[290v: Incorporates alterations of 04/06/14] [R2013/89] (Replaces 6/11/08 version)

I CERTIFY under section 161 of the *Fair Work (Registered Organisations) Act 2009* that the pages herein numbered 1 to 22 both inclusive contain a true and correct copy of the registered rules of the Union of Christmas Island Workers

GENERAL MANAGER

FAIR WORK COMMISSION

Rules of the

Union of Christmas Island Workers

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RULES OF THE

UNION OF CHRISTMAS ISLAND WORKERS

## 1 - NAME

The organisation formed under these Rules shall be called the "Union of Christmas Island Workers", hereinafter referred to as "the Union".

## 2 - ARRANGEMENT

1. Name

2. Arrangement

3. Registered Office

4. Objects

5. Government and Organisation

6. Change of Name and Dissolution

7. Categories of Membership

8. Conditions, Eligibility and Rights of Members

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14. Misconduct and/or Disciplinary Action

15. Composition of the Executive Committee

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21. Removal of Officers and Members of the Executive Committee

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## 3 - REGISTERED OFFICE

The registered office of the Union shall be situated at Poon Saan Road, Christmas Island, Indian Ocean or at such other place as may from time to time may be decided upon by the Executive Committee.

## 4 - OBJECTS

The Objects of the Union shall be:-

(a) To secure the complete representation and effective organisation of all persons eligible for membership of the Union.

(b) To watch over and protect the interest of its members.

(c) To obtain and maintain for its members just and equitable terms and conditions of employment.

(d) To regulate the relations between employers and members, between one member and another, and between members and their fellow workers and to endeavour to settle any and all differences between any of them by amicable and conciliatory means.

(e) To promote any legislation for the protection and advancement of the interest of its members.

(f) To provide for its members any or all of the following benefits:-

(i) financial assistance in the event of any dispute;

(ii) such other assistance as the Executive Committee may from time to time decide.

(g) To promote lawfully the industrial, professional, material and social interest and welfare of its members.

(h) To affiliate, federate, amalgamate or merge with any trade or industrial union or association or organisation.

(i) To publish and maintain Labor and/or union journals.

(j) To make gifts for bona fide charitable purposes.

(k) To acquire property of any kind on behalf of the Union.

(l) To raise funds from members, by means of entrance fees, subscriptions, contributions, fines or levies, or by any other manner as may be decided by the Executive Committee subject to the approval of the members at a General Meeting.

(m) To provide any manner of services to the members of the Union.

## 5 - GOVERNMENT AND ORGANISATION

(a) The supreme authority of the Union shall be vested in the members in a general meeting.

(b) Subject to the provision of the foregoing sub-clause, the Union shall be governed by the Executive Committee and managed by the General Secretary.

## 6 - CHANGE OF NAME AND DISSOLUTION

(a) (i) The Union shall not change its name or be dissolved unless not less than three-quarters of the total of financial ordinary members and financial unemployed ordinary members shall so agree.

(ii) Any voting on the change of name or dissolution of the Union shall be by secret ballot at a special general meeting convened for the purpose.

(b) In the event of the dissolution of the Union, either voluntarily under paragraph (a)(i) of this Rule or compulsorily under the Industrial Relations Act 1988, as amended from time to time, all debts and liabilities incurred by or on behalf of the Union shall first be paid. All assets of the Union shall be converted into cash and shall, after the aforesaid payment, either be divided proportionately among all member of disposed of in such manner as the special general meeting may have decided when dissolving the Union.

## 7 - CATEGORIES OF MEMBERSHIP

The membership of the Union of Christmas Island Workers shall consist of ordinary members, unemployed ordinary members, life members, and honorary members.

## 8 - CONDITIONS, ELIGIBILITY AND RIGHTS OF MEMBERS

(a) Ordinary Members

(i) All persons, other than members of the Christmas Island Police Force who are employed by the Christmas Island Administration or any other employer on Christmas Island, are eligible to apply for ordinary membership if they have attained the age of 18 years at the time of application for membership.

(ii) Application for ordinary membership shall be made in a form authorised by the Executive Committee and shall be forwarded together with the specified entrance fee and first subscription, in advance, through the General Secretary or such other person as may be authorised by the Executive Committee and/or the General Secretary. Such application shall be submitted to the Executive Committee for approval.

Such application form shall include a copy of Rules 10 and 13 hereof in order that any such applicant is advised of his/her financial obligations arising from membership of the Union and the circumstances and manner in which members may resign from the Union. The Executive Committee may, at its discretion, reject any application made by a person of general bad character, provided that the entrance fee and monthly subscription so paid in advance shall be refunded to the rejected applicant.

(iii) Every applicant to whom approval for membership has been given by the Executive Committee shall be registered by the General Secretary in the list of the ordinary members of the Union, and shall be supplied with a membership card.

(iv) Each member of the Union shall have the right to receive, upon request to the Union, a copy of these Rules, and such Rules shall be provided in either English, Chinese or Malay as may be requested by such member.

(v) All financial ordinary members of the Union 18 years of age or older shall have the right to stand for office in the Union and to vote in any ballot or election of the Union.

(b) Unemployed Ordinary Members

(i) An unemployed ordinary member of the Union shall be a member of the Union domiciled on Christmas Island who is not gainfully employed for more than half of one financial year.

(ii) A financial unemployed ordinary member of the Union shall enjoy the same rights and privileges as a financial ordinary member of the Union and such membership shall be subject to the same terms and conditions as specified in sub-rule (a) hereof.

(c) Life Members

(i) The Executive Committee shall have power to appoint life members of the Union, providing that the Executive Committee are of the opinion that any such person so appointed has rendered long and faithful service to the Union.

