical equipment and appliances used in construction work on the surface or underground and in excavation work (including quarrying), excluding persons within the Commercial Travellers (State) Conciliation Committee; and all person officers of the Union shall be entitled to become and to remain a member of the Union.

**PART B**

In addition the Union shall consist of members engaged in any of the following Trades or Branches of Trades:

(a) Engineers, fitters, Turners, Water Meter Fitters, Tool and Gauge Makers, Die Sinkers, Mechanical or Scientific Instrument makers, Scale Makers and Adjusters, Safe Makers, Pipe Fitters. Motor Mechanics and Tuners and Testers, Cycle and Motor Cycle Mechanics, Typewriter Mechanics, Patternmakers, Coppersmiths, Brassfinishers (Engineering and General), Forgers, Forge Furnacemen, Blacksmiths, Shipsmiths, Oliversmiths, Spring Fitters, Autogenous Welders, Oxy-acetylene Cutters, Locksmiths, Mechanical Draughtsmen, Millwrights, Iron and Steel Rollers, Electrical Fitters, Electrical Mechanics and Wiremen, machine Makers, Milling Machinists, Planers, Slotters, Borers, Shapers, Drillers, Polishers, Grinders and Lappers, Bolt and Nut Machinists, Agricultural Implement Makers, and other machine Men or Mechanics employed in the Engineering, Locomotive and Shipbuilding, Rolling Stock Aircraft and iron Trades, or in any other industry, and the paid officials of the Union.

(b) Smiths' strikers and mechanics' assistants or groups of strikers and assistants engaged in any of the above trades, deciding to amalgamate with or join this Union, shall be admitted upon such terms as shall be agreed upon by State Council, and consistent with the Rules of this Union, so long as it is not antagonistic to any other Trade Union dealing solely with that class of worker and operating in the immediate locality.

(c) Any member of the Union who is the subject of demarcation orders made by His Honour Justice Boland operative from 19 March, 2001 (Matter Nos IRC 380 of 2000 and IRC 2937 of 2000) will cease to be a member of the Union within three months of 19 March 2001 and, thereafter as notified by the Branch Secretary to the Branch Executive, be removed from the register of members by the Branch Executive and that person shall from that time cease to be a member of the Union.

**PART C**

In addition the Union shall consist of an unlimited number of persons being:

(a) All assistants and all labourers, general or special, engaged in connection with the work of boilermakers, blacksmiths, engineers (including electrical engineers), moulders, coppersmiths, sheet iron workers, plumbers, springmakers, electricians, motor mechanics, and/or any other mechanics engaged in the iron, steel and metal industries.

(b) Dressers, grinders, drillers on stationary machines, furnacemen (including forge furnacemen), pipe moulders, tool storemen, and all labourers, general or special, engaged in the iron, steel and metal industries, or engaged in the cast-iron pipe-making industry, steel locking bar pipe industry, riggers and scaffolders (other than riggers on ships and riggers and scaffolders employed in shipyards, dockyards and in building operations), machinists (excepting operators of punching, shearing, riveting, rolling, bending, angle or plate straightening, nipping and notching machines and smithy machines), and all assistants to mechanics, and labourers, general or special, employed in construction shops.

(c) Machinists engaged in the steel locking bar pipemaking industry. All persons employed in the iron, steel and tinplate rolling industries, in the manufacture of galvanised iron, in the manufacture and/or rolling of brass, copper and aluminium and other non-ferrous metals and in the process of lining and/or covering pipes with bitumen, all persons engaged in the manufacture of insulation materials at the works of Bradford Insulation Pty. Ltd., Clyde Street, Hamilton, all persons employed in the manufacture of insulwool, slagwool, or like insulation materials, or employed by the manufacturer of such materials in the installation thereof, and all persons employed in the machine horseshoemaking industry and in the reinforced-steel industry carried out in the workshops, factories or foundries.

(d) Persons engaged in a repetition or specialised process of the production of or assembling of machine parts or metallic articles. Persons engaged in the assembling of motor chassis, bumper-bars, motor accessories and the like, and employees, including labourers, engaged as assistants in the manufacture of such articles and/or accessories and the like, excepting assemblers of engines, engineers, fitters, turners, planers, shapers, slotters, millers and motor mechanics. Operators of metal spraying machines and labourers employed directly or indirectly as assisting such workers. All employees other than tradesmen engaged in the erection of television antennae excepting that those persons including tradesmen who are eligible for membership of the Union pursuant to rule 4(l)(a) and (b) shall remain eligible for membership of the Union.

(e) All workers in wire, employees in or about wire netting, and other wire works, employees engaged in the manufacture of metal wire or any article or articles made therefrom, employees in the process of galvanising or tinning articles of wire or any form of metal, and in all processes leading up to the preparation of such tinning or galvanising, and tubular gate- making.

(f) All classes of employees which are referred to in the preceding paragraphs (a) and (b) engaged in or in connection with the industries of shipbuilding and ship repairing or engaged in or in connection with the work of foundries, together with such other persons, whether employees in any industrial pursuit or pursuits or not, who may have been appointed officers of the association and admitted as members thereof; provided that no boilermaker, blacksmith, engineer, electrician, moulder (other than pipe moulders), coppersmith, sheet metal worker, tinsmith, canister maker, plumber or springmaker shall be eligible to become a member of this Association other than those persons including tradesmen who are eligible for membership of the Union pursuant to rule 4(1)(a) and (b).

(g) All persons employed to assist and facilitate work of engineering, electrical and other metal tradesmen in the performance of work for which such tradesmen or other technical supervisors are responsible, notwithstanding that their work includes hoisting, lowering, fleeting, whether by block and tackle or by other means, tools, equipment, machinery or other articles or material in connection with the work of such tradesmen in ship-yards and or between ship and shipyard and dockyard. This paragraph shall apply notwithstanding any other provision of this rule, but shall not by implication affect the construction of the other provisions of this rule.

(h) Without limiting the forgoing or in any way being limited by the forgoing, persons other than tradesmen, employed at the works of Sulphide Corporation Pty. Ltd. and Greenleaf Fertilizers Ltd.

**PART D**

(1) Notwithstanding anything else in this rule, and without being limited by any other provision of this rule, and without limiting any other provision of this rule the Union shall consist of all persons employed in or in connection with the Glass Manufacturing industry and without limiting the generality thereof shall comprise all persons employed within that industry;

(a) in or in connection with the fabrication of goods from the products of that industry, or

(b) in or in connection with the fabrication of goods comprising glass, fibreglass, or any other similar matter or substance.

**PART E**

(1) Notwithstanding anything else in this Rule, and without being limited by any other provision of this Rule the Union shall consist of an unlimited number of members employed in or in connection with, including selling tickets by any means in connection therewith, or in or about any kind of amusement, whether indoor or outdoor, including:

(a) Theatres, Cinemas, Halls, Racecourses, Sports, Exhibitions, Agricultural Shows, Planetaria, Animal Parks, Puppet Shows and Film and Videotape Exchanges but excluding any person employed in or about the foregoing in any capacity in or in connection with the provisions, sales service or preparation of food or drink;

(b) Clubs, licensed clubs and discotheques, but only insofar as such employees are employed as Set and Property Carpenters and Painters, Stage Crews, Mechanists, Projectionists, Audio and Lighting Technicians, Flyman, Props Persons, Scenic Artists, Wardrobe including Dressers, Costume and Property Workers, Stage Managers, Make-up Artists, Hair Dressers, Wig Makers and Wig Dressers, Directors, Choreographers and Designers;

(c) Casinos, but only insofar as employees are employed as supervisors, Pit Bosses, Inspectors, Croupiers, Dealers, Bankers Cashiers and Change Clerks;

(d) In all aspects of Motion Picture Film, Video and Television Production and Processing, including but without limiting the generality of the foregoing Producers, Directors, Production or Studio Unit Managers, Assistant Directors, Production Accountants, Dialogue and/or Commentary Writers, Script and/or Continuity Recordists, Location and/or Talent Scouts, Contactmen, Operative Cameramen, Special arid/or Process Cameramen, Title and/or Cartoon Cameramen, Camera Dolly and/or Rotambulation Operations, Slate Operations, Studio Gripmen, Studio Mechanists, Chief Sound Engineers, Sound Engineers, Sound Recordists, Microphone Boom Operators, Sound Mixes, Film Editors, Film Cutters, Specialists Film Cutters, Film Librarians, Film Vault Keepers, Film Splicers, Laboratory and/or Studio Maintenance Men, Film Stock Keepers, Film Laboratory Managers, Film Laboratory Chemists, Film Printing Operators, Film By-Product Operators, Film By- Product Recovery Chemist, Film Timers, Film Cleaners and/or Waxers, Film Checkers, Laboratory and/or Studio Projectionists, Film Processors, Film Graders, Film Despatchers, Film Packers and Film Examiners, Supervising and other classes of technician involved in Maintenance, Installation, Video-tape, Lighting, Telecine or Audio Departments, Cinecameramen, Videocameramen, Set Designers, Graphic Artists, Co-ordinators, Stills Photographers, Floor Managers, Film Sound Recordists, Wardrobe Supervisors and Assistants, Set and Property Carpenters, and Painters, Property men/women, Scenic Artists, Producers, Directors Assistants, Vision Switchers, Set Dressers, Hairdressers, Film Department Assistants, Studio Hands, Film/Videotape and Record Librarians, Property and Scenery Storepersons and all trainees and inexperienced adults employed in or in connection with television or video-tape production houses;

(e) In Film and Television Distribution, persons employed in Film Release and Control, Statistics and Contracts, Film Despatch, Projectionists, Assistant Projectionist, Film Packers, Film Checkers, Film Examiners, Film Cleaners and Film Splicers; and

(f) Tourist Guides, but excluding Tourist Guides covered by the Constitutional rule of the Public Service Association of New South Wales. Cinema and Theatre Management and Treasurers throughout New South Wales together with such other persons whether so employed or not, as have been elected officers and industrial staff of the Union and have been admitted as members thereof.

**PART F**

(1) Notwithstanding any other provision of this Rule, nothing in any one Part of this Rule limits the eligibility of a person for membership of the Union pursuant to any other Part of this Rule, nor the right of the Union to enrol such persons who are otherwise eligible for membership pursuant to such other Part or Parts of this Rule.

(2) Notwithstanding the other provisions of this rule, the holders of Office in the Union shall be eligible for membership of the Union together with such other persons whether employees in any industrial pursuit or pursuits or not, who may have been appointed officers of the FIA prior to the amalgamation of the FIA with the AGWU, ASE and AWU and admitted as members thereof.

**PART G**

Notwithstanding anything else in this rule, and without being limited by any other provision of this rule, the union shall consist of an unlimited number of employees wholly employed in the making of all kinds of gramophone records and/or any such like article as is used on all kinds of talking or musical machines, except artists, singers, performers, musicians, associated technical crew and any employee eligible to be a member of the Media, Entertainment and Arts Alliance, New South Wales.

**PART H**

The Union shall consist of an unlimited number of persons not of general bad character who are employed or are competent to be employed in the undertaking industry as Branch Managers, Embalmers, Shopperson, Makers and Polishers of Coffins, Yardperson and Motor Drivers who for the major and substantial portion of the time are employed in the undertaking industry, and Undertakers' Assistants, and all persons employed in and in connection with Cemeteries and Crematoria excluding, however all such persons who are covered by the constitution of any other registered Industrial Union of Employees, together with such other persons whether employed in any industrial pursuit or not, who may have been appointed officers of the Union and admitted as members thereof.

# PART 3 – MEMBERSHIP OF THE UNION

## RULE 7 – ADMISSION TO MEMBERSHIP

(1) Application for membership of the Union may be made by:

(a) providing the Union with a signed application form and:

1. a valid payroll deduction authority;
2. a valid direct debit authority; or

(iii) arranging payment of the contribution required by Rule 9, or

(b) completing a Union membership form electronically and:

(i) providing the Union with a valid payroll deduction authority;

(ii) providing the Union with a valid direct debit authority; or

(iii) arranging payment of the contribution required by Rule 9, or

(c) providing all required details for admission to membership and acknowledgement of the obligations of membership over the phone to a Union representative and:

(i) providing the Union with a valid payroll deduction authority;

(ii) providing the Union with a valid direct debit authority; or

(iii) arranging payment of the contribution required by Rule 9.

If an application for membership is made over the phone, the Union must ensure a detailed record of the phone call is recorded and retained by the Union. The applicant must also be informed in writing of the financial obligations of membership and how they can resign.

(2) Any person having made application for membership as prescribed in sub-rule (1) of this Rule must, except as otherwise provided for in these Rules, be admitted to membership of the Union. A person will become a member from the date that the first payment of the contribution is received.

### BACKDATING IS BREACH OF RULES

(3) It is a breach of the Rules for any member or authorised person to back-date an application for membership in the Union or to back-date a payroll deduction authority or to backdate a financial institution direct debit Authority and it is an act of misconduct for an official of the Union to back-date an entry on Branch membership rolls of any member of the Union.

(4) Persons having made applications by way of signing a payroll deduction authority or an approved financial institution direct debit Authority, may have their names entered on the Branch membership roll from the date the payment was deducted from their wages or financial institution notwithstanding the date that the Union receives payment of such monies.

### REFUSING ADMISSION TO MEMBERSHIP

(5) Any person who has been admitted to membership may, in accordance with this Rule, be required, upon notice in writing given at any time by a Branch Executive or the National Executive on the date stated in such notice, not being less than 28 days after the date of posting or delivery of such notice, to give evidence satisfactory to such Branch Executive or the National Executive that such person:

(a) was at the time of being admitted to membership eligible to become a member; and/or

(b) is entitled to remain a member of the Union.

In default of such evidence, a Branch Executive or the National Executive may by resolution declare that such person was not entitled to or has ceased to be entitled to be a member of the Union, and such declaration is binding upon such person and upon all members of the Union.

### APPEAL AGAINST REFUSAL OF MEMBERSHIP

(6) In a case where the decision of the Branch Executive of any Branch is against the admission of the person applying, the person has the right to appeal to the National Executive whose decision is, subject to the provisions of any law at the time, to be final and the date of the decision where favourable is deemed to be the date of admission.

### MEMBERSHIP THROUGH AMALGAMATION

(7) In the event of the Union entering into an agreement to amalgamate, merge or otherwise combine with any other trade union or organisation of employees the members of such other trade union or organisation may be admitted to membership in this Union in accordance with the terms of such agreement. Notwithstanding the provisions of subrules (1) and (2) of this Rule, persons may be admitted to membership pursuant to an agreement to amalgamate, merge or otherwise combine, without making application in the prescribed form. Except as otherwise provided for by the *Fair Work (Registered Organisations) Act 2009*, any person so admitted pursuant to an amalgamation under the *Fair Work (Registered Organisations) Act 2009* becomes a member from the day fixed by FWA for the amalgamation to take effect. In any other case any person so admitted becomes a member as from the commencement of the day following the unconditional execution of the agreement or on such later date as may be specified in the agreement.

### ADVICE OF OBLIGATIONS OF MEMBERSHIP

(8) Every applicant for membership must be advised in writing, in the form as may be determined by National Executive from time to time, of:

(a) the financial obligations arising from membership; and

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

### APPRENTICES AND TRAINEES MAY BE MEMBERS

(9) Apprentices and trainees may be admitted to membership of the Union upon becoming apprentices or trainees or upon registration as an apprentice or trainee, and are entitled to the same privileges as full members.

### ALLOCATION OF MEMBERS TO BRANCHES

(10) Members belong to the Branch which covers the location of their primary place of employment, or if unemployed, the Branch which covers the location of their last place of employment.

## RULE 8 – INCORPORATION OF STATE UNIONS

(1) This Rule applies in respect of the States of New South Wales, Queensland, South Australia and Western Australia and the Branches of the Union within those States ("the designated State Branches").

(2) Nothing contained in this Rule affects the application of any other Rule to the designated State Branches and to the holders of Offices therein or to members of those Branches except insofar as this Rule may be inconsistent with another Rule in which event the provisions of this Rule prevail to the extent of any such inconsistency.

(3) A reference in this Rule to:

(a) A "**New South Wales State Union**" is a reference to either "The Australian Workers' Union, New South Wales" or the "Gas Industry Salaried Officers Federation, New South

Wales Branch" or “The Recorded Media Industry Union of New South Wales” or the “Gas Employees Union” being Unions registered under the provisions of the *Industrial Relations Act 1996 (NSW)*.

(b) A "**Queensland State Union**" is a reference to either "The Australian Workers' Union of Employees, Queensland" or "The Federated Ironworkers' Association of Australia (Queensland Branch) Union of Employees", being Unions registered under the provisions of the *Industrial Relations Act 1999 (Qld).*

(c) A "**South Australian State Union**" is a reference to the "Amalgamated AWU (S.A.) State Union" being a Union registered under the provisions of the *Fair Work Act 1994 (SA)*.

(d) A "**Western Australian State Union**" is a reference to "The Australian Workers' Union, West Australian Branch Industrial Union of Workers", or "The Forest Products Furnishing and Allied Industries Industrial Union of Workers WA" being Unions registered under the provisions of the *Industrial Relations Act 1979 (WA).*

(4) Any person signing an application for membership of the Union in a designated State Branch must either sign a payroll deduction authority, a financial institution direct debit authority or pay the prescribed contribution to the Branch Secretary, Organiser, Representative or other authorised person of that designated Branch.

(5) The signing of an application form for membership of the Union in a designated State Branch constitutes an application for membership of the Union and is deemed to be an application for membership of the appropriate State Union with constitutional coverage listed under sub-rule (3).

(6) The subsequent issuing of a membership ticket prescribed by sub-rule (8) does, if the applicant is employed in or in connection with any of the industries or callings set out in either or both Rule 5 or 6 hereof, constitute admission to membership of the Union and of the relevant State Union.

(7) Every person who is issued with a membership ticket prescribed by this Rule becomes and remains, as the case may be, first a member of this Union and then a member of the relevant State Union.

(8) The membership ticket must include in respect of the respective designated State Branches the following words:

(a) New South Wales Branch:

Membership ticket of both The Australian Workers’ Union a Union registered under the provisions of the *Fair Work (Registered Organisations) Act 2009* and of

(i) The Australian Workers' Union, New South Wales;

(ii) The Gas Industry Salaried Officers Federation, New South Wales Branch;

(iii) Gas Employees Union; or

(iv) The Recorded Media Industry Union of New South Wales

(whichever is applicable) being a Union registered under the provisions of the *Industrial Relations Act 1996 (NSW).*

(b) Queensland Branch:

Membership ticket of both The Australian Workers' Union a Union registered under the provisions of the *Fair Work (Registered Organisations) Act 2009* and of

(i) The Australian Workers' Union of Employees, Queensland, or

(ii) Federated Ironworkers Association of Australia (Queensland Branch) Union of Employees.

(whichever is applicable) being a Union registered under the provisions of the *Industrial Relations Act 1999 (Qld).*

(c) South Australian Branch:

Membership ticket of both The Australian Workers' Union a Union registered under the provisions of the *Fair Work (Registered Organisations) Act 2009* and of the Amalgamated AWU (S.A.) State Union being a Union registered under the provisions of the *Fair Work Act 1994 (SA).*

(d) West Australian Branch

Membership ticket of both The Australian Workers' Union a Union registered under the *Fair Work (Registered Organisations) Act 2009* and of

(i) The Australian Workers' Union West Australian Branch, Industrial Union of Workers, or

(ii) The Forest Products Furnishing and Allied Industries Industrial Union of Workers WA,

(whichever is applicable) being a Union registered under the provisions of the *Industrial Relations Act 1979 (WA)*.

(9) A person who is a financial member of the union or a person acquiring financial membership of the union is not obliged to pay any fees to any of the States Unions referred to in subrule(3).

(10) The Secretary of the relevant State Union is to have full and free access during working hours to ticket butts and/or application forms for membership obtained through the designated State Branch of the Union in the State in which the Union is registered pursuant to legislation of that State.

(11) Notwithstanding the other provisions of Rules 7 and 8 no person shall be eligible for membership of the Union pursuant to Rules 7 and 8 who is not otherwise eligible for membership pursuant to the provisions of Rules 5 and 6.

(12) Notwithstanding any other provision in these Rules, the membership contributions for a person who is, or wishes to become, a member of the Union and The Australian Workers’ Union of Employees, Queensland (AWUEQ) may be paid to the AWUEQ. Payment of full membership contributions to the AWUEQ will satisfy the requirement to pay membership contributions under these Rules and will mean the person is a financial member of the Union with all attaching rights and obligations.

For the purposes of determining Queensland Branch representation and voting rights for National Conference and National Executive under Rule 26 and the Queensland Branch contribution to National Office required under Rule 53, the total membership contributions received by the AWUEQ confirmed in its audited report will be included in the calculation in the same amount and to the same effect as if those contributions had been received by the Queensland Branch.

This sub-rule will only have effect if the AWUEQ has a rule in place requiring it to make contributions to National Office on behalf of the Queensland Branch in accordance with Rule 53. If such a rule is not in effect, membership contributions for members of the Union in Queensland and the Northern Territory must be paid to the Queensland Branch in accordance with Rule 10.

## RULE 9 – RATE OF CONTRIBUTIONS

### SETTING CONTRIBUTION RATES

(1) The contributions to be paid by members of the Union are those determined by the National Executive from time to time. The National Executive may determine that different contribution rates will be paid by different categories or classes of members.

Provided that the payment of contributions may be waived by the National Executive from the date of its decision, or any previous or future date, in respect of any member, members or class or classes of members where, in the opinion of the National Executive, such waiver would be in the best interests of the Union or a Branch or Branches of the Union, and such waiver may be in whole or part and may be otherwise in any terms considered necessary and advisable by the National Executive.

These Rules may provide exceptions to this Rule.

### RATE OF CONTRIBUTIONS FOR UNEMPLOYED OR UNFIT MEMBERS

(2) Any member who is off work for a period exceeding three months and is receiving less than 75% of their normal rate of pay through:

(a) unemployment; or

(b) not being fit for work due to illness, injury or accident not covered by the relevant workers’ compensation system,

may make application to his or her Branch Secretary for exemption from payment of contributions and levies for the period of his or her absence from work and the Branch Secretary may grant such exemption if satisfied of the bona fides of such application.

Any member who has been exempted from payment of contributions under this Rule for a period of twelve months, shall then commence to pay the sum determined by the National Executive from time to time. Failing such payment the member shall cease to be entitled to hold or contest any position or Office in the Union or to any benefits of membership. The member shall be allowed the benefit of this Rule for the period of twelve months immediately after the first twelve months' total exemption.

Members receiving workers’ compensation benefits will pay the amount determined by the National Executive from time to time.

### RETIRED MEMBERS

(3) A member is entitled to become an honorary retired member of the Union if:

(a) they have retired from working;

(b) they were a financial member of the Union when they retired; and

(c) the relevant Branch Secretary has approved their application.

Notwithstanding the above, where in the event of an amalgamation, any member or class of members of a Trade Union or organisation amalgamating with this Union is, as at the date of amalgamation, exempt from paying contributions to that other union, such exemption shall apply to their membership of this Union.

Honorary retired members pay the contributions determined by the National Executive from time to time.

### HONORARY MEMBERS

(4) An honorary retired member who was a member of the Union when they retired from working can remain a member, be included on the membership register and is entitled to vote in elections if:

(a) they were an Officer of the Union; or

(b) they were a member of The Australian Workers’ Union, New South Wales (“**AWU NSW**”) when they retired and remain a member of the AWU NSW.

In all other cases, a retired person can pay the honorary contribution set by National Executive from time to time and is entitled to the benefits approved by the National Executive for an honorary retired member – but cannot be included on the membership register and is not entitled to vote in elections. This is due to the operation of s 171A of the *Fair Work (Registered Organisations) Act 2009* (Cth).

## RULE 10 – CONTRIBUTIONS - WHEN AND HOW PAYABLE

### WHEN CONTRIBUTIONS ARE PAID

(1) Quarterly contributions are due and payable on the first day of the first month of each quarter and must be paid no later than the last day of the first month of each quarter. Quarters are deemed to

begin on the first day of July, October, January and April respectively.

(2) Annual contributions become payable on the first day of July each year and must be paid no later than 31 July each year.

### RECOVERY OF OWED CONTRIBUTIONS

(3) Members who continue in arrears after 31st July each year, after being notified, may be sued for the recovery of any contributions owing.

**PAYING CONTRIBUTIONS**

(4) All contributions, fines, levies and dues owing by a member must be paid to the Branch Secretary or other duly appointed representative of the Branch on whose register the member is enrolled, and such duly appointed representatives must immediately pay all such moneys received into the registered office of the Branch. Where there is no Branch established members must pay their dues to the National Secretary.

### WAIVING PAYMENT OF CONTRIBUTIONS

(5) National Executive may if it sees fit and subject to the agreement of any affected Branch Executive, waive payment of the whole or any portion of contributions, levies or other dues owing by any member or class of member if in its opinion special circumstances exist which make it desirable or reasonable to do so.

### PAYROLL DEDUCTIONS

(6) Notwithstanding anything elsewhere contained in the Rules, Branch Secretaries or other authorised Officers may, subject to the approval of the National Executive, make an arrangement with an employer for deducting, on the written authority of a member in the employment of the employer, amounts by way of contributions, levies, or other moneys payable to the Union, from the wages or moneys payable to a member by the employer. So long as such arrangement is in force, and a written authority by a member employed by the employer for the making of deductions in accordance with the arrangement remains in force, the member is (unless the member was an unfinancial member of the Union at the end of the quarter immediately preceding that during which he gave the authority) deemed to be a financial member of the Union and of their Branch and to be fully financial in the Union and their Branch, notwithstanding any other provision of these Rules. If such member owes any money to the Union (whether by way of arrears owing at the time the authority came into force, or other amounts the collection of which is not provided for by the arrangement) such money remains owing by the member and may be recovered by the Union, but does not affect their financial status as determined under this subrule. A member who was unfinancial at the end of the quarter immediately preceding that during which he gave the authority continues to remain unfinancial until he pays all amounts owing at such end of quarter, but as from the date of such payment their financial status is to be determined as if he had made such payment prior to giving authority.

Where such an arrangement was made, or such an authority was given before this subrule came into force, the financial status of any member who has given the authority, or has given any authority pursuant to the arrangement, is to be determined as if this subrule had been in force at that time.

If a member had a valid arrangement in force but the AWU ceases to receive any membership contributions in accordance with that arrangement without reasonable explanation for a period exceeding 60 days from a regular payment date, the member will cease being treated as a financial member immediately when the 60-day period ends.

The AWU must advise the member in writing during the 60 day period that they will lose their financial status at the end of the 60 day period if their contributions are not received.

### DIRECT DEBIT PAYMENTS

(7) Notwithstanding anything elsewhere contained in the Rules, Branch Secretaries or other authorised Officers may, subject to the approval of the National Executive, make an arrangement with a financial institution for deducting, on the written authority of a member who holds an account with

the financial institution, amounts by way of contributions, levies or other moneys payable to the Union, from the member's account. So long as such arrangement is in force, and a written authority by a member who holds an account with the financial institution for the making of deductions in accordance with the arrangement remains in force, the member is (unless an unfinancial member of the Union at the end of the quarter immediately preceding that during which s/he gave the authority) deemed to be a financial member of the Union and of their Branch and to be fully

financial in the Union and their Branch, notwithstanding any other provision of these Rules. If such member owes any money to the Union (whether by way of arrears owing at the time the authority came into force, or other amounts the collection of which is not provided for by the arrangement) such money remains owing by the member and may be recovered by the Union, but does not affect their financial status as determined under this subrule. A member who was unfinancial at the end of the quarter immediately preceding that during which he gave the authority continues to remain unfinancial until he pays all amounts owing at such end of quarter, but as from the date of such payment their financial status is to be determined as if he had made such payment prior to giving authority.

Within this subrule "financial institution" includes a bank, building society, credit union or credit card organisation.

Where such an arrangement was made or such an authority given before this subrule came into force, the financial status of any member who has given the authority or has given any authority pursuant to the arrangement, is to be determined as if this subrule had been in force at the time.

If a member had a valid arrangement in force but the AWU ceases to receive any membership contributions in accordance with that arrangement without reasonable explanation for a period exceeding 60 days from a regular payment date, the member will cease being treated as a financial member immediately when the 60-day period ends.

The AWU must advise the member in writing during the 60 day period that they will lose their financial status at the end of the 60 day period if their contributions are not received.

## RULE 11 – MEMBERSHIP TICKETS

(1) It is a breach of these Rules for any person issuing a membership ticket to back date such membership ticket.

(2) A membership ticket may be issued in an electronic form.

## RULE 12 – DUPLICATE TICKET

Any member whose ticket past or present, has been lost or destroyed may apply to their Branch or District Secretary for a duplicate ticket and upon the production if required of a satisfactory statutory declaration as to the loss or destruction of their ticket then the respective Secretary shall supply the applicant with a duplicate ticket.

## RULE 13 –HONORARY LIFE MEMBERSHIP

(1) The distinction of Honorary Life Membership may be conferred by the National Executive either on the recommendation of a Branch Executive or on its own motion as a mark of appreciation of specially meritorious services to the Union by such member.

(2) In the case of a member conferred with Honorary Life Membership they shall not be required to pay any contributions.

(3) An Honorary Life Member is deemed financial, can be included on the membership register and is entitled to vote at any election if:

(a) they have not retired from working;

(b) they are an Officer of the Union; or

(c) they were a member of The Australian Worker’s Union, New South Wales (“**AWU NSW**”) when they retired and remain a member of the AWU NSW.

In all other cases, an Honorary Life Member does not have to pay the honorary membership contribution rate set by the National Executive but cannot be included on the membership register and is not entitled to vote at elections. This is due to the operation of s 171A of the *Fair Work (Registered Organisations) Act 2009* (Cth).

(4) A decision to issue a member with Honorary Life Membership must be affirmed by no less than two thirds of the total number of votes of the National Executive or it shall have no effect.

(5) Any person who was a life member of either the AWU or FIME immediately before the amalgamation of those Unions shall, subject to these Rules, remain a life member of the Union.

## RULE 14 – RESIGNING AS A MEMBER

(1) A member may resign membership of the Union by notice in writing. Notice addressed to an Officer of the relevant Branch of the Union must be signed by the member and provided to the union by mail, facsimile, email or in person.

(2) A notice of resignation that has been received by an Officer of the Branch of the Union is not invalidated by reason of the fact that it has not been addressed and delivered in accordance with sub-rule (1) if the member is informed in writing by the Union that the resignation has been accepted.

(3) Resignation or notice of resignation does not lessen the member’s obligation to pay to the Union any sum which becomes payable prior to the members resignation.

(4) A notice of resignation of membership takes effect:

(a) Where the member ceases to be eligible to become a member of the Union:

(i) on the day on which the notice is received; or

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

whichever is the later; or

(b) In any other case:

(i) at the end of two weeks after the notice is received; or

(ii) on the day specified in the notice

whichever is the later.

## RULE 15 - CEASING TO BE A MEMBER AND PURGING THE REGISTER OF MEMBERS

(1) Persons shall cease to be members of the Union if

for a continuous period of twelve months they have taken employment in an industry, vocation or calling outside of the conditions of eligibility specified by Rule 5 of these Rules.

(2) Notwithstanding the provisions of this Rule, a member who is an Officer and life members shall, subject to compliance with the Rules of the Union, be entitled to remain a member of the Union.

(3) A member is deemed to have resigned if they have been an un-financial member for a continuous period of 24 months. In such case the Branch Secretary must remove the name and postal address of the member from the register within 28 days.

(4) In calculating the period for the purposes of subrule (3), any period in relation to which the member was not required by the rules of the organisation to pay the dues is to be disregarded.

A person whose name is removed from the register under subrule (3) ceases to be a member of the organisation on the day that the person is removed.

(5) A member who has been purged may still be sued for arrears outstanding as at the time he or she is so purged.

(6) Where an unemployed or ill member has been paying contributions in accordance with Sub Rule 9(2) then at the end of the second year mentioned in that Sub Rule the member ceases to be a member of the Union and the members name is to be removed from the register

# PART 4 – RIGHTS AND DUTIES OF MEMBERS

## RULE 16 – RIGHTS OF MEMBERS

### COPY OF RULE BOOK

(1) Any member of the Union may request the National Secretary or a Branch Secretary to supply them with a copy of the Rules of The Australian Workers' Union. Upon such a request the National Secretary~~,~~ or Branch Secretary concerned must within seven days, and if that member has been provided with a copy of the same rules or amendments free of charge within the past 3 years upon receipt of the prescribed amount of twenty dollars, supply to the member a copy of the Rules of The Australian Workers' Union.

### INSPECTING MINUTES OF NATIONAL CONFERENCE AND NATIONAL EXECUTIVE

(2) Any member of the Union may upon request to the Branch Secretary with seven days notice inspect a copy of the Minutes of each Biennial National Conference and/or Special National Conference and/or National Executive at the Branch office during the ordinary hours in which the Branch office is open.

## RULE 17 – DUTIES OF A MEMBER

### OBEY THE RULES

(1) Every member must observe, abide by and carry out each of the Rules of the Union applicable to them. It is contrary to the Rules of the Union for a member to threaten, initiate or engage in unprotected industrial action as defined by the relevant legislation.

### OBSERVE RESOLUTIONS OF THE UNION

(2) A member must not knowingly fail to observe any resolution of the National Conference, National Executive or of the Branch Executive to which a member belongs.

### GIVE INFORMATION

(3) Every member, after having been reasonably requested to do so, must give any information of which the member is aware as to any industrial matter which is the concern of the Union, to the National Conference, National Executive or a Branch Executive who makes such request (or to any person who is authorised to make such request on their behalf).

### NO OBSTRUCTION OF OFFICERS

(4) A member must not obstruct, interfere with or delay any Officer in the execution of the Officer's duties or any of the National Conference, National Executive, Branch Executive, or other body of the Union in the performance of any of its functions.

### ASSIST OFFICERS

(5) Every member after having been reasonably requested to do so must assist any Officer in the carrying out of their duties if the assistance required is of such a nature that it is proper and reasonable to require it.

**NO DISORDERLY CONDUCT**

(6) A member must not act in any disorderly, offensive or disruptive manner at any meeting of the Union.

**SAFEGUARD MEMBERSHIP TICKET**

(7) Members must not allow their Union ticket to pass out of their possession except when the Union ticket is required by an auditor or an Officer or other person who requires it for some proper purpose under the Rules or other lawful reason.

### NO ASSISTING BREACH OF RULES

(8) A member must not aid or encourage any member in doing or omitting to do anything contrary to this Rule.

### WORK FOR AWARD/AGREEMENT RATES

(9) Members must not work at lower rates than either, those prescribed by the policy of the Union or, those prescribed by any award or industrial instrument regulating the rates, terms and conditions of employment for the work that the member is engaged in.

### BREACH OF RULE IS MISCONDUCT

(10) A member who knowingly commits any breach of this Rule may be found guilty of misconduct.

### ADVISE CHANGE OF ADDRESS

(11) A member must inform the AWU within 14 days of a change to their name, postal address or primary place of employment.

## RULE 18 – STATUS OF UNFINANCIAL MEMBERS

Except as elsewhere provided in these Rules unfinancial members are not entitled, so long as they remain unfinancial, to take part in any ballot or to speak or vote on any question, nor to any other benefit of membership.

## RULE 19 - MISCONDUCT

(1) The National Conference, National Executive and, subject to subrule (8) each Branch Executive, has the power to hear and determine charges under this Rule.

### CHARGING A MEMBER WITH MISCONDUCT

(2) Any member may charge any other member with:

(a) committing any breach of the Rules;

(b) failing to comply with any resolution or direction lawfully passed or given under any Rule of the Union after having notice thereof;

(c) committing any fraudulent or unlawful act in relation to the funds or property of the Union or in relation to any election held under its Rules;

(d) wrongfully holding himself or herself out as occupying any Office or position in the Union or any Branch, Sub-Branch, or District thereof, or as being entitled to represent the Union or any Branch, Sub-Branch, or District in any capacity unless the member believed on bona fide and reasonable grounds that s/he was entitled to so act;

(e) behaving in a drunken, disorderly or offensive manner at any meeting held under the Rules of the Union or in the Office of the Union or of any Branch, Sub-Branch or District;

(f) knowingly giving false information to any Officer, representative or employee of the Union or any person acting as or on behalf of a Returning Officer conducting any election under its Rules relating to any Union business or election or any matter affecting the interests of the Union or its members;

(g) aiding or encouraging any other member in any offence under the Rules;

(h) gross misbehaviour;

(i) gross neglect of duty;

(j) having ceased to be eligible to hold Office according to the Rules of the Union.

### SUMMONS TO CHARGED MEMBER

(3) Any charge may be made orally or in writing and must be made to the National Secretary or the Branch Secretary. Such Officer may, subject to being satisfied as to the reasonableness of such charge, and must if directed by National Conference or National Executive or (in the case of the Branch Secretary) by the Branch Executive summon the member charged. Any summons must be in writing and must state the time and place of the hearing, the name of the person laying the charge, and the substance of the charge. The person charged must be given at least twenty-one days' notice of the hearing and if required to attend at a place more than 80 kilometres from their place of abode must be given his or her return fare. The person charged must, upon request, be supplied with such further particulars as may be necessary to indicate the precise matters of the charge.

For the purpose of giving notice under this Rule it will be sufficient for such notice to be sent by a pre-paid registered mail to the address of the member being charged at the last address recorded in the membership records of the Union.

The charged member will be deemed to have received the notice three days after the date such notice was posted in accordance with this Rule.

(4) At the appointed time and place (or any time and place to which the meeting is adjourned or postponed and of which the person charged is notified) the charge may be heard and determined, whether or not the person charged is present, unless a satisfactory explanation of their absence has been received.

### RIGHT TO BE HEARD

(5) If the person attends at the appointed time and place he or she must:

(a) be informed of the substance and source of any information adverse to him or her on which the tribunal relies.

(b) be given a reasonable opportunity to defend himself or herself and may if he or she wishes personally address the tribunal and give evidence and tender written submissions.

(c) be permitted the use of an interpreter if he or she does not have a sufficient command of English.

(d) have the right to submit such written statements by witnesses as he or she desires and to call to give personal evidence such witnesses as the tribunal considers necessary or desirable, having regard to the nature of the charge, the evidence and all the circumstances.

(6) (a) The person charged is not entitled to be represented by another person except with the permission of the tribunal; provided that if a legally qualified person is permitted to appear to present a charge the person charged must be permitted similar representation if they so request.

(b) The Tribunal has the right to give directions to ensure that its proceedings are conducted in an orderly fashion with reasonable dispatch and without unnecessary repetition or the introduction of irrelevant material.

(c) The powers of the tribunal under this subrule are, subject to any directions given by the tribunal, to be exercised by the Chair.

### PENALTY

(7) Where the relevant tribunal is satisfied that the charges are proven, the tribunal may:

(a) Expel the charged member from membership of the Union if it is also satisfied -

(i) That the breach or breaches was or were deliberately committed by the reported member; and

(ii) That the breach or breaches is or are sufficiently grave to warrant expulsion; or

(b) Suspend them from membership or deprive them of any right or benefit of membership for any specified period or until the happening of any specified event or until performance of any specified act and/or remove them from any elected Office or position.

Suspension from membership deprives a member of the benefits of membership including the right to hold Office but does not relieve them of the obligations of membership. Suspension for any particular offence must, unless it has previously expired according to the terms of the decision imposing it, terminate six months after the suspension commenced. Where a person is found guilty of more than one offence cumulative suspensions may be imposed.

Provided however that no member can be dismissed from any elected Office unless he or she has been found guilty of misappropriation of the funds of the Union, a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased, according to the Rules of the Union, to be eligible to hold such elected Office.

### APPEAL

(8) An appeal lies in respect of any decision under this Rule from a Branch Executive to National Executive and from National Executive to National Conference. Notice of appeal must be given in writing to the National Secretary within one month and must set forth in full all matters which the appellant desires to be considered. The appeal may be dealt with in meeting or by postal vote.

### POWER OF BRANCH EXECUTIVE

(9) The Branch Executive has the power to impose penalties as provided in subrule (7) on members of the Branch, other than National Officers, charges against whom must be dealt with only by National Conference or National Executive.

### EXPULSION

(10) An expulsion shall operate from the date of the decision to expel and, notwithstanding that a decision to expel may be reversed on appeal, the lodgment of an appeal does not operate as a stay of the expulsion.

(11) Any member expelled from the Union must not be readmitted to membership without the sanction of the National Executive or National Conference.

(12) Members must take all reasonable steps to exhaust the internal appeal procedures prescribed by this Rule before commencing proceedings to challenge any decision made, pursuant to this Rule, in the Federal Court of Australia or any other court/tribunal which may have jurisdiction.

# PART 5 – NATIONAL STRUCTURE OF THE UNION

## RULE 20 – NATIONAL CONFERENCE

### TIME AND PLACE OF NATIONAL CONFERENCE

(1) The National Conference must be held biennially in the second and fourth year of Office at such place and time as the National Executive shall determine and the National Conference consists of the National Officers and of delegates to be elected by each Branch.

### BRANCH REPRESENTATION AT NATIONAL CONFERENCE

(2) Each Branch is entitled to one delegate for any number of members up to 2,500 and an additional delegate for every further 2,500 members or part thereof and such delegate must be the relevant Branch Secretary after 2,500 first appearing.

### NATIONAL OFFICERS AT NATIONAL CONFERENCE

(3) National Officers shall be ex officio Delegates to National Conference and shall have the same voting and other rights as delegates at the Conference.

### NATIONAL EXECUTIVE MEMBERS NOT OTHERWISE DELEGATES

(4) National Executive members, not otherwise delegates to National Conference pursuant to any other provision of this subrule, are to be ex-officio delegates to National Conference but do not have voting rights.

All costs associated with such delegates attending National Conference must be borne by the respective Branch.

### METHOD OF VOTING AT NATIONAL CONFERENCE

(5) The method of voting on all matters before the National Conference is to be a "card vote".

### BRANCH VOTING RIGHTS AT NATIONAL CONFERENCE

(6) (a) Each Branch is to be allocated one vote for any number of members up to 1,000 and an additional one vote for every further 1,000 members or part thereof.

(b) Branch votes must be evenly allocated, to the third decimal place, to the Branch delegates or their respective proxies as appointed in accordance with these Rules.

**NATIONAL OFFICERS VOTING RIGHTS AT NATIONAL CONFERENCE**

(7) (a) The National Officers collectively are to be allocated votes based on a figure that represents fifteen percent (15%) of the total number of votes allocated to all Branches.

(b) National Officers votes must be evenly allocated, to the third decimal place, amongst all National Officers or their respective proxies as appointed in accordance with these Rules.

### REPLACEMENT BRANCH DELEGATES

(8) Where any Delegate to National Conference is unable to attend the National Conference, the Executive of the Branch by which such delegate was elected, has the power to appoint some other member of the Union, who qualifies for election in accordance with these Rules, to represent that Branch as a Delegate to National Conference.

### DELEGATES EXPENSES

(9) The expenses of each delegate are to be paid by the Union at the rate determined by the National Secretary from time to time.

### PROXY VOTING

(10) (a) In the event of any delegate or delegates of a Branch being absent the delegate or delegates must give the remaining delegate or delegates of the Branch present power to cast the number of votes that such Branch is entitled to on all questions.

(b) In the event that there are no other delegate or delegates of the Branch present then the delegate or delegates of the Branch being absent may authorise in writing any other Delegate to National Conference to cast a proxy vote on their behalf. Such authority may be general or limited to a particular matter or matters.

(c) A National Officer may authorise in writing any other member of Conference to cast a proxy vote on his or her behalf during any period when such National Officer is absent. Such authority may be general or limited to a particular matter or matters.

### SPECIAL NATIONAL CONFERENCE

(11) (a) The National Secretary must call a Special Conference within one month after receipt of resolutions passed by a majority of the Branches at specially summoned meetings, requesting a Special Conference to be held, and stating the business to be dealt with. He must also call a Special Conference whenever he is directed to do so by the National Executive.

(b) Every delegate and Branch shall receive seven days' notice of such Special Conference and of the business to be dealt with. Such notice shall, if practicable, be by letter, electronic mail, facsimile, courier delivery or certified mail. Business additional to that of which notice has been given may be dealt with if no objection is taken at the time, or if upon objection being taken, a majority of members agree to the business being dealt with.

(c) Subject to this Rule, the powers of and procedure at a Special National Conference are the same as the powers of and procedure at a Biennial National Conference.

### LEAVE FROM NATIONAL CONFERENCE

(12) No Officer attending the National Conference shall leave without the consent of Conference until the sittings have terminated.

### DECISIONS BY MAJORITY OF MEMBERS

(13) All decisions of Conference shall be made by a majority of the members present, unless otherwise provided in these Rules.

## RULE 21 – CREDENTIALS OF BRANCH DELEGATES

Every Branch delegate, before first taking their seat at Conference, must have had presented to the National President or other person presiding over the Conference, a letter signed by the Branch Secretary, certifying that the bearer thereof is a delegate of such Branch. Provided that no proceedings of Conference are to be invalidated by reason only of any failure to comply with this Rule.

## RULE 22 – POWERS OF NATIONAL CONFERENCE

The National Conference is to be the highest deliberative body of the Union and has the power:

(a) To take such steps as it thinks 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) To decide the general policy of the Union and to take steps to enforce the carrying out of such policy.

(c) To impose levies in accordance with these Rules.

(d) To impose penalties in accordance with these Rules.

(e) To hear and decide any appeal by a member or Branch against any act or decision of the National Executive or a Branch Executive.

(f) To deal with and decide any matter submitted to it by any Branch of the Union.

(g) To make, alter, amend or rescind the Rules of the Union and any Branch.

(h) To delegate any of its powers other than its powers under paragraphs (c), (d), (e), (f), (g), (h), (i), (j) or (k) hereof to any Branch, or to any Committee or Officer of the Union. Provided that such delegation does not prevent the National Conference from itself exercising such powers, and that any exercise of power pursuant to such delegation is subject to appeal to and review by the National Conference.

(i) Subject to Rule 33, to establish or close Branches, Sub-Branches, or Districts of the Union where in its opinion such establishment or closing would be to the benefit of members of the Union or of a Branch of the Union or would improve the organisation or administration of the Union or of a Branch or would effect a necessary reduction of expenditure, or when such establishment or closing is considered necessary for any other bona fide reason.

(j) To confirm, overrule or otherwise deal with decisions of the National Executive.

(k) To exercise all or any of the powers of the National Executive.

(l) To appoint as General Returning Officer, some person who is not:

(i) an unfinancial member of the Union;

(ii) the holder of any Office in the Union or a Branch, Sub-Branch, Section or Division of the Union;

(iii) any employee of the Union or a Branch, Sub-Branch, Section or Division of the Union.

## RULE 23 – PROPOSALS FOR NATIONAL CONFERENCE

(1) Proposals for:

(a) the making of new Rules;

(b) the amendment or rescission of existing Rules;

(c) industrial, administrative or policy matters;

must be forwarded to the National Secretary to be received not later than one month prior to the date of the National Conference. Proposals forwarded by email or facsimile will be accepted provided the contents of such email or facsimile are confirmed by signed letter posted by pre-paid post to the National Secretary within a reasonable time after the date of the email or facsimile.

### WHO CAN SUBMIT PROPOSALS FOR NATIONAL CONFERENCE

(2) Proposals may be submitted by:

(a) The National Executive;

(b) A Branch Executive;

(c) A Branch Secretary;

(d) Any Branch General Meeting or Branch Delegate Meeting;

(e) National Officers;

(f) Any properly constituted meeting of 15 members. All proposals passed at meetings of members, wherever held under this Rule must stipulate the name of the place at which the meeting was held, the date of the meeting, and must be signed by the Chair.

**AGENDA COMMITTEE FOR NATIONAL CONFERENCE**

(3) (a) There is to be an Agenda Committee of National Conference comprising the National President and National Secretary.

(b) The Agenda Committee must meet as soon as practicable after the receipt of proposals for National Conference as provided for in subrule (1) of this Rule.

(c) The Agenda Committee is to determine which proposals are to be included on the Agenda of National Conference. Provided that any proposal not included on the Agenda must be tabled at the National Conference.

### AGENDA OF NATIONAL CONFERENCE

(4) As far as is practicable, the business to be dealt with by National Conference must be shown on the Agenda paper, but matters including proposals which have been tabled but not included on the agenda pursuant to 3(c) of this Rule may be added to the Agenda paper if agreed to by a resolution of Conference.

### NOTICE TO BE SENT TO DELEGATES

(5) Notice of every Biennial National Conference must be sent by the National Secretary to each National Conference Delegate via the Branch Secretary two weeks before the date of such meeting by either mail, facsimile or email.

## RULE 24 – NATIONAL EXECUTIVE

(1) There is to be a National Executive consisting of the following:

(a) National Officers who are to be ex officio Delegates to National Executive and who are to have the same voting and other rights as Delegates to National Executive; and

(b) Delegates to National Executive being such other Branch Officers as are elected by each Branch.

### BRANCH REPRESENTATION AT NATIONAL EXECUTIVE

(2) (a) Each Branch is entitled to one Delegate to National Executive for any number of members up to 10,000 and such Delegate to National Executive must be the relevant Branch Secretary.

(b) Branches are entitled to an additional Delegate to National Executive for every further 10,000 members or part thereof.

### METHOD OF VOTING

(3) The method of voting on all matters before the National Executive shall be a "card vote".

**BRANCH VOTING RIGHTS AT NATIONAL EXECUTIVE**

(a) Each Branch is to be allocated one vote for any number of members up to 1,000 and an additional one vote for every further 1,000 members or part thereof.

(b) Branch votes must be evenly allocated, to the third decimal place, to the Branch delegates or their respective proxies as appointed in accordance with these Rules.

### NATIONAL OFFICERS VOTING RIGHTS AT NATIONAL EXECUTIVE

(c) The National Officers collectively are to be allocated votes based on a figure that represents fifteen percent (15%) of the total number of votes allocated to all Branches.

(d) National Officers' votes must be evenly allocated, to the third decimal place, amongst all National Officers or their respective proxies as appointed in accordance with these Rules.

### REPLACEMENT NATIONAL EXECUTIVE MEMBERS

(4) Where any National Executive member is unable to attend National Executive, the Branch Executive or Branch Secretary of the Branch that such member represents, has the power to appoint some other member of the Union who qualifies for election in accordance with these Rules, to represent that Branch as National Executive member to National Executive. This person is to act only during the period of the National Executive to which they have been appointed.

### PROXY VOTING

(5) (a) In the event of any National Executive member of a Branch being absent the National Executive member must give the remaining National Executive members of the Branch present power to cast the number of votes that such Branch is entitled to on all questions.

In the event that there are no other National Executive members of the Branch present then the National Executive member being absent must authorise in writing any other National Executive member to cast a proxy vote on their behalf.

(b) In the event that a member or members absent themselves in any other way than in accordance with subrule 24(5)(a), or without the consent of the National Executive, this unauthorised absence will result in the Branch's voting rights being equally divided among the remaining members of the National Executive in attendance at the time of the member or members absenting themselves.

(c) In the event that subrule 24(5)(b) is invoked because a Branch has absented itself without the consent of the National Executive and without leaving their proxy voting rights in accordance with subrule24(5)(a) the requirement in Rule 28 – Quorum will not apply.

(d) For the avoidance of doubt as to the effect of subrule 24(5)(c) the subrule means, that if a Branch leaves without the National Executive's approval and or in accordance with the rules, then the business of the National Executive will continue and the Branch or Branches cannot rely on the Quorum Rule 28 to bring the National Executive meeting to a close, because in this case the rule will not apply.

(e) A National Officer may authorise any other member of National Executive to cast a proxy vote on his or her behalf during any period when such National Officer is absent.

(f) For the purpose of this subrule, authority to vote by proxy may be general or limited to a particular matter or matters.

### TIMING AND PLACE OF MEETINGS OF NATIONAL EXECUTIVE

(6) Meetings of the National Executive are to be held at such time and place as decided by the National Executive or by the National Secretary and National President, provided that any five members of the National Executive may demand a meeting of National Executive. Such demand must be notified to the National Secretary and/or National President by letter or email or facsimile and the notification shall set out the purpose of the meeting. The National Secretary and/or the National President must arrange for the meeting to be held not later than fourteen days from the date of receipt of the notification demanding that the meeting be held.

### NOTICE OF MEETINGS OF NATIONAL EXECUTIVE

(7) Notice of meetings may be given verbally or by letter, email, facsimile or telephone.

## RULE 25 – POWERS OF NATIONAL EXECUTIVE

(1) The National Executive, subject to the review of its actions by National Conference, has the care, control, superintendence, management and administration in all respects of the affairs, business, funds and property of the Union and without limiting the generality of the foregoing it has the power, duty or function to;

(a) Interpret and enforce the general policy of the Union as decided by National Conference.

(b) Decide questions of policy not covered by National Conference decisions.

(c) Control and conduct the business and affairs of the Union while National Conference is not in session.

(d) Appoint the Editor of the Union journal and manage and control the policy of the journal.

(e) Expend such moneys or borrow money or raise financial accommodation as may, in the opinion of the National Executive be necessary.

(f) Submit any matter to the members for decision by ballot.

(g) Negotiate an agreement for amalgamation with any other Union or Unions.

(h) Subject to Rule 33, establish or close any Branch of the Union where in its opinion such establishment or closing would be to the benefit of members of the Union, or of a Branch, or would improve the organisation or administration of the Union or of a Branch or would

effect a necessary reduction in expenditure, or when such establishment or closing is considered necessary for any other bona fide reason.

(i) Ensure that Officers, committee members, delegates, members and Branches carry out the Rules, decisions and policy of the Union, and may impose penalties in accordance with these Rules.

(j) Take action in accordance with these Rules to secure the satisfactory working of any Branch, Sub-Branch, or District.

(k) Appoint, control and dismiss National Organisers.

(l) Control and supervise the work of the National Officers of the Union.

(m) Determine from time to time the salary and/or wages of all Officers, staff and employees of the Union.

(n) In accordance with Rule 65, fill casual vacancies which may occur from time to time in National Office.

(o) When Conference is not sitting:

(i) suspend the policy laid down by National Conference or any portion thereof;

(ii) make such Rules and other provisions or to rescind or vary existing Rules;

(iii) impose levies upon members and Branches.

Provided that all acts done by virtue of subrule (h) of this Rule and paragraphs (i), (ii) and (iii) of this subrule (o) must be affirmed by no less than two-thirds of the total number of votes allowed to members of the National Executive or it has no effect.

(p) Make, vary, or rescind, on behalf of the Union, industrial and other agreements.

(q) Consider and determine any question arising under these Rules submitted to it by any Branch.

(r) In accordance with Rule 53, determine the amount of the maintenance contribution.

(s) Require Branch Executives to prepare Branch budgets for presentation to National Executive.

(t) Require Branch Executives to report to National Executive on the financial position, status and/or viability of the Branch and to have the report certified as to its accuracy by a person who is a CPA.

(u) Determine the amount and or scale of fees that a non-member employee, dependent or independent contractor will pay for representation by the union. Fees may be set on any basis deemed appropriate by the National Executive and may be altered or varied by the National Executive from time to time. For the avoidance of doubt the setting of a fee or scale of fees for representation by the union does not oblige the union to provide such representation.

(2) All decisions of the National Executive must be made by a majority of the members present at the meeting unless otherwise provided by these Rules.

(3) All acts and decisions of the National Executive have full force and effect and full validity unless and until such acts or decisions are reversed or amended by National Conference.

## RULE 26 - CALCULATION OF BRANCH REPRESENTATION AND VOTING RIGHTS FOR NATIONAL CONFERENCE AND NATIONAL EXECUTIVE

(1) For the purposes of sub-rule 20(2) and sub-rule 24(2) of these Rules, Branch representation is to be based upon the average number of financial members in that Branch for the twelve month period ending 30 June preceding the year in which the election is held. The average number of financial members must be calculated by dividing total membership contributions received in that twelve month period by the divisor determined from time to time by the National Executive in determining the average annual membership contribution. The quantity of total membership contributions for that twelve month period must be determined by the auditor's report provided for in Rule 55(2).

(2) Before the end of each calendar year the National Executive must determine each Branch's entitlement to representation in accordance with this Rule on the basis of the auditor's report provided for in Rule 55(2). That determination will apply to any election referred to in sub–rule(1) of this Rule and will also determine the number of votes to be allocated to each Branch for the next calendar year.

(3) For the purposes of sub-rule 20(2) and paragraph 24(3)(a) of these Rules the number of votes to be allocated to a Branch during a calendar year is to be based on the average number of financial members in that Branch for the twelve month period ending 30 June in the preceding year. That average number must be calculated by the same method as is provided in sub–rule (1) of this Rule.

(4) Where a Branch has failed to provide the National Executive with the audit and report of its total membership contribution as required by Rule 55(2) that Branch's entitlement to an allocation of votes pursuant to both sub-rule 20(2) and paragraph 24(3)(a) as at the commencement of the ensuing calendar year must be only three quarters of the votes to which it was entitled in the previous calendar year until it has provided such an audit and report to the National Executive and the National Executive has determined that Branch's entitlement to an allocation of votes in accordance with subrule(3) above.

## RULE 27 – TEMPORARY CHAIRPERSON AT NATIONAL CONFERENCE OR NATIONAL EXECUTIVE

In the absence of the National President and the National Vice-Presidents from any meeting of National Conference or National Executive, the members present may appoint or elect one of their numbers to preside at that meeting.

## RULE 28 – QUORUM AT NATIONAL CONFERENCE, SPECIAL NATIONAL CONFERENCE OR NATIONAL EXECUTIVE

The quorum at a meeting of National Conference or National Executive is to be a majority of the delegates eligible to attend such meeting, provided that such majority must include delegates representing a majority of the Branches.

For the purpose of this Rule National Officers are to be counted as delegates but they must not be considered as representing a Branch.

## RULE 29 - MINUTES OF NATIONAL CONFERENCE, SPECIAL NATIONAL CONFERENCE OR NATIONAL EXECUTIVE

Minutes recording the proceedings, decisions and resolutions of National Conference, Special National Conference and National Executive must be taken. A copy of these minutes must be kept by National Office, and also forwarded to the Secretary of each Branch and each member of National Conference, Special National Conference or National Executive as the case may be, within 28 days of the conclusion of the respective National Conference, Special National Conference or National Executive.

## RULE 30 – POSTAL OR OTHERWISE VOTING OF NATIONAL CONFERENCE OR NATIONAL EXECUTIVE

(1) If the National Secretary considers it advisable to submit any matter, including the imposition of a levy, to a vote of either National Conference or National Executive at a time when it is inconvenient to call the respective body together, he may submit to the members of the respective body by letter, electronic mail, facsimile, courier delivery, certified mail or teleconference, a proposed resolution dealing with such matter, together with any statement or argument he may think fit in support thereof. A copy of any proposed resolution, statement and argument that is submitted to National Conference must be sent at the same time to each Branch Secretary. The votes on such proposed resolution are returnable to the National Secretary at such time as the National Secretary and one other National Officer fix. The result of such vote is binding and enforceable in the same manner as a decision arrived at in meeting assembled.

(2) No amendment is to be allowed on any such proposed resolution, but if it is negated, any member of National Conference or National Executive may request the National Secretary to submit in like manner a further proposed resolution on the same matter. In the event of the National Secretary being requested to submit more than one such proposed resolution, the order in which the proposed resolutions are to be submitted remain at his absolute discretion.

## RULE 31 – NATIONAL EXECUTIVE AUTHORITY OVER ELECTED OFFICERS

### CHARGING AN OFFICER

(1) Any Officer or member of the Union who reasonably believes that any elected Officer has been guilty of misappropriation of the funds of the Union or of a substantial breach of the Rules of the Union or of gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold such elected Office of the Union, may report such breach to the National Secretary who may, subject to being satisfied as to the reasonableness of such report, call upon such elected Officer to show cause to the National Executive why such elected Officer should not be dismissed from his or her Office.

### NOTICE OF HEARING

(2) The National Executive must appoint a day for the hearing of the alleged offence of which at least 21 days' notice in writing must be given to such elected Officer.

For the purpose of giving notice under this Rule it will be sufficient for such notice to be sent by pre-paid registered mail to the address of the elected Officer being charged at the address last recorded in the membership records of the Union. The charged Officer is deemed to have received the notice three days after the date such notice was posted in accordance with this Rule.

(3) At the appointed time and place (or any time and place to which the meeting is adjourned or postponed and of which the person charged is notified) the charge may be heard and determined

whether or not the person charged is present, unless a satisfactory explanation of his or her absence has been received.

### CONDUCT OF A HEARING

(4) If the person attends at the appointed time and place, they must be informed of the substance and source of any information adverse to him or her on which the tribunal relies. The charged person must be given a reasonable opportunity to defend themself and may, if they wish, personally address the Tribunal, give evidence and tender written submissions. The person must be permitted to use an interpreter if they do not have sufficient command of English. They have the right to submit witness statements and to call such witnesses to give evidence as the Tribunal considers necessary or desirable having regard to the nature of the charge and all the circumstances. The charged person is not entitled to be represented by another person except with the permission of the Tribunal; providing that if a legally qualified person is permitted to appear to present a charge, the person charged must be permitted similar representation if they so request. The Tribunal has the right to give directions to ensure that its proceedings are conducted in an orderly fashion with reasonable dispatch and without unnecessary repetition or the introduction of irrelevant material. The powers of the Tribunal under this subrule must, subject to any directions it may give, be exercised by the Chair.

### PENALTY

(5) If the National Executive is satisfied after inquiry that any elected Officer or elected Officers of the Union has or have been guilty of misappropriation of funds of the Union or of a substantial breach of the Rules of the Union or of gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union to be eligible to hold Office, the National Executive may:

(a) Dismiss all or any of such elected Officers from Office and/or expel the charged Officer from membership of the Union; or

(b) Impose a fine not exceeding $1000 and/or suspend him or her from Office and/or membership or deprive him or her of any right or benefit of Office and/or membership for any specified period or until the happening of any specified event or until performance of any specified act.

Suspension from membership deprives an Officer of the benefits of membership including the right to hold Office but does not relieve him or her of the obligations of membership. Suspension from Office and/or membership for any particular offence must, unless it has previously expired according to the terms of the decision imposing it, terminate six months after the suspension commenced. Where a person is found guilty of more than one offence cumulative suspensions may be imposed.

(6) Provided that an elected Officer may be removed from an Office only by a two-thirds majority of National Executive.

### EFFECTIVE OPERATION OF BRANCH

(7) Pending the completion of any inquiry under this Rule, where the National Executive is satisfied that the relevant Branch Executive is either unwilling or unable to properly conduct the business and affairs of their Branch, the National Executive may take whatever steps it deems necessary to enable the business and affairs of the Union in any Branch of the Union affected by the inquiry to be carried on.

### APPEAL TO NATIONAL CONFERENCE

(8) A member dismissed from Office pursuant to this Rule may apply to the National Conference for leave to appeal against the decision of National Executive. Application for leave to appeal must be given in writing to the National Secretary within 28 days of the decision of the National Executive and must set forth, in full, all matters which the appellant desires to be considered. The decision by the National Conference as to whether to grant leave to appeal may be dealt with in meeting or by postal vote. If National Conference grants leave to appeal, then the National Secretary must call a meeting of National Conference to hear and determine the appeal as soon as practicable after such leave is granted.

(9) A member must take all reasonable steps to exhaust the internal appeal procedures prescribed by this Rule before commencing proceedings to challenge any decision made pursuant to this Rule in the Federal Court of Australia.

## RULE 32 – DUTIES OF OFFICERS

**NATIONAL PRESIDENT**

(1) (a) There is to be one (1) National President who is to be the recognised head of the Union and who is honorary, and who has the power to convene meetings of the National Conference and the National Executive. It is the National President's duty to further the well being and objects of the Union, preside at all Conferences and meetings of National Executive and see that the business is conducted in accordance with these Rules. No salary attaches to the Office of National President, but an allowance as determined from time to time by the National Executive is to be paid.

(b) The National President has a deliberative vote only, and, in the case where he also holds the Office of Branch Secretary, he is entitled to vote in respect to the Office of Branch Secretary in addition to his or her deliberative vote.

(c) The National President must carry out such other functions as are determined from time to time by the National Conference, National Executive, or the National Secretary.

**NATIONAL VICE-PRESIDENTS**

(2) (a) There are to be six (6) National Vice Presidents all of whom are to be honorary.

(b) The National Vice Presidents must carry out such duties and functions as are determined from time to time by the National Conference, National Executive or the National Secretary.

(c) In the event of the absence of the National President, a National Vice President must act as National President and must carry out all the duties and may exercise all the powers of the National President. In the absence of agreement amongst the National Vice Presidents as to who will act as National President, the National Conference or National Executive may determine the matter.

**NATIONAL SECRETARY**

(3) There is to be one (1) National Secretary who is the Chief Executive Officer of the Union, who has the powers, duties and/or functions to:

(a) Act generally according to the directions of the National Conference or National Executive and be responsible for the care, control, superintendence, management and administration in all respects of the affairs, business, funds and property of the Union, subject to any directions from National Conference or National Executive.

(b) Appoint, control and dismiss the administrative, research, accountancy, organising and specialist staff of the National Office.

(c) Cause to be kept a correct account of all moneys received and expended, but shall not pay, lend or otherwise appropriate any of the funds of the Union except in accordance with the Rules or resolutions of the National Executive or National Conference.

(d) Attend all meetings of National Conference and National Executive and have Minutes taken of such meetings.

(e) Attend to and sign all correspondence and keep copies of and a record of the postage of all correspondence.

(f) Take all reasonable steps to advance and protect the interests of the Union and its members including by the power to:

(i) Make any claim or demand on employers, prospective employers or other persons or organisation to protect or improve the wages, conditions and/or welfare of members or eligible members of the Union;

(ii) Take such other steps as may be necessary or desirable to improve the wages, conditions and/or welfare of members or eligible members of the Union.

(iii) Execute any document required to be executed within the province of the National Office.

(g) Assist the Auditors when auditing the accounts of the Union.

(h) Correspond whenever necessary with the Branches.

(i) Supply all Branches with decisions of the National Executive on any questions submitted to it affecting such Branch.

(j) As far as practicable and subject to Rules 17(11), 39(1)(h) having been complied with, keep the following records:

(i) a register of members, showing the name and postal address of each member and showing whether the member became a member under an agreement with a State Registered Union;

(ii) a list of the Offices in the organisation and each branch of the organisation;

(iii) a list of the names, postal addresses and occupations of the persons holding the Offices.

(k) Endeavour to increase the membership of the Union.

(l) Initiate, conduct and/or respond to matters in tribunals and/or courts considered necessary or desirable to advance or protect the welfare of the Union and is empowered to authorise and direct any Officer, paid employee or representative (including legal representative) of the Union to prepare papers, conduct cases and if necessary act on behalf of the Union in any dispute or issue which may arise which is within the province of National Office.

(m) Carry out such other functions as are determined from time to time by the National Conference or National Executive.

(n) Engage legal assistance if deemed necessary to assist the Union or any Officer or employee of the Union in any of the above matters or in regard to any matter which the National

Secretary is entitled to have brought before any tribunal or court or in regard to which the National Secretary is entitled to give assistance to a member under the Rules.

(o) Report the result of any ballots conducted by the General Returning Officer to the next meeting of National Conference insofar as delegates to National Conference are concerned, and to the next meeting of the National Executive insofar as members of the National Executive are concerned.

(p) Hold property on trust on behalf of the Union upon such terms and conditions as the National Executive shall determine from time to time in its absolute discretion.

(q) Require any Officer or employee of the Union to assist the National Secretary in the performance of any of his or her duties and/or functions.

(r) Require the production and supply of any information or record from Branches which in the opinion of the National Secretary will assist him or her in the performance of his or her duties and/or functions.

(s) Promote and/or organise the education of Officers, employees, members and Delegates of the Union.

**ASSISTANT NATIONAL SECRETARY**

(4) (a) There is to be one (1) Assistant National Secretary who is to act according to the directions of the National Conference, National Executive or the National Secretary.

(b) In the absence of the National Secretary and until such time as the National Executive exercises power under subrule (5), the Assistant National Secretary is to exercise the powers and perform the duties of the National Secretary.

### TEMPORARY APPOINTMENT OF NATIONAL OFFICERS

(5) The National Executive may if it thinks it necessary, empower any member thereof to exercise all or any of the powers and to perform all or any of the duties of any National Officer during any temporary absence of such Officer from duty, or while s/he is carrying out the duties and exercising the powers of another Officer pursuant to this Rule, or pending the holding of an election to fill a vacancy in the position of any such National Officer. Any act of a person so empowered is, within the limits of his or her authority, to be of the same force and effect as the acts of the Officer whose power and duties s/he had been empowered to exercise and perform. For the avoidance of doubt periods of annual leave do not constitute temporary absence from duty.

# PART 6 – BRANCH STRUCTURE OF THE UNION

## RULE 33 – THE BRANCHES AND DIVISIONS OF THE UNION

(1) Subject to the approval of the National Conference or National Executive, a Branch may function as a single unit of the Union, or it may be divided wholly into Sub-Branches on a job, industry or locality basis, or into Districts.

(2) When a Branch is divided into Sub-Branches each member must be attached to the appropriate Sub-Branch.

(3) Subject to the approval of the National Conference or National Executive, two or more Branches may form a Division.

(4) A Branch Office is to be established for each Branch at such place as the National Executive may from time to time decide. A District or Sub-Branch Office may be established or closed by a Branch Executive subject to the consent of the National Executive.

(5) (a) The Branch Executive may define Districts within which the District Secretary and Organisers shall organise. The boundaries of such Districts may be altered from time to time.

(b) In the event of a Branch altering the number of Districts where Districts are currently in existence, approval of the National Executive is necessary for such alteration.

(c) In the event of a Branch not having Districts, National Executive or National Conference approval is necessary to create Districts.

(6) Where a Branch is divided into Sub-Branches then subject to the approval of the National Executive any number of Sub-Branches may be formed within the area, industry or group of industries covered by a Branch.

Provided that no Sub-Branch is to consist of less than 20 members. Any question arising as to the Sub-Branch to which a member should belong is to be decided by the Branch Executive.

(7) The Union is divided into the following Branches and Divisions, namely:

1. NEW SOUTH WALES BRANCH, which includes the whole of the State of New South Wales and the Australian Capital Territory.

(b) In the case of the New South Wales Branch there is to be a Branch Executive comprising the following:

* One Branch Secretary (full time)
* One Branch President (honorary)
* Two Branch Assistant Secretaries (full time)
* One Branch Senior Vice-Presidents (full time)
* Two Branch Vice-Presidents (full time)
* Thirteen Branch Executive Committee Members (honorary)

(c) QUEENSLAND BRANCH, which includes the whole State of Queensland and the whole of the Northern Territory.

(d) The Branch is divided into six Districts, each with a District Office, namely:

District

South Western

Western

Central

Northern

Far Northern

Southern

Each District shall have a District Secretary in accordance with Rule 40.

In the case of Queensland Branch there is to be a Branch Executive comprising the following:

- One Branch Secretary (full time)

- One Branch President (honorary)

- One Branch Assistant Secretary (full time)

- Three Branch Vice-Presidents (honorary)

- Six Branch Executive Committee Members, who are to be elected by the members within the Districts on the basis of one Branch Executive Committee Member for each District (honorary).

(e) SOUTH AUSTRALIAN BRANCH which includes the whole State of South Australia.

(f) In the case of the South Australian Branch there is to be a Branch Executive comprising the following:

- One Branch Secretary (full time)

- One Branch President (honorary)

- One Branch Assistant Secretary (full time)

- Two Branch Vice Presidents (honorary)

- Three Branch Organisers - Branch Executive Committee Members (full time)

- Eight Branch Executive Committee Members (honorary)

In addition there is to be one elected Branch Organiser (full time) who is not a member of the Branch Executive.

(g) TASMANIAN BRANCH, which includes the whole of the State of Tasmania.

(h) In the case of the Tasmanian Branch there is to be a Branch Executive comprising the following:

- One Branch Secretary (full time)

- One Branch President (honorary)

- One Branch Assistant Secretary (full time)

- One Branch Vice President (honorary)

- One Branch Organiser - Branch Executive Committee Member (full time)

- Six Branch Executive Committee Members (honorary)

(i) VICTORIAN BRANCH, which includes the whole of the State of Victoria.

(j) In the case of the Victorian Branch there is to be a Branch Executive comprising the following:

- One Branch Secretary (full time)

- One Branch President (honorary)

- Two Branch Assistant Secretary (full time)

- Two Branch Vice President (honorary)

- Five Branch Organisers - Branch Executive Committee Members (full time)

- Fifteen Branch Executive Committee Members (honorary)

(k) WEST AUSTRALIAN BRANCH, which includes the whole of the State of Western Australia.

(l) In the case of the West Australian Branch there is to be a Branch Executive comprising the following:

- One Branch Secretary (full time)

- One Branch President (honorary)

- One Branch Assistant Secretary (full time)

- Two Branch Vice Presidents (honorary)

- Nine Branch Executive Committee Members (honorary)

- One Alcoa Pinjarra Sub-Branch President (honorary)

- One Alcoa Pinjarra Sub-Branch Secretary (honorary)

(m) In the case of the West Australian Branch, the Branch is to have one Sub-Branch comprising of all members employed by Alcoa World Alumina – Australia (and any successor, assignee or transmittee) at the Pinjarra Alumina Refinery. This Sub-Branch is to be called the Alcoa Pinjarra Refinery Sub-Branch.

(i) In the case of the Alcoa Pinjarra Refinery Sub-Branch there is to be a Sub-Branch Executive comprising the following:

One Sub-Branch President (honorary)

One Sub-Branch Secretary (honorary)

Two Sub-Branch Vice Presidents (honorary)

(n) All elections of the Alcoa Pinjarra Refinery Sub-Branch Executive shall be in accordance with Rules 60, 61, 62 and 63.

(8) Except as otherwise provided in this Rule, any Commonwealth Territory, other than the Australian Capital Territory and the Northern Territory, is deemed to be part of the Branch closest to or contiguous with any such Territory.

(9) No Branch is able to be dissolved without the consent of the relevant Branch Executive.

This subrule must not be varied in respect to any Branch without the consent of the relevant Branch Executive.

## RULE 34 – BRANCH AUTHORITY

(1) Subject always to these Rules, the highest authority of any Branch is:

(a) Where Districts have been formed, the Delegate Meeting convened by the Branch, and when the Delegate Meeting is not in session, then the Branch Executive.

(b) Where Branches have not formed Districts, the Branch Executive.

## RULE 35 – BRANCH EXECUTIVE

### GENERAL POWERS OF BRANCH EXECUTIVE

(1) Subject to the Rules and to the decisions of National Conference and National Executive, the Branch Executive has general control and conduct of the business of the Branch, and acts on its behalf in all matters.

### QUORUM

(2) The quorum at a meeting of the Branch Executive is to be 50 per cent of the members of the Branch Executive except in the case of the New South Wales Branch and the Victoria Branch, in which case the quorum is to be 40 per cent of the members of the Branch Executive.

### POWERS LIMITED TO BRANCH MEMBERS

(3) The powers conferred by the Rules of the Union on a Branch Executive are exercisable only in respect of members of that Branch.

### CALLING MEETINGS OF BRANCH EXECUTIVE

(4) The manner of summoning meetings is, unless otherwise directed by the Branch Executive, to be by notice to each member from the Branch Secretary or Branch President given personally or by writing, telephone, facsimile or electronic mail.

### DUTIES OF BRANCH EXECUTIVE MEMBERS

(5) Every member of Branch Executive must observe and endorse, where it is in their power to do so, any lawful decision of National Conference or National Executive.

(6) Every Officer or member of the Executive of a Branch or Sub-Branch must disclose respectively to the National Executive or the National Secretary when required any information requested by either of them concerning the Branch or Sub-Branch (as the case may be) or the Union.

### POSTAL OR OTHERWISE VOTING OF BRANCH EXECUTIVE

(7) The Branch Secretary may take a facsimile, electronic mail, or postal vote of the members of the Branch Executive at any time. Such vote has the same effect as a decision of the Branch Executive made in meeting assembled. Provided that such vote may be returned to the Branch Secretary other than by facsimile, electronic mail or post.

### APPOINTMENT OF RETURNING OFFICER

(8) The Branch Executive may appoint as a Branch Returning Officer, some person who is not:

(a) an unfinancial member of the Union;

(b) the holder of any Office in the Union or a Branch, Sub-Branch, Section or Division of the Union;

(c) an employee of the Union or a Branch, Sub-Branch, Section or Division of the Union.

### AMOUNT OF EXPENSES AND FARES

(9) The Branch Executive must, subject to any direction from time to time by the National Conference or National Executive, fix the amount of expenses and fares to be paid to members attending Branch Executive or Sub–Branch Executive meetings and members of the Union when deputed to transact business on behalf of the Union or any Branch thereof.

### BRANCH AUDITORS FEES

(10) Each Branch Executive or Sub–Branch Executive must also fix the fees payable to its Auditors and Branch Returning Officers.

### AFFILIATION TO TRADES AND LABOR COUNCILS

(11) Branch Executives may, with a view to further consolidating Labor's forces, affiliate with and bear their proportionate shares of the expenses of any form of Labor Federation endorsed by National Conference or National Executive.

(12) The Branch Executives of the Union are to appoint delegates to Labor Conferences and delegates to Trades and Labor Councils and have the authority to remove and replace delegates.

## RULE 36 – BRANCH DELEGATE MEETINGS

### TIMING OF DELEGATES MEETINGS

(1) The Branch Delegate Meeting of Branches with Districts must be held annually, and must commence before the end of February each year.

### WHO ATTENDS

(2) The Branch Delegate Meeting comprises:

(a) The President, Vice Presidents, and Secretary of the Branch.

(b) The District Secretaries.

(c) Delegates elected by the members of the various Districts.

### CALCULATING DISTRICT REPRESENTATION

(3) For the purposes of this Rule, the number of financial members for each District during a calendar year must be deemed to be the average number of financial members for the twelve months period ending 30 June in the preceding year. The average number of financial numbers in each District is to be calculated by dividing total membership contributions received from members in that District in that twelve month period by the annualised membership contribution determined by the National Executive pursuant to Rule 9. The quantity of total membership contributions for that twelve month period is to be determined by the auditor's report provided for in Rule 55(2). Where a Branch has failed to provide the National Executive with the audit and report of its total membership contribution as required by Rule 55(2) in respect of any District, that District's entitlement to delegates pursuant to sub–rule (1) as at the commencement of the next ensuing calendar year must be no more than three quarters of the number of delegates to which it was entitled in the preceding calendar year until the Branch has provided such an audit and report to the National Executive and the average number of financial members in that District has been determined in accordance with this sub–rule. Each District is to be entitled to one delegate for any number of members up to 3,000 and an additional delegate for every further 3,000 members or part thereof.

(4) District Secretaries must, in accordance with the Rules of the Union, arrange by vote of members within the District for the election of Delegates to Delegate Meetings.

### POWERS OF DELEGATES MEETINGS

(5) The Branch Delegate Meeting shall have the same powers as a Branch Executive.

### EXPENSES AND FARES

(6) A Delegate Meeting must, subject to any direction from time to time by National Conference or National Executive, fix the expenses and fares for delegates attending Delegate Meetings.

## RULE 37 – PROPOSALS FOR DELEGATE MEETING

(1) (a) Proposals for Delegate Meetings are to be forwarded to the Branch Secretary and must be received not later than six (6) weeks prior to the date of the Delegate Meeting.

(b) Proposals may be sent in by:

(i) the Branch Secretary;

(ii) the Branch Executive, or any member thereof;

(iii) any General Meeting, wherever held, consisting of not less than fifteen (15) financial members.

(c) Proposals forwarded by electronic mail or facsimile will be accepted provided the contents of such electronic mail, or facsimile are confirmed by signed letter posted by pre-paid post to the Branch Secretary within a reasonable time after the date of the electronic mail or facsimile.

## RULE 38 – BRANCH PRESIDENT AND BRANCH VICE-PRESIDENT

### BRANCH PRESIDENT

(1) The Branch President has the powers, duties and functions to:

(a) Preside at all Branch and Delegate meetings, and see that the business is conducted in a proper manner.

(b) Be empowered to call meetings of the Executive and to act generally in the furtherance of the objects of the Union.

(c) Have a deliberative vote only.

(2) The Branch President must carry out such other functions as are determined from time to time by the Branch Executive or Branch Secretary.

### BRANCH VICE-PRESIDENT

(3) The duty of the Branch Vice-President is to assist the Branch President at meetings of the Branch. In the absence of the Branch President, one of the Branch Vice-Presidents is to occupy the Chair, conduct the business, and perform all duties of the Branch President. In the absence of the Branch President and Branch Vice-Presidents from any Branch meeting, some other member is to be chosen by the meeting to preside thereat.

## RULE 39 – BRANCH SECRETARY AND BRANCH ASSISTANT SECRETARY

(1) The Branch Secretary is to be the recognised head of the Branch and has the powers, duties and functions to:

(a) Act generally according to the instructions of the Branch Executive and be responsible for the administration of the Branch.

(b) Appoint, control and dismiss the administrative, research, accountancy, organising and specialist staff of the Branch or Sub–Branch.

(c) Cause to be kept a correct account of all moneys received and expended but must not pay, lend or otherwise appropriate any of the funds of the Union except in accordance with the Rules, resolutions and Minutes of the Branch Executive and Delegate or General Meetings.

(d) Attend all General and Branch Executive Meetings and Delegate Meetings of the Branch, and take Minutes of same or have them taken.

(e) Zealously attend to all correspondence and answer such questions as may be asked in accordance with the Rules of the Union.

(f) Have kept a memo book and have inserted the date of postage of all correspondence and have kept copies of same.

(g) Sign all letters and returns and have inserted in the Branch's account books details including the date of all moneys received and expended.

(h) As far as practicable and subject to Rule 17(11) having been complied with, keep a correct Register of the names, postal addresses and occupations of all Officers and of the name, postal address and number of ticket of each member in the Branch and the date on which each person became a member of the Union, and must supply a copy of the Branch Register of members to the National Secretary when required.

(i) Forward to the National Secretary every three months a return showing the numerical strength of his Branch and the financial status of the Branch membership.

(j) Make available to members at meetings of the Branch, Sub-Branch, or Delegate Meeting, the National Balance Sheet and Statement of accounts of the Union as soon as practicable after these have been issued from the National Office.

(k) Make such returns and perform such duties as are expressed or implied in the Rules of the Union.

(l) Report the result of any ballots conducted by the Branch Returning Officer at the next meeting of the Branch Executive insofar as any elections held by the Branch Returning Officer are concerned.

(m) Endeavour to increase the membership of the Branch.

(n) Be empowered to convene any meetings of the Branch and the Branch Executive and in a Sub–Branch and a Sub–Branch Executive and shall be entitled to speak and vote at all meetings, and to authorise any District Secretary or Organiser to convene meetings of members.

(o) Take all reasonable steps to advance and protect the interests of the Union and its members including the power to:

i. Make any claim or demand on employers, prospective employers or other persons or organisation to protect or improve the wages, conditions and/or welfare of members or eligible members of the Union;

ii. Take such other steps as may be necessary or desirable to improve the wages, conditions and/or welfare of members or eligible members of the Union.

iii. Execute any document required to be executed on behalf of the Branch.

(p) Initiate, conduct and/or respond to matters in tribunals and/or courts considered necessary or desirable to advance or protect the welfare of the Branch and/or its members and is empowered to authorise and direct any Officer, paid employee or representative (including legal representative) of the Union to prepare papers, conduct cases and if necessary act on behalf of the Union in any dispute or in relation to any issue which may arise which is within the province of the Branch.

(q) Promote and/or organise the education of Officers, employees, members and Delegates of the Union.

(r) Dismiss any Delegate who breaches the Rules or who acts contrary to the policies of the Union, whether appointed by the Organiser or elected by a ballot of members provided that any person so dismissed has the right of appeal to the Branch Executive.

(s) Comply with any decision or direction as to the management and control of the Branch as may be made by National Conference, National Executive or Branch Executive.

### BRANCH ASSISTANT SECRETARY

(2) The Branch Assistant Secretary must carry out such functions as are determined from time to time by the Branch Executive or the Branch Secretary. In the absence of the Branch Secretary, or pending the decision of the Branch Executive in the event of such Office being vacant the Branch Assistant Secretary is to exercise the powers and perform the duties of Branch Secretary.

## RULE 40 – DISTRICT SECRETARIES

(1) When a District has been apportioned and defined, the Branch Executive must temporarily appoint a District Secretary, and must make arrangements to fill the position by election. District Secretaries are to be elected every four years by a vote of members within the Districts for which they have to act.

### DUTIES OF DISTRICT SECRETARY

(2) District Secretaries must carry out such functions as are determined from time to time by the Branch Executive or the Branch Secretary.

## RULE 41 - BRANCH ORGANISERS AND OFFICERS

All Organisers and Officers, elected or employed, must in all cases conform to the direction of the National Secretary, Branch Secretary or District Secretary by which they are employed. Every member must observe, abide by and carry out each of the Rules of the Union applicable to them as an Organiser or Officer.

It is contrary to the Rules of the Union for any member, Organiser or Officer to threaten, initiate, encourage or engage in unprotected industrial action as defined by the relevant legislation.

# PART 7 – ADVISORY COMMITTEES

## RULE 42 – INDUSTRY AND TRADE COMMITTEES

(1) (a) There are to be Industry Committees of representatives of industries as determined by the National Conference or the National Executive from time to time. The Industry Committees are to meet at such times and places, and are to be constituted by such representatives as the National Executive or National Secretary may determine from time to time.

(b) Sub-Committees of the Industry Committees may be established in such Branches as the National or Branch Executive may from time to time determine. Sub-Committees of the Industry Committee are to meet at such times and places, and are to be constituted by such representatives as the National Executive may determine from time to time.

(2) There shall be a National Co-ordinator, Glass and Container Industry, who shall be appointed by the National Secretary.

(a) There shall be a National Glass and Container Industry Committee comprised of persons who are members of the Union in accordance with Rule 5(18) and Rule 6(10). It shall be constituted of the three such persons from the New South Wales and Victoria, two from Greater South Australian and one from the Queensland Branches. They shall be appointed and replaced by the National Secretary after consultation with the National Coordinator, Glass and Container Industry.

(b) There shall be in each of the New South Wales, Victoria, Greater South Australian and Queensland Branches, a State Glass and Container Industry Committee comprised of persons who are members of the Union in accordance with Rule 5(18) and Rule 6(10). The number, membership and composition of such Committees shall be determined by those Branch Secretaries.

(c) The National Coordinator and National Committee and the State Committees for the Glass and Container Industry are to have advising powers only, or shall have such powers as may be conferred by the National Secretary and by the National Executive, or for State Committees by the relevant Branch Secretary.

(3) The Industry Committees and the Sub-Committees of the Industry Committees and the Trades Committee are to have advisory powers only as may be determined by the National Executive.

(4) By-laws for the control and government of the Industry Committees and the Sub-committees of the Industry Committees and the Trades Committees and a State Glass and Container Industry Committee are subject to approval by the National Executive.

(5) For the purposes of this Rule representatives and the composition of the National Committee and the State Committees for the Glass and Container Industry may include Officers or employees of the Union.

## RULE 43 – LOCAL COMMITTEES

(1) For the purpose of furthering the work of the organisation, a Branch Executive may, if they think it advisable, form Local Committees in any town or district to perform such advisory functions only as may be determined by the Branch Executive.

(2) By-laws for the control and government of a Local Committee are subject to approval by the Branch Executive. Local Committees are only empowered to act as an advisory body to the Branch Executive.

(3) The Secretary and members of the Local Committee must be approved by the Branch Executive.

## RULE 44 – SECTION COMMITTEES

(1) The National Executive and Branch Executives may establish, alter, amend or abolish Section Committees and must define the limits within which each Section Committee has jurisdiction and appoint members to the Committee thereof for the purpose of furthering the interests of the Union and of advancing and protecting the interests of that section of labour in the Union. Provided that Section Committees are to perform advisory roles only.

(2) Section Committees established by National Executive are subject to the control of National Conference and/or National Executive.

(3) Section Committees established by a Branch Executive are subject to the control of the Branch Executive.

(4) By-laws for the control and conduct of a Section Committee where established by a Branch Executive are to be subject to approval by the Branch Executive, and where established by National Executive, are to be subject to approval by the National Executive.

# PART 8 - WORKPLACE REPRESENTATIVES

## RULE 45 - WORKPLACE DELEGATES

(1) Where groups or gangs or teams of workers are working there should be a representative or Delegate who must be a member of the Union. The Delegate will either be elected by members at a meeting called for that purpose or appointed by the Branch Secretary, Branch Assistant Secretary or an Organiser, provided that the election or appointment may be subject to the endorsement of the Branch Secretary or Branch Executive.

(2) Delegates are to be elected at least biennially, in the first quarter of each year, by the members at a meeting to be held on the job. In the case of full time delegates, the delegate shall be elected every two years or for a longer term as determined by the Branch Executive. Provided that the position of the Delegate is not invalidated by reason of non compliance with this sub-Rule.

(3) Where circumstances warrant and at the discretion of the Branch Secretary, a Senior Delegate may be elected or appointed from amongst the Delegates. The Senior Delegate shall have the same rights and responsibilities as a Delegate, except that they are also responsible for the effective coordination of other Delegates at the workplace.

(4) A Delegate must supply the Secretary with a permanent address and contact details immediately after appointment and upon any subsequent change.

**POWER OF ORGANISERS TO APPOINT OR DISMISS REPRESENTATIVES**

(5) Delegates must act at all times act in compliance with the Rules of the Union.

(6) Organisers have the power to appoint Delegates and to dismiss any Delegate who breaches the Rules or who acts contrary to the policies of the Union, whether appointed by the Organiser or elected by a ballot of members. Provided that any person so dismissed has the right of appeal to the Branch Executive or National Executive.

**COLLECTING MONEY**

(7) The Delegate may, at the discretion of the Branch Secretary, be issued with a receipt book and/or register in which the Delegate will record all moneys received by way of union dues, contributions,

levies, fines or otherwise on behalf of the Union. All moneys received shall be held by the Delegate on trust for the Union and must be forwarded to the Secretary as soon as conveniently possible.

**RETURN OF UNION PROPERTY**

(8) In the event of any Delegate leaving the position as delegate or leaving the workplace or locality they must communicate with the Secretary and must return all Union property in their possession unless they have permission of the Secretary to do otherwise.

**DUTIES OF DELEGATES**

(9) A Delegate shall act as the Union representative in the place or area. In conjunction with the Officers of the Union, the duty of a Delegate is to advance and protect the interests of the Union and the wages, conditions and welfare of its members by the following means:

(i) Promoting the Union, its activities and the benefits of membership, including participating in induction sessions for new employees;

(ii) Enrolling persons into the Union at the workplace and maintaining a high standard of financial membership;

(iii) Providing assistance to any member of the Union requiring it, including assisting in the resolution of disputes;

(iv) Promoting and campaigning for improved conditions of employment in the workplace and/or industry;

(v) Negotiating or assisting in negotiating enterprise agreements including by preparing members’ claims, representing the Union during negotiations and communicating regularly with members and Officers;

(vi) Encouraging and promoting the training of Delegates and of members in matters affecting their conditions of employment and participating in such training where appropriate;

(vii) Dealing with instances of a breach of any industrial instrument or Union policy or regulation applying at the workplace;

(viii) Dealing with occupational health and safety issues, including instances of any unguarded or dangerous machinery or hazardous working conditions at the workplace;

(ix) Distributing or disseminating all notices, newsletters, documents and messages sent by the union;

(x) Complying with any reasonable request of an Officer of the Union.

(10) It is contrary to the Rules of the Union for any Delegate to threaten, encourage or engage in unprotected industrial action as defined by the relevant legislation.

(11) At the request of a Branch Secretary or Organiser, a delegate may be required to provide a report as to:

(i) The name, address, work location and contact details of members at the workplace,

including information regarding members who have commenced or left employment or changed their contact details;

(ii) The names and work locations of all persons employed at the workplace who are eligible to be members of the Union but who are not;

(iii) Relevant information regarding the employer, including any changes to the legal status, or address of the employer;

(iv) Any instance of breach of the industrial instrument, Union policy or other regulation;

(v) Any industrial dispute;

(vi) Any matter that concerns the Union or its members.

## RULE 45A - OCCUPATIONAL HEALTH & SAFETY REPRESENTATIVE

(1) An Occupational Health and Safety (OHS) representative may be elected by members at a meeting called for that purpose or appointed by the Branch Secretary, Branch Assistant Secretary or an Organiser, provided that the election or appointment may be subject to the endorsement of the Branch Secretary or Branch Executive.

(2) It is the duty of the OHS representative to promote and develop measures to ensure the health and safety of members at work, to monitor the effectiveness of such measures and to perform such other functions as are determined by the Branch Executive.

# PART 9 – MEETINGS

## RULE 46 – CALLING AND POSTPONING MEETINGS

### METHOD OF CALLING MEETINGS

(1) General Meetings of a Branch or Sub–Branch or Delegate Meetings, must be convened by a notice on the Union’s website and, if the Branch Executive should determine, in any district newspaper named by the Branch Executive. The advertisements must state the nature of the business to be transacted.

### NOTICE OF MEETINGS

(2) At least 28 days' notice in the case of Delegate Meetings or Annual General Meetings and 14 days' notice in the case of other General Meetings shall be given, provided that in the case of General Meetings other than the Annual General Meeting, the Branch Executive may, in the event of pressing necessity arising, dispense with advertisements, but shall cause notice of any intended meeting to be affixed in some conspicuous place outside the office at least 24 hours before the time of such meeting.

### POSTPONEMENT OF MEETINGS

(3) When deemed necessary, Delegate, General or Executive Meetings of a Branch or Sub–Branch or District may be postponed by order of two Officers, one of whom shall be the Secretary.

## RULE 46A- MEETING MINUTES

(1) Minutes recording the proceedings, decisions and resolutions of Branch committees of management including Branch Executive or equivalent must be taken. A copy of these minutes must be kept by the relevant Branch.

## RULE 47 – ANNUAL GENERAL MEETINGS AND ORDINARY MEETINGS OF BRANCHES

### TIME AND PLACE OF ANNUAL GENERAL MEETING

(1) Annual General Meetings of members of each Branch without Districts or Sub-Branches and the Alcoa Pinjarra Refinery Sub-Branchand of each Sub–Branch of Branches divided in Sub–Branches, must be held at any time between 1 August and 30 December each year and at such places as may be determined by the Branch Executive.

**AGENDA OF ANNUAL GENERAL MEETING**

(2) Annual General Meetings are to consider Balance Sheets, discuss any resolution brought forward and take any constitutional action they may deem advisable.

### DURATION OF MEETINGS

(3) Meetings are to terminate at a time determined by the Branch, not being later than 10.00 p.m. provided that the meeting may extend the time till not later than 10.15 p.m. for the purpose only of completing business commenced before 10.00 p.m.

### ORDER OF BUSINESS OF ORDINARY MEETINGS

(4) The order of business at an ordinary meeting is to be as follows, unless decided otherwise by majority vote of members present:

(a) Reading and adoption of Minutes of previous meeting.

(b) Discussion of motions of which previous notice has been given.

(c) Consideration of reports from the Branch Executive.

(d) Reading and consideration of correspondence.

(e) Reports.

(f) General Business.

### ADJOURNMENT OF MEETINGS

(5) The President or Chair may adjourn or close any meeting if the conduct of persons present thereat makes it impossible for him or her to maintain order, or to secure the observance of the Rules of the Union.

### APPOINTMENT AND ROLE OF GUARDIANS

(6) A guardian or guardians may be appointed by the Branch Executive whose duties are to attend General or Special Meetings to prevent any person from entering the meeting room unless he is a financial member of the Branch or unless the President gives permission. A guardian may appoint such assistants as s/he may require at any meeting from among the financial members present, and subject to the directions of the guardian such assistants may exercise the powers of guardians at a meeting.

### INTOXICATED MEMBERS

(7) No member is to be admitted to a meeting whilst in a state of intoxication.

### PROOF OF FINANCIAL MEMBERSHIP

(8) Each member shall before entering a meeting produce to the guardian his or her current membership ticket, or other proof to the satisfaction of the guardian that he or she is a financial member, and shall give his or her name in his or her ordinary signature in an attendance book, and shall enter therein his or her place of employment or if not employed his or her place of residence and his or her membership ticket number or, if he or she has no membership ticket, such information as the guardian may require.

### UNAUTHORISED PERSONS AT A MEETING

(9) No person who has entered a meeting in contravention of this Rule is entitled to speak, vote or otherwise participate in the meeting and may be removed therefrom. If persons enter a meeting place in contravention of this Rule the President may refuse to open the meeting, or may close the meeting until they are satisfied that such persons have left the meeting place, and if they fail to do so within a time specified by him or her, he or she may cancel or terminate the meeting.

## RULE 48 – EXTRAORDINARY AND SPECIAL GENERAL MEETINGS

### REQUESTING AN EXTRAORDINARY GENERAL MEETING

(1) Upon receipt of a requisition signed by 10 per cent of the members of the Branch or Sub–Branch or signed by 10 per cent of the members residing within a District, the Branch or Sub–Branch or District Secretary must call an Extraordinary General Meeting of the Branch or Sub–Branch or District as the case may be to take place at a time and place fixed by the relevant Secretary, provided the business to be discussed is legitimate Union business. Each member signing the requisition shall state clearly their full name and address, occupation and present or last place of employment, giving the date when they left employment if not immediately employed. Only financial members shall be entitled to sign requisitions and attend and vote at such meetings.

(2) Provided that, in the case of Extraordinary General Meetings for the purpose of members considering the auditor’s report, the general purpose financial report and the operating report, all members of the Branch, both financial and unfinancial members, shall be entitled to sign requisitions and attend and vote at such meetings; provided further that requisitions for such meetings require signing by only 5 per cent of the members of the Branch.

### NOTICE OF EXTRAORDINARY GENERAL MEETINGS

(3) Notice as to the time and place of an Extraordinary General Meeting shall be given in the same manner as provided in subrule (5) hereof.

### CALLING SPECIAL GENERAL MEETINGS

(4) Special General Meetings of Branches or Sub–Branches may be called by the Branch Executive whenever deemed necessary.

### NOTICE OF SPECIAL GENERAL MEETINGS

(5) Special General Meetings of the Branch or Sub–Branch may be summoned by the Branch Secretary giving notice of the time and place of the meeting and of the purpose for which the meeting is summoned by notice:

(a) in any appropriate daily newspaper;

(b) on the Union’s website;

(c) to members' representatives at their address kept at the office of the Union or the Branch;

(d) in letters circulated, email, or written notice to the members;

(e) by telephone, orally; or

(f) by any one or more of the above methods.

### VALIDITY OF SPECIAL GENERAL MEETINGS

(6) A special Meeting shall be deemed to be valid notwithstanding informality in the Notice provided that the substance is fairly given and notwithstanding that every job representative is not notified or that all members concerned are not notified provided there is substantial compliance with this Rule.

### DURATION OF MEETINGS

(7) Meetings are to terminate at a time determined by the Branch, not being later than 10.00 p.m. provided that the meeting may extend the time till not later than 10.15 p.m. for the purpose only of completing business commenced before 10.00 p.m.

(8) A national extraordinary general meeting may be requested for the purpose of considering the auditor’s report, the general purpose financial report, and the operating report. Requisitions for

such meetings must be signed by at least five per cent of the members of the Union. All members of the Union shall be entitled to sign requisitions, attend and vote at such meetings.

(9) The national extraordinary general meeting must be requested in writing, and addressed and delivered to the National Secretary. Upon receiving a valid request for a national extraordinary general meeting, the National Secretary must give all members of the Union not less than fourteen days’ notice of the date, time and place, and reason for calling the national extraordinary general meeting.

(10) Notice of a national extraordinary general meeting may be given:

(a) by publishing a notice on the Union’s website; or

(b) by posting a notice to members’ representatives at their address kept at the office of the Union or the Branch; or

(c) in letters circulated, emails, or written notices to the members; or

(d) by telephone, orally; or

(e) by any one or more of the above methods.

(11) At the general meeting the National President shall preside. All members of the Union shall be entitled to attend and vote. The National Secretary may use the occasion of the meeting to add matters to the meeting other than the auditor’s report, the general purpose of financial report and the operating report. However, these three reports must be the first order of business of the meeting. Meetings may also be held in each State or other geographic area to facilitate member attendance.

(12) Not less than five per cent of the total number of members of the Union shall form a quorum. The questions of the adoption or otherwise of each of the three reports shall be decided by a majority of those members present at the meeting. In the event of an even vote, the Chair shall have the casting vote.

## RULE 49 – QUORUM

(1) At any General Meeting fifteen (15) financial members form a quorum and if there is no quorum within half an hour after the time for which the meeting is called the meeting shall lapse.

(2) Only financial members shall be entitled to attend and vote at such meetings, except where Rule 48(2) applies.

### QUORUM FOR EXTRAORDINARY GENERAL MEETINGS

(3) The quorum for an Extraordinary General Meeting of the Branch or District is seventy five (75) members. In the case of Branches which extend beyond the limits of any one State, the quorum may be aggregated amongst meetings held in different States.

# PART 10 – RULES OF DEBATE

## RULE 50 – RULES OF DEBATE

(1) The following Rules of debate must be observed at all meetings of any body or of members held pursuant to these Rules:

(a) Any member desiring to propose a motion or an amendment, or to discuss any matter under consideration, must rise and address the Chair. The right of speaking on any subject belongs to him or her who first rises to address the Chair. No member is allowed to speak more than once to a motion or amendment without the consent of the meeting. When two or more members rise together the Chair must call upon the member who, in his or her opinion rose first in his or her place. The mover of the original motion has the right to reply. No further discussion is allowed after the mover has replied.

(b) All motions and amendments must be presented in writing when directed by the Chair.

(c) No member, when speaking, is to be interrupted unless called to order, when he must sit down, and the member calling to order must be heard in support of his or her point, and the Chair may either hear further discussion or decide at that stage, but such point must be decided before the debate is resumed.

(d) Any motion or amendment not seconded must not be further debated, but lapses.

(e) The question having been proposed may be amended by leaving out, substituting or adding words. Any number of amendments may be proposed and discussed simultaneously with the original motion. When amendments have been put and lost the original motion must then be put to the meeting.

(f) No amendment is to be received by the Chair which is a direct negative of a motion or which does not preserve the substance of such motion.

(g) Immediately the debate on any question is concluded the Chair must put the question to the meeting in distinct and audible manner.

(h) The question being put must be resolved in the affirmative or negative by a show of hands unless a ballot or division be demanded by at least five members.

(i) Any five members have the right to demand a ballot or division of those present on any matter before the meeting.

(j) No member is allowed to speak on any motion after the same has been put by the Chair.

(k) When the Chair rises during a debate, the member then speaking or proposing to speak must sit down, and the Chair must be heard without interruption.

(l) It is competent by majority of two-thirds of the members present for the meeting to suspend any standing order for the purpose of reopening any question previously dealt with or for the consideration of urgent business.

(m) The mover of a motion is to be allowed no more than five minutes to speak to a motion and no other member is to be allowed more than five minutes to speak to a motion unless with the concurrence of the meeting.

(n) Any member dissatisfied with the Chair's ruling may move a motion of dissent in the following terms: "that the Chair's ruling be dissented from". In such case the person permitted to speak is the mover and the Chair, who may state their reasons for the ruling given. The motion must thereupon be put to the meeting by the Vice-Chair without further discussion, in the following form: "The motion is that the Chair's ruling be upheld".

(o) No more than two (2) members are to speak in succession on one (1) side for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the motion or amendments must be put to the meeting after the mover has replied.

(p) In the event of the voting on any motion being equal the Chair must declare the motion lost.

(q) Any member who has not spoken in the debate has the right to move: "That the question be now put" at any time during the course of debate. Such motion must be put without discussion.

(r) A motion for the adjournment of any business or of any meeting may be proposed without discussion at any time during such meeting, and must at once be put to the meeting by the Chair. Such adjournment must follow if carried by a vote of the members present.

(s) Matters decided must not be debated again unless one month's notice of rescission is given.

(t) Notice of intention to move rescission of a previous decision must be tendered to the Chair in writing. Any motion of rescission once rejected must not be discussed again for a period of six months. Paragraphs (s) and (t) of this Rule shall not apply at National Executive or National Conference or Branch Executive meetings.

(u) Any member who delivers a report to a meeting of the Union has the right to move a motion at the conclusion of their report for adoption of the report.

(v) Provided that no decision of any meeting is to be invalidated by reason only of any failure to observe any procedural requirement of this Rule (other than of paragraphs (s) and (t)), if no objection is taken at the time.

(w) Any member who wants to bring on any business must give written notice, and must read it aloud. This notice must state the day the member proposes to move such motion, and the member must hand a copy to the Secretary. No notice entered on the business paper is to be proceeded with unless the member who is giving such notice, or someone authorised by the member, is present when the business is called to order. Notices not so proceeded with are to be struck out. Note: Notices of motion are required only for the purpose of rescinding or altering Rules or By-laws, or some previous resolution involving any departure from the usual routine of business.

# PART 11 - FINANCES

## RULE 51 – PROPERTY, ASSETS AND FUNDS - HOW HELD AND WITHDRAWN

### HOLDING PROPERTY AND FUNDS

(1) All property and funds of the Union must vest in The Australian Workers' Union directly, without the intervention of Trustees, except where the National Executive directs that the property or funds in question be held on trust for the Union by the National Secretary in accordance with Rule 32(3).

(2) Subject to subrule (1), all moneys, books and property held by any Branch Executive, Branch, Division, District, or Sub-Branch or Officer or member of the Union for or on behalf of the Union or any Branch Executive, Branch, Division, District, or Sub-Branch thereof, is absolutely vested in the Union.

### RESPONSIBILITY WHEN HOLDING FUNDS

(3) Each Branch Executive, Branch, Division, District, Sub-Branch, Officer or member is liable to account to the National Executive for the proper use of the money, books or property.

### RETURN OF FUNDS

(4) In the event of any Branch Executive, Branch, Division, District or Sub-Branch being closed or any Officer or member being expelled or suspended or removed from Office, it or s/he must on demand deliver any such money, books and/or property to the National Executive or any Officer authorised by the National Executive to receive them.

**BANKING AND WITHDRAWAL BY NATIONAL OFFICE**

(5) All moneys received by the National Office must be paid to the credit of the Union on current account with such bank, banks, financial institution and/or financial institutions as may be determined from time to time by the National Executive.

**PAYMENT OF MONIES TO THE UNION**

(6) All Officers, employees, representatives and agents of the Union when receiving moneys on behalf of the Union or any Branch or District must request the person paying the money to pay either by cheque drawn in favour of The Australian Workers' Union, specifying the appropriate Branch or District and to cross the cheque or by Electronic Funds Transfer to the official bank account of the Union.

**ORDINARY AND EXTRAORDINARY EXPENDITURE BY NATIONAL OFFICE**

(7) (a) Funds may be disbursed for ordinary purposes by any Officer or Officers authorised by National Executive and subject to such limitations as National Executive may impose, or otherwise as authorised by and in compliance with the Rules of the Union.

(b) Funds may be disbursed for extraordinary purposes under the authority of a resolution of National Conference or National Executive.

**INVESTMENT OF FUNDS**

(8) The funds of the Union must be invested wherever possible in the name of the Union.

**CONTROL OF PROPERTY**

(9) Subject to Rule 51(1), the National Executive has control of all property of the Union.

### VARYING THIS RULE

(10) This Rule must not be varied without the consent of all the Branch Executives of those Branches not specified in Rule 53.

## RULE 51A – LIMITATION AND LIABILITY FOR EXPENDITURE

### LIMITATION ON THE AUTHORITY TO AUTHORISE EXPENDITURE

(1) The National Executive or a Branch Executive must not under any circumstance authorise any expenditure including entering into any contract or agreement of a commercial nature which makes the Branch or Union liable for any future expenditure unless the actual income or the budgeted income is sufficient to meet all expenditure requirements.

### LIMITATION ON OFFICERS TO MAKE OR INCUR EXPENDITURE

(2) An Officer or employee of the union or of a Branch or sub-Branch must not under any circumstances incur or make any expenditure including entering into any contract or agreement of a commercial nature which makes the Branch or Union liable for any future expenditure unless the actual income or the budgeted income is sufficient to meet all expenditure requirements.

### PERSONAL LIABILITY FOR UNAUTHORISED EXPENDITURE

(3) Any National Executive member or any Branch Executive member acting in breach of subrule (1) and any officer or employee acting in breach of subrule (2) is to be personally liable for any expenditure incurred or made.

## RULE 52 – RECEIPT AND EXPENDITURE OF FUNDS BY BRANCHES (EXCEPT QUEENSLAND)

(1) This Rule shall apply to all Branches with the exception of the Queensland Branch.

### DEPOSITING OF MONEY RECEIVED

(2) Each Branch Secretary must deposit all moneys received on behalf of the Union in the current account at the branch of the bank or financial institution as has been determined by National Executive. The Branch Secretary must obtain a receipt for each deposit. All moneys must be deposited immediately after receipt, and without any deduction other than delegate's commission. Each Branch Secretary must remit to the National Secretary at least once in every month, and more often when required to do so by the National Secretary, a statement of all moneys received by the Branch on behalf of the Union and a statement of all expenditure incurred by the Branch.

### ORDINARY EXPENDITURE

(3) The disbursement of funds for ordinary purposes of the Branch or Sub–Branch is to be made only by an Officer, Officers or employee authorised by the Branch Executive and subject to such limitations as it may impose, or by the Branch Executive.

### EXTRAORDINARY EXPENDITURE

(4) The disbursement of funds for extraordinary purposes is to be made only under the authority of a resolution of the National Conference or National Executive.

### FINANCIAL RECORDS TO BE KEPT

(5) All deposit receipts, invoices, vouchers, receipts and other financial records must be kept by the Branch Secretary in the Branch Office unless and until otherwise directed by National Conference or National Executive, and must be produced on demand to the National auditor, Branch auditor, the National Secretary or any person authorised in writing by the National Secretary.

### VARYING THIS RULE

(6) This Rule must not be varied without the consent of all the Branch Executives other than the Queensland Branch Executive.

## RULE 53 – QUEENSLAND BRANCH – CONTRIBUTION TO NATIONAL OFFICE

This Rule shall apply only to the Queensland Branch and has no application to any other Branch.

### AMOUNT OF CONTRIBUTION

(1) The Queensland Branch of the Union must contribute towards the maintenance of National Office the amount determined by the National Executive.

### WHEN THE CONTRIBUTION IS TO BE PAID

(2) The maintenance contribution must be paid monthly in advance.

### METHOD OF PAYMENT

(3) Cheques for payment of the contribution must be signed by the Officers authorised to operate on the Queensland Branch account and do not require the authority of the Queensland Branch Executive.

### CALCULATING THE AMOUNT OF CONTRIBUTION

(4) The maintenance contribution is to be derived from the total income of the Queensland Branch received in accordance with Rules 9 and 10 and verified from the audited Balance Sheet of the Queensland Branch for the preceding year.

### USE OF CONTRIBUTIONS

(5) Contributions received by National Office in accordance with this Rule are to be used for the maintenance of National Office and for any other purpose in the interests of the members as directed by the National Executive.

### LONG SERVICE LEAVE AND SUPERANNUATION CONTRIBUTIONS

(6) In addition the National Executive shall have the authority to direct the Queensland Branch to finance Long Service Leave and Superannuation for Officers and employees of the Union in that Branch.

### VARYING THIS RULE

(7) This Rule must not be varied in respect to the Queensland Branch without the consent of the Queensland Branch Executive. Further, this Rule must not be varied so as to provide for any other Branches to be included in this Rule without the consent of all the Branch Executives except the Queensland Branch.

## RULE 54 – QUEENSLAND BRANCH FUNDS

### HOLDING FUNDS

(1) Subject to Rule 51 all property and funds of the Union held for the use of the Queensland Branch must be banked in the name of The Australian Workers' Union in such bank as may be decided by the Branch Executive. Funds may be invested by the Branch and in the name of The Australian Workers' Union and identified as being for the use of that particular Branch in any of the following: Bank Savings Accounts, Bank Savings Investment Accounts or Term Deposits, Bank endorsed Bank Bills of Exchange, Government or semi-Government Securities, Secured Debentures in listed Public Companies or shares in listed Public Companies except mining and/or exploration companies and any other investment authorised by Rule 51.

### WITHDRAWAL OF FUNDS

(2) No funds are to be withdrawn from the bank except by cheque signed by the Branch Secretary and counter-signed by the Branch President or Branch Vice-President(s) or the Branch Assistant Secretary.

### ANNUAL AUDIT OF ACCOUNTS

(3) All books, vouchers and accounts must be audited annually by one duly certified Auditor appointed by the Branch Executive. Provided that this provision shall not apply to the Queensland Branch for as long as that Branch’s financial affairs are encompassed by the affairs of the AWUEQ.

### WAGES OF BRANCH EMPLOYEES

(4) Notwithstanding the provisions of subrule 25(m) the Queensland Branch Executive is to determine the salary or wages for employees of that Branch.

### EXPENSES AND FARES

(5) Notwithstanding the provisions of Rule 35(9) the Queensland Branch Executive is to fix the amount of expenses and fares to be paid to members attending Branch Executive meetings and members of the Union when deputed to transact business on behalf of that Branch.

### VARYING THIS RULE

(6) This Rule shall not be varied without the consent of the Queensland Branch Executive.

## RULE 55 – ACCOUNTS AND AUDIT

(1) The financial year of the Union, including Branches, ends on the 30th day of June of each year. The original and two duplicate copies of the audited Balance Sheet, and the original and one duplicate copy of the report of the Auditors must be filed with the Industrial Registrar within five months from the date thereof and a copy of the Balance Sheet and Report certified by the Auditor must be presented to the National Conference by the National Secretary.

(2) Each Branch Executive and each Branch Secretary must provide to the Branch auditor by 31 July in each year full access to all records of the Branch or records in its possession or control containing information as to the total membership contributions received by the Branch and each District of the Branch in the preceding financial year. The Branch auditor is required to provide by the 30th September an audit and report of an accurate figure of those total membership contributions. The Branch Secretary must forward that audit and report to the National Executive and each Branch Secretary before 15 October in each year.

(3) Each Branch must file with the audited Balance Sheet and the Auditor’s Report outlined in subrule (1), an Operating Report as prescribed by the *Fair Work (Registered Organisations) Act 2009*.

(4) Provided that, with the exception of the requirement to file the Operating Report referred to in sub-rule (3), the provisions of sub-rules (1), (2) and (3) of this Rule shall not apply to the Queensland Branch for as long as that Branch’s financial affairs are encompassed by the affairs of the AWUEQ.

## RULE 56 – AUDITORS

### NATIONAL AUDITOR

(1) The National Executive must appoint biennially an auditor residing in the same city in which the National Office is located who must at least once a year as soon after June as possible and at such other times as the National President directs, audit the books and accounts of the Union and draw up a correct report on them. The National auditor must be given full and complete access to all the books and documents of the Union and of the Branches, Divisions, Districts and sub-Branches.

(2) An auditor finding any deficiency must state the particulars in a report, which must be made available to the following National Executive Meeting.

### BRANCH AUDITORS

(3) Each Branch Executive must appoint annually an auditor, residing in the same State as the Branch office who must each year as soon after 30th June as possible or at such other times as he may be required so to do, audit the books, pay-in slips, bank deposit slips, statements of expenditure and other documents in the manner directed from time to time by the National auditor. Such direction should not, however, act to restrict the auditor's rights and obligations under the *Fair Work*

*(Registered Organisations) Act 2009*. The Branch auditor must be given full and complete access to all books and documents of the Branch, Districts and sub-Branches.Provided that this provision shall not apply to the Queensland Branch for as long as that Branch’s financial affairs are encompassed by the affairs of the AWUEQ.

(4) The Branch Secretary and any Officer or employee must give such information as the auditor may request. The auditor is to receive such sum for their services as the Branch Executive may reasonably decide upon.

## RULE 57 – LOANS, GRANTS AND DONATIONS

(1) A loan, grant or donation, must not be made by the Union or any Branch as the case may be, unless the National Executive of the Union has:

(a) Satisfied itself:

(i) that the making of the loan, grant or donation, would be in accordance with the Rules of the Union; and

(ii) in relation to a loan, that, in the circumstances, the security proposed to be given for the repayment of the loan is prudent and the proposed arrangements for the repayment of the loan are satisfactory; and

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

(2) Nothing in subrule (1) is to affect the Union or a Branch's power to make donations, less than $1,000. However, National Executive may from time to time set a maximum donation figure of lower than $1,000.

## RULE 58 – COMMISSION

(1) Subject to approval by the relevant Branch Secretary, commission on members' contributions may be allowed to local agents, local representatives, job representatives, secretaries of Local Committees and secretaries of Section Committees.

(2) Without limiting the generality of subrule (1) commission may be allowed to a representative on all members' contributions received by such representative for which the representative is directly responsible on the job.

(3) Without limiting the generality of subrule (1) commission may be allowed to a representative on all members' contributions paid through payroll deductions or direct debit by members for which the representative is directly responsible on the job.

(4) The rate or rates of commission are to be fixed by the Branch Executive.

(5) No member is to issue a receipt in a Branch unless the person to whom such receipt is issued is working within the coverage of that Branch.

(6) No Commission is to be allowed to any full-time Officer or employee of the Union.

## RULE 58A - HONORARIUMS

(1) Subject to the approval by the relevant Branch Secretary/Branch Executive, honorariums maybe allowed to local agents, local representatives, job representatives, secretaries of local committees and secretaries of section committees

(2) The amount of honorarium is to be fixed by the Branch Executive.

(3) No honorarium is to be paid to any full-time officer or employee of the Union, except as provided by rule 32(1)(a) - National President that may also hold a full-time position with the union.

## RULE 59 – ACCESS TO RECORDS AND REGISTER OF MEMBERS

(1) All records showing the financial transactions of the Union are to be kept at the Registered Office of the Union and are to include a register of the names and addresses of all the members.

(2) A register of the members and all records concerning the financial transactions of the Branch are to be kept by the Branch Secretary showing the name, address and financial standing of each member and such other matters as may be directed.

(3) A financial member making a specific request to inspect a part or parts of the records of the Union or of the Branch, Division or District of which he is part must be permitted to do so provided that:

(a) the request provides sufficient particulars of the information sought;

(b) reasonable notice is given;

(c) no copies may be made or documents removed without the written authority of the relevant Secretary.

# PART 11A - REQUIREMENTS FOR EXPENDITURE POLICIES, DISCLOSURES AND FINANCIAL MANAGEMENT TRAINING OF OFFICERS

## RULE 59A – DEFINITIONS FOR PART 11A

In the interpretation of the Rules in this Part 11A, the following words and expressions shall have the following meanings:

|  |  |  |
| --- | --- | --- |
| (a) | board | means a group of persons who supervise, govern or otherwise have oversight of a corporation, organisation, association or other like body including a Board of Directors. |
| (b) | disclosure period | For the purpose of these rules means the financial year unless a shorter period is specified. |
| (c) | declared person or body | A person is a declared person or body if:  (i) an officer of the *organisation/branch* has disclosed a material personal interest under sub-rules 59E(1) or 59F(1); and  (ii) the interest relates to, or is in, the person or body; and  (iii) the officer has not notified the *organisation/branch* that the officer no longer has the interest. |
| (d) | financial duties | includes duties that relate to the financial management of the organisation or a branch of the organisation. |
| (e) | General Manager | means the General Manager of the Fair Work Commission. |
| (f) | 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. |
| (g) | peak council | has the same meaning as defined by section 12 of the *Fair Work Act 2009*. |
| (h) | office | has the same meaning as defined by section 9 of the *Fair Work (Registered Organisations) Act 2009*. |
| (i) | officer | has the same meaning as defined by section 6 of the *Fair Work (Registered Organisations) Act 2009*. |

|  |  |  |
| --- | --- | --- |
| (j) | related party | has the same meaning as defined by section 9B of the *Fair Work (Registered Organisations) Act 2009*. |
| (k) | relative | in relation to a person, means:  (i) parent, step parent, child, stepchild, grandparent, grandchild, brother or sister of the person; or  (ii) the spouse of the first mentioned person. |
| (l) | relevant remuneration | in relation to an officer of the *organisation/branch* for a disclosure period is the sum of the following:  (i) any remuneration disclosed to the *organisation/branch* by the officer under sub-rule 59C(1) or sub-rule 59D(1) during the disclosure period;  (ii) any remuneration paid during the disclosure period, to the office by the *organisation/branch*. |
| (m) | relevant non-cash benefits | in relation to an officer of the *organisation/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 *organisation/branch* or by a related party of the *organisation/branch*. |
| (n) | remuneration | (i) includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but  (ii) does not include a non-cash benefit; and  (iii) does not include the reimbursement or payment of reasonable expenses for the costs incurred in the course of the officer carrying out his or her duties. |

## RULE 59B – POLICIES AND PROCEDURES ON EXPENDITURE OF ORGANISATION AND BRANCHES

(1) The organisation shall develop and implement policies and procedures relating to the expenditure of the organisation.

(2) Each branch shall develop and implement policies and procedures relating to the expenditure of the branch.

## RULE 59C – DISCLOSURE OF RELEVANT REMUNERATION AND NON-CASH BENEFITS OF OFFICERS OF THE ORGANISATION

(1) Each officer of the organisation shall disclose to the organisation any remuneration paid to the officer:

(a) because the officer is a member of a board, if:

(i) the officer is a member of the board only because the officer is an officer of the organisation;

or

(ii) the officer was nominated for the position as a member of the board by the organisation, a branch of the organisation, or a peak council; or

(b) by any related party of the organisation in connection with the performance of the officer’s duties as an officer.

(2) The disclosure required by sub-rule (1) shall be made to the organisation:

(a) in writing, as soon as practicable after the remuneration is paid to the officer; or

(b) by way of standing disclosure in accordance with section 293BB of the *Fair Work (Registered Organisations) Act 2009*..

(3) The organisation shall disclose to the members of the organisation and its branches:

(a) the identity of the officers who are the five highest paid in terms of relevant remuneration for the disclosure period, and

(b) for each of those officers:

(i) the actual amount of the officer’s relevant remuneration for the disclosure period; and

(ii) the value and form of the officer’s relevant non-cash benefits for the disclosure period.

(4) For the purposes of sub-rule (3), the disclosure shall be made:

(a) in relation to each financial year;

(b) within six months after the end of the financial year; and

(c) in writing.

## RULE 59D – DISCLOSURE OF RELEVANT REMUNERATION AND NON-CASH BENEFITS OF OFFICERS OF BRANCHES

(1) Each officer of the branch shall disclose to the branch any remuneration paid to the officer:

(a) because the officer is a member of a board, if:

(i) the officer is a member of the board only because the officer is an officer of the branch; or

(ii) the officer was nominated for the position as a member of the board by the organisation, branch or a peak council; or

(b) by any related party of the branch in connection with the performance of the officer’s duties as an officer.

(2) The disclosure required by sub-rule (1) shall be made to the branch:

(a) in writing, and as soon as practicable after the remuneration is paid to the officer; or

(b) by way of standing disclosure in accordance with section 293BB of the *Fair Work (Registered Organisations) Act 2009*..

(3) A branch shall disclose to the members of the branch:

(a) the identity of the officers who are the five highest paid officers of the branch in terms of relevant remuneration for the disclosure period, and

(b) for each of those officers:

(i) the actual amount of the officer’s relevant remuneration for the disclosure period; and

(ii) the value and form of the officer’s relevant non-cash benefits for the disclosure period.

(4) For the purposes of sub-rule (3), the disclosure shall be made:

(a) in relation to each financial year;

(b) within six months after the end of the financial year; and

(c) in writing.

## RULE 59E – DISCLOSURE OF MATERIAL PERSONAL INTERESTS OF OFFICERS OF THE ORGANISATION

(1) Each officer of an organisation shall disclose to the committee of management of the organisation any material personal interest in a matter that:

(a) the officer has or acquires; or

(b) a relative of the officer has or acquires that relates to the affairs of the organisation.

(2) The disclosure required by sub-rule (1) must:

(a) be made as soon as practicable after the interest is acquired; and

(b) provide details of :

(i) the nature and extent of the interest; and

(ii) the relation of the interest to the affairs of the organisation; and

(c) be made:

(i) in writing or orally at a meeting of the committee of management; or

(ii) in writing to the members of the committee of management individually.

(3) Details of the disclosure must be recorded in the minutes of:

(a) the committee of management meeting in which the disclosure is made; or

(b) the next committee of management meeting if the disclosure was not made in a committee of management meeting.

(4) Upon written request to the committee of management from a member, the organisation shall provide details of the disclosures made under sub-rule (1) to that member within 28 days of the request.

## RULE 59F – DISCLOSURE OF MATERIAL PERSONAL INTERESTS OF OFFICERS OF THE BRANCH

(1) Each officer of the branch shall disclose to the committee of management of the branch any material personal interest in a matter that:

(a) the officer has or acquires; or

(b) a relative of the officer has or acquires;

that relates to the affairs of the branch.

(2) The disclosure required by sub-rule (1) shall be made to the branch:

(a) be made as as soon as practicable after the interest is acquired; and

(b) provide details of :

(i) the nature and extent of the interest; and

(ii) the relation of the interest to the affairs of the branch; and

(c) be made:

(i) in writing or orally at a meeting of the branch committee of management; or

(ii) in writing to the members of the branch committee of management individually.

(3) Details of the disclosure must be recorded in the minutes of:

(a) the branch committee of management meeting in which the disclosure is made; or

(b) the next branch committee of management meeting if the disclosure was not made in a branch committee of management meeting.

(4) Upon written request to the branch committee of management from a member, the branch shall provide details of the disclosures made under sub-rule (1) to that member within 28 days of the request.

## RULE 59G – DISCLOSURE BY ORGANISATION OF PAYMENTS

(1) The organisation shall disclose to the members of the organisation and its branches either:

(a) each payment made by the organisation, during the disclosure period:

(i) to a related party of the organisation or a branch of the organisation; or

(ii) to a declared person or body of the organisation or a branch of the organisation;or

(b) the total of the payments made by the organisation, during the disclosure period:

(i) to each related party of the organisation; or

(ii) to each declared person or body of the organisation.

(2) Sub-rule (1) does not apply to a payment made to a related party if:

(a) the payment consists of amounts deducted by the organisation from remuneration payable to officers or employees of the organisation; or

(b) the related party is an officer of the organisation, and the payment:

(i) consists of remuneration paid to the officer by the organisation; or

(ii) is reimbursement for expenses reasonably incurred by the officer in performing the officer’s duties as an officer.

(3) For the purposes of sub-rule (1), the disclosures shall be made:

(a) in relation to each financial year;

(b) within six months after the end of the financial year; and

(c) in writing.

## RULE 59H – DISCLOSURE BY BRANCHES OF PAYMENTS

(1) The branch shall disclose to the members of the branch either:

(a) each payment made by the branch, during the disclosure period:

(i) to a related party of the branch; or

(ii) to a declared person or body of the branch; or

(b) the total of the payments made by the branch, during the disclosure period:

(i) to each related party of the branch; or

(ii) to each declared person or body of the branch.

(2) Sub-rule (1) does not apply to a payment made to a related party if:

(a) the payment consists of amounts deducted by the branch from remuneration payable to officers or employees of the branch; or

(b) the related party is an officer of the branch, and the payment:

(i) consists of remuneration paid to the officer by the branch; or

(ii) is reimbursement for expenses reasonably incurred by the officer in performing the officer’s duties as an officer.

(3) For the purposes of sub-rule (1), the disclosures shall be made:

(a) in relation to each financial year;

(b) within six months after the end of the financial year; and

(c) in writing.

## RULE 59I - FINANCIAL TRAINING OF OFFICERS

(1) Each officer of the organisation whose duties include duties that relate to the financial management of the organisation (***financial duties***) must undertake training:

(a) approved by the Commissioner under section 293L of the *Fair Work (Registered Organisations) Act 2009* that covers each of the officer’s financial duties; unless:

(b) the officer has applied to the Commissioner for an exemption from financial training under section 293M of the *Fair Work (Registered Organisations) Act 2009*, and that exemption has been granted.

(2) Each officer of a branch whose duties include duties that relate to the financial management of the branch (***financial duties***) must undertake training:

(a) approved by the Commissioner under section 293L of the *Fair Work (Registered Organisations) Act 2009*that covers each of the officer’s financial duties; unless:

(b) the officer has applied to the Commissioner for an exemption from financial training under section 293M of the *Fair Work (Registered Organisations) Act 2009*, and that exemption has been granted.

(3) Each officer must complete the training referred to in sub-rules (1) and (2) within six months after the person begins to hold the office.

# PART 12 - ELECTIONS

## RULE 60 – QUALIFICATION FOR HOLDING OFFICE

(1) Persons who are not members of the Union are incapable of holding any Office in the Union.

(2) Only financial members of the Union are entitled to nominate candidates for Office.

(3) No member is eligible for nomination for election to an Office unless they:

(a) Have signed the pledge described in subrule (5) of this Rule; and

(b) Have been a continuously financial member for the 12 months immediately preceding the opening date for nominations; and

(c) For the period of 12 months immediately preceding the opening date for nominations:

(i) Were employed in any of the industries and callings specified in Rule 6, or if not so employed has been unemployed and bona fide seeking such employment; or

(ii) Were an Officer of the Union.

(4) No member is eligible for nomination for election to a Branch Office, or where a Branch has sub–branches, a sub–branch office, unless he or she has been a continuously financial member of that Branch, or that sub–branch, as the case may be, for the 12 months immediately preceding the opening date for nomination.

(5) All candidates including those elected or appointed to fill a vacancy shall sign a pledge that they will:

(a) At all times loyally and conscientiously carry out the Rules and policy of The Australian Workers' Union as laid down by the National Executive or the National Conference from time to time;

(b) Not join any industrial or political body or organisation which is opposed to the policy of The Australian Workers' Union;

(c) Not assist in the advocacy of any policy which is in contravention to a policy of The Australian Workers' Union.

(6) No person is eligible to be nominated for or hold or continue to hold Office in the Union if, in the opinion of the National Executive, there is a reasonable ground for believing that the person advocates or encourages, or has, within twelve months prior to the date of election, advocated or encouraged the overthrow by force or violence of the established Government of the Commonwealth.

(7) No person is eligible to be nominated for or to hold or to continue to hold any Office in the Union or to be employed by the Union in any capacity if:

(a) They are or become a member of a House of Parliament of the Commonwealth or of any State thereof; or

(b) They become or have been within a six month period prior to the opening of the nomination period, employed, appointed or elected to any position with another Union (not being a State registered Union mentioned in Rule 8) whether it be as an officer, representative, agent, delegate or employee without first receiving the authority of the National Executive of the Union.

(c) They have within the preceding 5 years been convicted in any Court of any offence in the nature of stealing, misappropriation, embezzlement, larceny, false pretences, forgery, burglary or unlawful receipt or retention of property where the property belongs to the Union.

(9) The Returning Officer may require a candidate for any of the respective Offices to furnish satisfactory evidence that their candidature complies with such qualification.

(10) Any Office becoming vacant through the operation of this Rule must be filled in the same manner as if it has been vacated by resignation.

## RULE 61 – ELECTIONS

### OFFICES TO BE ELECTED

(1) In January of 2009 and every fourth year thereafter, nominations must be invited for:

(a) All National Offices, namely: National President, National Secretary, Assistant National Secretary and National Vice-Presidents, and

(b) All Branch and Sub-Branch Offices namely; Branch President, Branch Senior Vice-Presidents, Branch Vice-Presidents, Branch Secretary, Branch Assistant Secretary, Organiser-Branch Executive Committee Members, Organisers, Branch Executive Committee Members, Delegates to National Conference, Delegates to National Executive, District Secretaries, District Representatives, Sub-Branch President, Sub-Branch Secretary, Sub-Branch Vice-Presidents, Sub-Branch Assistant Secretary, Sub-Branch Executive Committee Members, Trustees, and delegates to Delegate Meeting.

(2) Prior to the date for calling nominations mentioned in subrule (6), the Branch Executive must, subject to approval of the National Executive, determine the number of full-time positions of Organisers, not being Organiser-Branch Executive Committee Members, to be elected at the election.

(3) Provided that any rule alterations abolishing any existing offices or elected positions or creating new offices or elected positions for the purposes of nominations referred to in sub-rule 61(1) shall not take effect until the election in respect of which the rule alterations were made commences.

For the avoidance of doubt, incumbents of such offices or elected positions shall continue to hold office or their position unless their office or position becomes vacant through resignation or other reason under the rules prior to the election or the term naturally expires. Similarly, new offices or positions created for the purposes of nominations under this rule shall not be filled for the first time before the relevant scheduled election.

### METHOD OF CALLING NOMINATIONS

(5) Notifications of the calling for nominations must appear by newspaper advertisement.

### OPENING AND CLOSING OF NOMINATIONS

(6) Nominations are to open on the second Wednesday of January and close fourteen days later at 12 noon.

### DETAILS OF NOMINATORS

(7) The nomination paper must be signed by at least two financial members and must contain the name and address of those members. The nominating members must form part of the electorate for the election of the Office concerned.

### DETAILS OF CANDIDATE

(8) Each candidate must consent to the nomination in writing and must also state their occupation, name, date of birth, address and the Branch in which they are a member. The nomination paper must contain either the candidate's ticket or a certificate from the Branch or District Secretary in order to show the candidate has been a continuously financial member for the 12 months immediately preceding the opening date of nomination.

### NOMINATIONS

(9) Nominations must be forwarded in a closed envelope addressed to the Returning Officer. Nominations must be sent by post or hand-delivered.

(10) Nominations for all positions must close on the same date.

### WITHDRAWAL OF NOMINATION

(11) Provided that candidates, with the consent of their nominators, may withdraw their nomination for any position within seven (7) days of the close of nominations or such other period as may be fixed by the Returning Officer.

(12) In an election for any Branch Office referred to in subrule (1) of this Rule a member is only entitled to vote in the Branch of which he or she is a member.

(13) In the event of there being more candidates nominated than are required for any of the Offices, an election must take place by secret postal ballot in accordance with these Rules.

## RULE 62 – ELECTION PROCEDURES

This Rule applies to all elections conducted under the Rules of the Union.

### GENERAL POWER OF RETURNING OFFICER

(1) Where a Returning Officer is conducting an election or taking a step in relation to an election for an office in the Union the Returning Officer:

(a) subject to paragraph (b) must comply with the rules of the Union; and

(b) may in spite of anything in the rules of the Union, take any action, and give any directions, as the Returning Officer considers necessary:

(i) to ensure that no irregularities occur in or in relation to the election; or

(ii) to remedy any procedural defects that appear to the Returning Officer to exist in the Rules of the Union.

### GENERAL DUTY OF RETURNING OFFICER

(2) The Returning Officer must conduct themself so as to ensure that, so far as is practicable and to the best of their foresight and ability, no irregularity occurs in or in connection with the election, and they must not seek to influence any voter to vote for or against any candidate.

### INVALIDITY

(3) No error or omission in the carrying out or observance of any Rule is to invalidate an election unless the error or omission is of such a nature that the result of the election has or may have been affected.

(4) If, notwithstanding any Rule limiting the right to vote in any election to members of a particular financial status, any member not of that particular financial status is permitted to vote as a result of accident or any bona fide error of fact or misconstruction of the Rules, that member must, if otherwise qualified, be deemed to have been entitled to vote.

### ABSENT VOTING

(5) The Returning Officer must take such steps as are necessary to enable any member, who may be temporarily absent from their registered address for the whole period in which voting is open, to record an absent vote. Provided that any request for an absent vote must be made within five (5) days of the close of nominations. No absent vote is to be counted, if for any reason, the member has been issued with a normal vote, unless the unused normal vote is returned to the Returning Officer prior to the close of voting.

### CORRECTING DEFECTIVE NOMINATIONS

(6) In any election, the Returning Officer upon finding that a nomination is defective, may notify the person concerned of the defect and, where it is practicable to do so, give them the opportunity of remedying the defect within seven days. Where the person concerned has remedied the defect the nomination is valid notwithstanding that it is not remedied until after opening date for nominations. In any election conducted at a meeting at which nominations close, the time for remedying any defect is to be that which the Returning Officer considers reasonable in the circumstances.

### PERIOD OF OFFICE

(7) Unless otherwise provided and subject to the Rules, all persons elected hold Office until their successors take Office.

### SCRUTINEERS

(8) Each candidate may appoint a scrutineer to represent him or her at their own expense. A scrutineer must not be a candidate for any Office. Appointment must be by notice in writing to the Returning Officer. Each scrutineer is entitled to be present on all occasions when the Returning Officer is taking any step in the conduct and counting of the ballot.

(9) It is the duty of each scrutineer to conduct himself or herself so as not to interfere with the due performance of the Returning Officer's duties and to immediately report to the Returning Officer any irregularity which is observed. They must if so required by the Returning Officer make any objection or any request for information in writing. The Returning Officer must answer all reasonable inquiries by any scrutineer as to the time and place at which he or she will take any step in connection with the election, but is not otherwise under any duty to notify scrutineers of such matters.

### DECLARATION OF RESULT

(10) The Returning Officer must count the votes and declare the result as quickly as possible. The declaration must, in addition to any other method of declaration provided in the Rules, be made to the National Secretary or Branch Secretary, whichever is appropriate, and that Officer must on request inform any candidate or scrutineer of the terms of the declaration.

### DEATH OF A CANDIDATE

(11) Where two (2) or more candidates are nominated for any Office and one of those candidates dies before the close of ballot the election must be discontinued and a new election held. If under the Rules the election for such Office is to be held at the same time and in the same manner as elections for other Offices and the ballot papers in respect of such other Offices have not been dispatched, the Returning Officer may extend any time prescribed by these Rules in order to permit all of the elections to be held at the same time. If the ballot papers have already been dispatched, or if the Returning Officer considers it impracticable to hold the elections at the same time, he or she must hold the election for the Office for which a new election is to be held in the manner prescribed by the Rules but at times fixed by him or her.

(2) Where two (2) or more candidates are nominated for any Office and one of those candidates dies after the close of ballot and before the declaration of the ballot, the election must be discontinued and a new election held if, and only if, the candidate who died would have been elected to the Office if they had not died.

(13) If a successful candidate for any Office dies after the declaration of the result of the ballot, but before taking Office, a casual vacancy is deemed to have occurred in that Office as from the day on which the successful candidate would have been entitled to take Office, but any necessary steps to fill such vacancy may be taken at any time after the candidate's death.

(14) Where in the case of an election for any National Office, a candidate for that Office dies after the close of nominations and before the declaration of the ballot and a new election is required to be held pursuant to either subrule (11) or (12), then the National Executive may appoint some member of the Union who qualifies for Office in accordance with Rule 60 to act in the respective Office, as the case may be, until the result of such last mentioned ballot is declared.

### TIED VOTES

(15) In the event of the votes of two or more candidates, one of whom is the sitting Officer, being equal, the sitting Officer must be declared to be elected. In other cases of equal voting the Returning Officer is to determine the ballot by drawing lots.

### CEASING TO HOLD OFFICE

(16) Any person elected to any Office or position in the Union ceases to hold such Office or position upon ceasing to be a member of the Union, or, if such Office or position is in or representative of a Branch, upon ceasing to be a member of such Branch.

### METHOD OF VOTING

(17) The method of voting in any election held under these Rules shall be by marking the ballot paper with a cross against the name of the candidate desired. On counting the ballot the Returning Officer shall proceed in the "First Past the Post" method, i.e. the candidate in the various positions receiving the greatest number of votes is to be declared elected. Where a member records a vote for more or less persons than are required to fill any particular office the vote insofar as it relates to such office is to be disallowed.

### LIMITATION ON HOLDING OFFICE

(18) No member is eligible to nominate for or to hold at any one time:

(a) more than one full time Office;

(b) more than one Office on a Branch Executive;

(c) with the exception of the Offices of Branch Secretary and National President (honorary) more than one Office which would entitle the member to attend National Executive;

(d) an Office in separate Branches of the Union;

(e) the Office of Organiser and any Office on a Branch Executive except:

(i) the Office of Branch President; or

(ii) the Office of Branch Vice-President.

(19) Should a member nominate for more than one office and these offices cannot be held concurrently by virtue of these Rules (‘conflicting nominations’), the Returning Officer must write to that member informing him or her of the defect and direct in writing for that member to withdraw all the nominations required so that only one nomination in relation to such offices remains for that member.

If the member does not respond to the Returning Officer’s defect letter within 7 days of receipt or otherwise still has conflicting nominations, the Returning Officer must reject all conflicting nominations for that member except the nomination received last in time so that only one nomination in relation to such conflicting offices remains for that member.

If the Returning Officer is required by these Rules to determine which conflicting nomination was received last in time but cannot do so, the Returning Officer will reject all conflicting nominations for that member.

(20) Provided that nothing in this Rule is to prevent the holder of an Office from being appointed or elected to fill a casual vacancy pursuant to Rule 65, except that, where this Rule prevents a member holding two Offices at the same time, such appointment for election pursuant to Rule 65 must effect the resignation by the member appointed or elected from the Office that the member held immediately prior to the appointment or election to the subsequent Office.

## RULE 63 – METHOD OF BALLOTING - DIRECT ELECTORAL SYSTEM

(1) Subject to Rule 62 only those members who are financial members in the Union 7 days before the opening of nominations in the year in which the election is held, shall be entitled to a ballot paper. A list of members in each Branch recorded as being financial at this date shall be compiled from the Branch Register of members as soon as possible and certified by the Branch Secretary as a list of members entitled to receive a ballot paper.

Only members, who are recorded as being financial members 7 days before the opening of nominations, are to be included on this list and only members whose names appear on this list are to receive a ballot paper. Any member claiming to have been a financial member 7 days before the opening of nominations and whose name is not on the list may request the Returning Officer either in writing or personally to investigate his or her case and, if upon investigation the Returning Officer is satisfied that the member was a financial member 7 days before the opening of nominations, he shall provide that member with a ballot paper.

The roll of voters shall close 7 days before the opening of nominations.

The certified list of members entitled to vote shall be sent to the National Returning Officer by each Branch Secretary immediately it is compiled.

(2) Ballot papers shall have printed thereon the closing date of the ballot and names of candidates placed in order determined by lot drawn by the Returning Officer and the positions and Offices required to be filled or particulars of the question submitted for determination.

(3) Ballot papers together with stamped addressed outer prepaid envelopes and a smaller inner “declaration” envelope marked "Ballot Paper" shall be posted by the Returning Officer by pre-paid post to financial members on the certified list of members entitled to vote at the address recorded on that list. The prepaid and declaration envelopes must comply with the forms prescribed in the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003.

(4) After recording the vote, members shall place the ballot paper in the declaration envelope marked "Ballot Paper", and sign the declaration in the place indicated for the voter’s signature on the removable flap or label and insert the declaration envelope in the stamped addressed outer envelope and post same. If the member's signature is not recorded on the declaration envelope, the ballot paper shall not be counted in the ballot.

(5) The Returning Officer shall make a complete return of voting and note all discrepancies and shall forward copies of same to the National Secretary and to Branch Secretaries in their particular Branch.

(6) Ballot papers, envelopes and other documents shall be kept for a period of one year after the completion of an election.

(7) The Returning Officer may appoint such of the Branch Returning Officers and Sub-Branch Returning Officers as he or she determines his or her deputies for the purpose of distributing, collecting and counting the ballot papers and shall issue them with full directions for conduct of the ballot which directions they shall carry out as deputies of the National Returning Officer.

(8) A ballot paper shall be posted to every financial member at their place of residence as shown on the books of the Union, or if his place of residence is not shown and cannot be ascertained, at their place of employment. The Returning Officer shall cause such ballot papers to be printed and shall obtain from the printer a certificate stating the number of ballot papers printed and that the type was broken up immediately upon the completion of the printing.

(9) The ballot shall open on the third Wednesday in April and close at 12 noon on the fourth Monday following. Voting shall be by secret postal ballot.

(10) The closing date of every ballot shall be notified in the official publication of the Union or by newspaper advertisement.

(11) Upon completion of the count, or where the ballot is conducted by his or her deputies in accordance with this Rule, upon the compilation of a total result as contained in the separate counts made by his deputies, the Returning Officer shall formally declare the ballot at a time and place of which notice has been given to the scrutineers and shall present to the first meeting of the National Executive after his or her formal declaration a detailed report covering the full conduct of the ballot.

(12) A successful candidate shall take Office on the first day of July following their election and shall hold Office until their successor takes Office.

(13) The provisions of subrule (1) to (11) of this Rule shall apply to any extraordinary election held under Rule 65. Provided that any extraordinary election shall be held amongst members who were financial members at the end of the quarter which preceded the date upon which the ballot is to open. The ballot for any such election shall be open for a period of at least fifteen days and the opening and closing dates shall be decided by the National Executive. A successful candidate shall take Office on the declaration of the ballot.

(14) The provisions of this Rule are without prejudice to the provision of Rules 19 and 31.

(15) Members may vote in respect to National Offices and Offices in the Branch to which they belong.

(16) Notwithstanding anything elsewhere contained in these rules, members of the Alcoa Pinjarra Refinery Sub-Branch may only vote in respect to:

a. National Offices

b. The offices in the Sub-Branch to which they belong

c. The following offices in the Branch Executive of the West Australian Branch:

i. Branch Secretary

ii. Branch President

iii. Branch Assistant Secretary

iv. Branch Vice-Presidents

## RULE 64 – METHOD OF BALLOTING - COLLEGIATE ELECTORAL SYSTEM

The Officers that are to be elected by and from a Branch Executive shall be elected as follows:

(1) Elections shall be conducted at the first meeting of the Branch Executive held following the elections held pursuant to Rule 61.

(2) Except as otherwise provided by these Rules candidates shall be members who are entitled to attend the meeting.

(3) Each candidate shall be nominated by a member, either in the meeting assembled or by writing delivered to the Returning Officer and the consent of the person nominated, shall be given orally or in writing to the Returning Officer.

(4) If more than one candidate is nominated an election shall be held. Voting shall be by secret ballot. All times necessary or convenient to be prescribed for the purpose of the election shall be prescribed by the meeting, or in the absence of provision by the meeting, by the Returning Officer.

(5) The meeting shall appoint a Returning Officer who shall not be the holder of any office in, nor employee of, the Union or of a Branch, Sub-Branch, Section or Division of the Union.

(6) Every member present at the meeting, or their alternate, shall be entitled to receive a ballot paper. The Returning Officer shall initial each ballot paper before distribution. He may give such reasonable directions as to the manner of completing and returning ballot papers as he considers necessary. The ballot papers shall be returned directly to the Returning Officer who shall count them personally.

(7) In the event of any member entitled to attend the meeting being absent from the meeting and not being represented by a duly appointed alternate (in which event the alternate shall receive the ballot paper), the ballot shall not be declared until the absent member has had a reasonable opportunity to record their vote.

(8) Each candidate may appoint a scrutineer in accordance with Rule 62.

(9) The Returning Officer shall declare the result as soon as counting is complete to the meeting, or if the meeting has risen to the National Secretary who shall thereupon notify each candidate of the result.

## RULE 65 – FILLING VACANT OFFICES

(1) (a) Should a vacancy occur in any elected Office in the Union, through any cause whatsoever, the vacancy may be filled except where paragraph (c) applies by appointment by the National Executive in the case of a National Office and by the Branch Executive in the case of a Branch Office.

(b) The person so appointed is to hold Office for so much of the unexpired part of the term of the Office as is specified by the National Executive, or Branch Executive as does not exceed:

(i) twelve (12) months; or

(ii) three-quarters of the term of the Office;

whichever is the greater.

(c) Where the unexpired part of the term of Office exceeds that specified by subrule 1(b) of this Rule, the National Executive or Branch Executive as the case may be, must within one month of the vacancy occurring direct the Returning Officer to conduct an election in accordance with these Rules to fill the vacancy.

In this Rule "Term of Office" means the total period for which the last person elected to the Office by an ordinary election (other than an ordinary election to fill a casual vacancy in the Office) was entitled by virtue of that election to hold the Office without being re-elected.

(d) The provisions of these Rules relating to ordinary periodic elections including the provisions as to pledge and qualification for Office, apply, insofar as they are capable of application, to any election held to fill a vacancy under this Rule.

(e) Any person elected or appointed to fill a vacancy under this Rule is to hold Office for the balance of the term of Office during which the vacancy occurred.

(2) Where, pending the filling of a vacancy pursuant to this Rule, or while a regular Office holder is absent or incapacitated, it is necessary for the proper conduct of business that some person perform the duties of such Office, the National Executive, the Branch Executive of the Branch or Sub-Branch, as the case may be, may appoint an acting Officer.

# PART 13 - REFERENDA

## RULE 66 – PLEBISCITE, INITIATIVE AND REFERENDUM

### NATIONAL REFERENDA

(1) National Conference or the National Executive, when either deem fit, may take the opinion of financial members upon any question by submitting the question to a plebiscite. The arrangements for the taking of a plebiscite must be such as to secure as large a vote as circumstances will admit. As soon as the result of the ballot in each Branch is ascertained, the result must be communicated to the National Returning Officer who must communicate the final result of the ballot to the National Secretary and each Branch Secretary within seven days.

(2) Any meeting of a Branch at which not less than 20 per cent of the financial members of the Branch are present may by resolution:

(a) Require the National Secretary to submit any decision of National Conference or National Executive for review by plebiscite, which requisition must be carried out by the National Secretary within fourteen days after notification to him or her of the resolution.

(b) Submit any proposal to National Executive which must within 14 days of the notification of the resolution to the National Secretary either give effect to the proposal or submit it to National Conference.

(3) (a) If in any period of four months meetings of any five Branches at each of which not less than 10 per cent of the financial members of the Branch are present by resolution request that a referendum of members be held on a proposal that National Conference or National Executive take or refrain from taking any specified action or adopt or refrain from adopting any specified policy in the conduct of the Union's business the National Executive must within fourteen days appoint a Returning Officer (not being the holder of any other Office in, nor an employee of, the Union or a Branch or Sub-Branch of the Union) who must immediately proceed to conduct a referendum of members on the proposal. Such referendum must so far as practicable be conducted in the same manner as elections of full-time National Officers. Provided that if the proposal be adopted by National Conference or National Executive no referendum is to be held under this Rule.

(b) If a proposal has been the subject of a resolution under paragraph (b) of subrule (2) hereof, it will only be necessary for meetings of four other Branches to make request for the purpose of paragraph (i) of this subrule provided that all five meetings are held within a period of four months.

(c) The result of the referendum must be given effect to by National Conference or National Executive, as circumstances may require.

### BRANCH REFERENDA

(4) (a) If any Branch meeting at which not less than 10 per cent of the financial members of the Branch are present by resolution requests that a referendum of members of the Branch be held on a proposal that the Branch Executive or Branch Delegate Meeting take or refrain from taking any specified action or adopt or refrain from adopting any specified policy in the conduct of the Branch business, the Branch Executive must within fourteen days appoint a Returning Officer who shall forthwith proceed to conduct a referendum of members on the proposal.

(b) Such referendum must so far as practicable be conducted in the same manner as elections of Branch Officers.

Provided that if the proposal be adopted by National Conference, National Executive, the Branch Executive or the Branch Delegate Meeting no referendum is to be held under this subrule.

Provided further that no referendum is to be held under this subrule on any proposal which is contrary to the Rules of the Union.

(5) The result of the referendum must be given effect to by the Branch Executive so far as lies within its power.

(6) Subject to the Rules and to the decisions of National Conference and National Executive, the Branch Executive must comply with any direction given by a meeting at which not less than 10 per cent of the financial members of the Branch are present.

# PART 14 – DISPUTES AND LEGAL PROCEEDINGS

## RULE 67 – DISPUTES

(1) In the event of a dispute arising on any job or at any place of employment which cannot be settled amicably, the members involved shall by their delegate or other representative and before taking any action in furtherance of the dispute, notify the Branch Secretary or some full-time Officer of the Branch or of the Union.

(2) Subject to any directions concerning the dispute given by the Branch Executive or National Conference or National Executive, the members involved shall comply with all directions of the Officer of the Branch or of the Union who has been notified of or who is handling the dispute.

(3) The Branch Executive or the Officer of the Branch or of the Union who is handling a dispute may authorise a secret ballot of members who are involved or likely to be involved in a dispute.

(4) In the event of a serious dispute arising, or being threatened, the Secretary of the Branch concerned shall communicate with the National Secretary, who shall in conjunction with the relevant Branch Secretary thereupon take such steps for the settlement of the dispute as they deem expedient.

(5) For the purpose of this Rule any dispute or threatened dispute which exposes the Union to a pecuniary penalty or to an action for damages or which is likely to involve members of another Branch shall be deemed to be a serious dispute.

(6) Members ceasing work in respect to any industrial grievance without the sanction of the Branch Executive or National Executive shall be liable to bear the responsibility of such action. Members ceasing work under the direction of the Branch Executive or National Executive shall not return to work without the sanction of the Branch Executive or the National Executive.

## RULE 68 – LEGAL PROCEEDINGS

(1) The National Secretary is authorised to act on behalf of the Union in any legal proceeding brought on behalf of or against the Union.

(2) The National Secretary must in exercising his or her authority under subrule (1) always act in accordance with any directions of National Conference or National Executive

(3) Any legal proceedings brought on behalf of or against the Union it is sufficient for the actions to be brought on behalf of or against the National Secretary as the proper name and title of the Office in the Union to sue and be sued. No change of the holder of the Office of National Secretary, no matter how such change occurs, has any effect on the contribution on the legal proceedings.

(4) To avoid any doubt the National Secretary can

(a) sue or be sued under the *Fair Work Act 2009* or any other relevant State or federal legislation.

(b) bring, join or defend any proceeding in any court in relation to any or all of the following:

(i) recovery of contributions, subscriptions, fines, levies or monies payable to the Union

(ii) the property right or claim to property of the Union

(iii) the industrial, political or social rights of the Union or its members

(iv) in connection with awards or agreements and for breaches of any industrial instrument or legislation

(v) against any person for larceny, embezzlement or misappropriation or unauthorised expenditure of the funds or property of the Union

(5) For the purpose o this rule

(a) “court” includes any court of law or equity in any jurisdiction.

(b) “proceeding” includes action, suit, prosecution, complaint or any other name given to a legal proceeding before a court or tribunal.

(6) This rule applies to Branch Secretaries, as if each reference in sub rules (1), (2) and (3) to the National Secretary were a reference to a Branch Secretary.

(7) The National Secretary is hereby authorised to sue or issue any proceedings on behalf of the Union or a member in respect of a breach of any industrial instrument or legislative entitlement arising within any industry falling within the coverage of the Union.

(8) Branch Secretaries and District Secretaries are similarly authorised provided that no such proceedings shall be taken by a District Secretary without Branch Secretary approval.

(9) No member of this Union shall be entitled to pecuniary assistance in any legal proceedings unless the interests of the Union are directly or indirectly involved. Provided that in the event of a member sustaining an injury or disease in the course of or arising out of their employment and making a claim for damages or compensation, the Branch Executive may afford the member legal assistance in making such a claim.

(10) Legal proceedings shall be taken on behalf of any member (at such member's request) discharged for refusing to shear sheep which in the member's honest opinion were so wet as to be likely to injure the member's health, or which were adjudged too wet to shear by a majority of the shearers by vote on a secret ballot provided the Branch concerned has secured legal opinion favourable to such action.

## RULE 69 – SEAL AND EXECUTION OF AGREEMENTS

(1) The Common Seal of the Union must be kept in the custody of the National Secretary.

(2) An industrial agreement and any instrument not required by law to be under Seal must be executed by the National Secretary or their delegate or by an Officer authorised by the National Executive.

(3) Any instrument required by law to be under Seal may only be executed with the approval of the National Executive, under the Common Seal of the Union in the presence of the National Secretary and one other National Officer.

# PART 15 – GENERAL

## RULE 70 – APPLICATION OF RULES

The Rules of this Union operate to bind all members wherever working in the States of New South Wales, Victoria, South Australia, Queensland, Western Australia, Tasmania, the Australian Capital Territory, the Northern Territory and all Australian Territories, adjacent islands and offshore areas under the control of the Commonwealth of Australia.

## RULE 71 – OFFICIAL NEWSPAPER

The Australian Worker is to be the official publication of the Union.

Each member of the Union is entitled to receive free of charge a copy of each issue of the official newspaper of the Union. The newspaper may be posted to the member’s postal address or provided electronically including via an email to an email address provided by the member to the Union.

## RULE 72 – PRINTING

All printing materials to be used by the Union or any Branch must be printed by Union labour in Australia.

## RULE 73 – DISSOLUTION OF UNION

This Union must not be dissolved while any two Branches are in favour of its continuance. Subject to this provision, National Conference or the National Executive Council may submit the question of the dissolution of the Union to a plebiscite of all financial members to be taken by ballot; and if two-thirds of the whole number of financial members vote in favour of such dissolution, the Union must be dissolved and the funds remaining after all liabilities have been discharged must be divided equally amongst all financial members but this provision does not apply to any amalgamation between the Union and any other Union in accordance with any statutory enactment.

## RULE 74 - ENGAGEMENT - PASTORAL INDUSTRY

**MEMBERS NOT TO ACT AS EMPLOYERS' AGENTS**

(1) No member of the Union, other than a Branch Secretary, or authorised agent, is to engage other members on behalf of pastoralists or shearing contractors.

**ENGAGEMENT**

(2) No member is to engage through Labor Agencies where fees are demanded, nor with anyone requiring payment or monetary consideration of any kind in return for providing employment or for obtaining employment for such member.

**SIGNING AGREEMENT**

(3) Members employed in the Pastoral Industry must sign the Award Agreement before commencing work at any shed, a duplicate of which they must retain in their possession.

**ENGAGING STANDS**

(4) Where the time for starting renders it impossible for a member to fulfil such engagements, no member is to engage a pen or other work in more than one shed in which the shearing is to commence on or about the same time.

(5) Any breach of this Rule is liable to be dealt with under the provisions of Rule 19.

## RULE 75 – WORKING CONDITIONS PASTORAL INDUSTRY

(1) No member is to shear if a majority of shearers by vote on a secret ballot determine that the sheep are too wet to shear. It is the duty of the Shed Representative, together with two other members acting as scrutineers, to conduct the secret ballot to decide the question of wet sheep. No other persons except the shearers entitled to vote are allowed to be present during the voting, but the ballot papers must be counted in the presence of the overseer, if the overseer so requests.

(2) No member is to purchase or carry their own wool press or motor or press nor use any machine (excluding a shearing handpiece) other than that provided at the cost of the employer, nor purchase, nor rent their stand, press or motor, nor submit to any other deductions not provided by these Rules.

(3) No shearer is to catch a sheep or bring one on the board after the signal to cease work has been given.

(4) Barrowing is not allowed during smoke-ohs or meal hours if it interferes in any way with the meal hour or smoke-oh of any other member.

(5) No machine expert is to be employed as a shearer and as an expert at the same time in any shed where more than three shearers are employed, and no person engaged as an expert is to do any experting or grinding during smoke-oh or meal hours or outside working hours.

(6) No shearer is allowed to shear at a shed after starting work at such shed as a general hand unless a majority of the shearers and shed hands consent to them being so employed.

(7) No member is to shear a cancerous sheep.

(8) No shed employee is to pull any shearing machine in or out of gear for any shearer.

(9) Any breach of this Rule is liable to be dealt with under the provisions of Rule 19.

## RULE 76 – AGREEMENTS WITH STATE REGISTERED UNIONS

(1) The Union is authorised, by this Rule, to enter into agreements with State Registered Unions to the effect that members of the State Registered Union concerned who are ineligible State members (that is, members of the State Union who are ineligible to be members of the Union pursuant to Rule 6) are eligible to become members of the Union in accordance with the Agreement.

(2) Without limiting the generality of subrule (1), a reference to a State Registered Union shall include a reference to the State Registered Unions identified in Rule 8.

## RULE 77 – FORCE OF AGREEMENTS WITH STATE REGISTERED UNIONS

Notwithstanding any other provisions of these Rules:

(1) Upon the execution of an agreement referred to in Rule 76, members of the State Union shall forthwith become members of the Union without the need for such members of the State Union to make individual application for membership of the Union.

(2) Members of the State Union who have paid membership contributions to the State Union in accordance with the Rules of the State Union shall be deemed to have made such contributions to the Union.

(3) Members of the State Union who satisfy and comply with the Rules of the State Union as to financiality shall be deemed to be financial members of the Union without the need for any supplementary payment to be made to the Union.

(4) Members of the State Union who are financial shall have all rights and privileges prescribed by the Rules of the Union. Without limiting the generality of the foregoing, such rights shall include the right to nominate for and to hold Office and the right to vote in elections in accordance with the provisions of the Rules of the Union.

(5) For the purpose of any time limit prescribed by the Rules of the Union in respect to the entitlement to nominate for Office and the right to vote in elections, the period of financial membership of the State Union shall be deemed to be financial membership of the Union.

(6) Members of the State Union shall have the right to attend all meetings of the Union and to vote at those meetings in accordance with the Rules of the Union.

(7) Members of the State Union shall be subject to all duties and obligations as are prescribed by the Rules of the Union.

(8) These Rules shall apply equally to members of the Union and the State Union and, without limiting the generality of the foregoing or being limited thereby, shall include persons elected or appointed as Officers of the State Union.

(9) In this Rule, members of the State Union means members of a State registered Union bound by an agreement referred to in Rule 76, who are not eligible to be members of the Union in accordance with the provisions of Rule 5.

(10) In this Rule the State Union means a State registered Union bound by an agreement as referred to in Rule 76.

# PART 16 - DELETED

## RULE 78 – HOLDING OFFICES - AMALGAMATIONS

Where the Union is the proposed amalgamated organisation in any proposed amalgamation then any person holding an Office in the Union or in the other Union or Unions who are parties to the proposed amalgamation may upon the coming into force of the amalgamation hold an Office in the proposed amalgamated organisation. Provided that no person is to hold an Office in the proposed amalgamated organisation for more than four (4) years after the amalgamation takes effect without an election being held in relation to that Office.

## RULE 79 – FUNERAL FUNDS BENEFITS

(1) Members of the Union who were members of the Federation of Industrial, Manufacturing and Engineering Employees (FIME) before the amalgamation day (as defined in the *Fair Work (Registered Organisations Act*) *2009* for the amalgamation between the FIME and the Australian Workers Union must, by virtue of the operation of this Rule, remain entitled to Funeral Fund benefits in accordance with and as prescribed by rule 46 of the rules of FIME existing on the day prior to the amalgamation day.

(2) In the event that the Union provides funeral or bereavement grants benefits to those members referred to in subrule (1) of this Rule which exceed the level of benefits applicable pursuant to subrule (1) of this Rule such benefits will be deemed to satisfy the provisions of this Rule.

## RULE 80 - REPRESENTING NON-MEMBERS EMPLOYEES DEPENDENT OR INDEPENDENT CONTRACTORS

(1) The union may represent any non-member employee dependent or independent contractor or any person who through whatever means effectively sell his or her labour.

(2) Representation may be subject to a fee.

(3) The union has the absolute right to refuse to provide representation and the presence of this rule and rule 4 (34) and 25(1)(u) create no obligation on the union to provide such representation and create no right in any person to require the provision of such representation.

(4) Where the union has determined to provide such representation the terms of such representation including the nature of representation, the purpose of the representation, the duration of such representation, the fee for representation, and the rights of the union to terminate such representation, are all to be determined and agreed between the union and the person seeking such representation prior to the union undertaking such representation.

(5) The union may enter into an arrangement with an employer or principal for the provision of representation services for the benefit of an employee, dependent or independent contractor of the employer or principal.

(6) Except where the rules otherwise require, a reference to the union in this rule is reference to either the National Executive, the National Officers, the Branch Executive or Branch Secretary.

# PART 17 – DEFINITIONS

## RULE 81 – DEFINITIONS

(1) In the interpretation of these Rules, the following words and expressions shall, unless the context otherwise requires, have the following meanings:

"Agriculture" shall mean all work usually carried on or in connection with a farm, and shall be deemed to include market gardening, threshing grain, chaff cutting, corn crushing, compressing hay, straw and fodder stacking, loading or unloading grain, all work on a sugar plantation or farm or sugar mill or refinery.

"ALP" means the Australian Labor Party.

"Application Form" means the written form approved by the National Executive for completion by persons seeking to be admitted to membership of the Union pursuant to Rule 7.

"The AWU" means The Australian Workers' Union.

"Bona fide worker" means any employee, male or female, engaged in manual or mental labour in or in connection with any of the industries mentioned in Rule 6 hereof.

"Branch Executive Committee Member" means a member elected in accordance with these Rules to the Office of Branch Executive Member.

"Continuously financial member" means a member who has never lost the status of being a financial member at any stage during the relevant period provided that a member shall not lose such status until one month after a payment required pursuant to the Rules, falls due.

"Dairying Industry" shall mean any work usually carried on in connection with a dairy farm, butter factory, cheese factory, creamery, milk preserving or condensing factory.

"Elected Office" means an Office occupied by an elected Officer.

"Elected Officer" means a member elected to office pursuant to either Rules 63, 64, or 65 together with such members as have been appointed to fill a vacant Office pursuant to Rules 65.

"Employed Organiser" means a member employed to advocate the principles of Unionism and promote the organisation and enrolment of members, in a position created pursuant to Rule 65.

“FIME” means the Federation of Industrial, Manufacturing and Engineering Employees.

"Financial member" means a member who is not in arrears in the payment of any contribution, fine, levy or dues lawfully owing.

"Fruit Growing" shall be deemed to mean all work usually carried on in connection with a farm or orchard, and shall further include all those engaged in connection with preserving, drying, pulping and packing fruit.

"Full Time Officer" means those Officers who receive a salary or emolument of Office in respect to carrying out their duties as an Officer.

“Hair Stylists Australia” or “HSA” means a separate brand and distinct operating arrangements implemented by the Union in relation to the management of members who are employed as a hairdresser or in the industry of hairdressing from 1 February 2018. To avoid doubt, these members enjoy all the rights and are subject to the same obligations as other AWU members under these rules.

"Local Agent" means a member of the Union residing in any town or centre appointed by a Branch Executive to act on its behalf.

"Local Representative" means a person appointed by resolution of a Branch Executive to act as Agent for the issue of tickets of membership and collection of subscriptions.

"Member" means a member of the Union.

"Month" means a calendar month.

"National Conference" means the National Conference constituted by Rule 20.

"National Executive" means the National Executive constituted by Rule 24.

"National Officer" means any person holding any of the following positions: National Secretary, National President, Assistant National Secretary, National Vice-President.

"Office" means any elected position in the Union.

"Officer" means a member holding any elected position in or on behalf of the Union and includes members of the Union who are members of committees and delegates representing the Union who have been approved by the relevant Branch or National Executive on other bodies.

"Organiser" means a member elected to fill the Office of Organiser created pursuant to Rule 61.

"Organiser-Branch Executive Committee Member" means a member elected in accordance with these Rules to the Office of Organiser-Branch Executive Committee Member.

"Payroll Deduction Authority" means the written authority approved by the National Executive.

"Plebiscite" means the consensus of the general body of members of the Union or of the members of any one or more Branches or sections of the Union entitled to vote ascertained on appeal to such members in terms of Rule 66.

"Quarter" or "Quarterly" means a period of three (3) calendar months. The first Union quarter in each year shall be 1st July to 30th September. The second quarter shall be 1st October to 31st December in each year. The third quarter shall be 1st January to 31st March in each year, and the fourth quarter shall be 1st April to 30th June in each year.

"Rules" or "Rules of the Union" means these Rules of The Australian Workers' Union.

"The Union" means "The Australian Workers' Union".

"Ticket" means a certificate of membership of the Union.

"Timber and Sawmilling Industry" means any work carried on in connection with sawmills, timber yards, box and case factories, sawmakers' shops, and including hewers, splitters, firewood, and mining timber getters, and the preparation of woodwork for joiners, carpenters, implement makers, coachbuilders, car and waggon builders.

"Viticulture" means any work carried on in connection with a vineyard, and all work connected with the preparation of the product of such vineyard for market.

(2) Words importing the masculine gender shall include the feminine gender.

(3) Words importing the plural number shall include the singular number.

(4) Words importing the singular number shall include the plural number.

(5) The Rules shall be read and construed subject to the provisions of the *Fair Work (Registered Organisations) Act 2009*  and any other applicable law.

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