(ii) Life members shall be exempted from paying any fees, levies or contributions to the Union.

(iii) Life members do not have the right to stand for office of the Union or to vote in any ballot or election of the Union.

(d) Honorary Members

(i) The Executive Committee shall have the power to invite any person to be an Honorary Member of the Union.

(ii) Honorary members shall be exempted from the payment of all fees, levies and contributions for the period stipulated by the Executive Committee.

(iii) Honorary members of the Union do not have the right to stand for office of the Union or to vote in any ballot or election of the Union.

## 9 - RE-ADMISSION

(a) When any person who has previously ceased to be a member for any cause whatsoever applies for re-admission, he/she shall submit such application through the General Secretary, who shall forward such person's application form and all particulars in his/her possession in regards to such applicant to the Executive Committee for its decision, which shall be final, subject to the Industrial Relations Act 1988, as amended from time to time.

(b) If a person whose membership has previously lapsed through arrears of subscriptions, contributions or levies or who has previously resigned from the membership of the Union applies for re-admission into the membership of the Union, such person shall pay the prescribed entrance fee subscriptions, contributions or levies.

## 10 - ENTRANCE AND SUBSCRIPTION FEES

(a) The entrance fee for ordinary membership and unemployed ordinary membership of the Union shall be $30.00 and the subscription shall be:

(i) if employed - $300 per annum; and

(ii) if unemployed - $100 per annum.

(b) Subject to the provision contained in Rule 8(a)(ii) of these Rules all fees payable shall be non-refundable.

(c) All subscriptions shall be payable in advance to the General Secretary or other persons so authorised by the Executive Committee and/or the General Secretary and shall be payable at such date as may be prescribed by the Executive Committee.

(d) The Executive Committee shall have power to revise the rate of subscriptions or the basis of payment of subscriptions in any manner as it deems fit.

## 11 - UNFINANCIAL MEMBERS

If a member shall fail to pay his/her subscription and/or any sum or sums imposed upon him/her in accordance with these Rules for a period of more than three consecutive months in respect of which such subscriptions or other sum or sums is/are due, he/she shall not be entitled to any rights, privileges or benefits whatsoever arising out of his/her membership of the Union, including but not limited to the right to nominate and attain office in the Union and vote in any election or ballot of the Union.

## 12 - PURGING OF ROLL

(a) The Executive Committee may, at any time, purge the names of any members from the membership register provided that such members have been expelled from the Union, or that such members have resigned from the Union, or that such members are no longer financial members of the Union.

(b) The purging of such members from the membership register of the Union may be done without prejudice to the rights of the Union to recover all arrears of subscriptions or other monies due up to the time when such member's name shall have been removed.

(c) All reasonable attempts will be made to notify any member to be purged from the membership register of such action, and an appeal shall lay to the Executive Committee in relation to such decision to purge from the roll any member, provided that any such appeal shall be instituted within 30 days from the time of such decision.

## 13 - RESIGNATION

(a) A member of the Union may resign from membership of the Union by written notice addressed and delivered to the General Secretary.

(b) A notice of resignation from membership of the Union takes effect:

(i) where the member ceases to be eligible to become a member of the Union:

(A) on the day on which the notice is received by the Union; or

(B) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;

whichever is later; or

(ii) in any other case:

(A) at the end of 2 weeks after the notice is received by the Union; or

(B) on the day specified in the notice;

whichever is later.

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

(d) A notice delivered to the General Secretary shall be taken to have been received by the Union when it was delivered.

(e) A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered in accordance with sub-rule (a) herein.

(f) A resignation from membership is valid even if it is not effected in accordance with this rule if the member is informed in writing by or on behalf of the Union that the resignation has been accepted.

## 14 - MISCONDUCT AND/OR DISCIPLINARY ACTION

(a) The Executive Committee shall have the power to hear and determine charges under this rule.

(b) Any member of the Union may charge any other member with:

(i) committing any breach of the Rules of the Union;

(ii) working in contravention of an award, order or agreement;

(iii) knowingly failing to comply with any resolution or direction lawfully passed or given under the Rules of the Union;

(iv) committing any fraudulent or unlawful act in relation to the funds or property of the Union or in relation to any ballot or election held pursuant to these Rules;

(v) wrongfully holding him/herself out as occupying any office or position in the Union or as being entitled to represent the Union in any capacity;

(vi) behaving in a drunken, disorderly or offensive manner at any meeting held under these Rules;

(vii) knowingly giving false or misleading information to any officer, representative or employee of the Union or any person acting as or on behalf of a Returning Officer conducting an election or ballot in accordance with these Rules, as long as such false or misleading information relates to any union business or election or ballot or any matter affecting the interests of the Union and/or its members;

(viii) knowingly making a false statement to become a member of the Union;

(ix) aiding or encouraging any other member in an offence under this rule;

(x) fails to account for any monies collected by him/her on behalf of the Union;

(xi) claims expenses not incurred by him/her on behalf of the Union or in any way misappropriates any of the Union's funds; and/or

(xii) having given reports of Union business to the press unless authorised so to do by the General Secretary of the Union.

(c) Any charge shall be made in writing to the General Secretary, who may, if he/she thinks fit but shall if directed by the Executive Committee so to do, summon the member charged before the Executive Committee. Any such summons shall be in writing, stating the time and place of the hearing, the name of the member who has laid such charge(s) and the substance of the charge(s). Any member so charged shall be given at least 7 days' written notice of the hearing.

(d) At the time and place appointed for any such hearing, or at a time and place as re-scheduled due to any adjournment, any charge(s) shall be investigated and determined, whether the member so charged is in attendance or not, unless a satisfactory explanation of his/her absence has been received by the Executive Committee.

(e) If the Executive Committee finds the charge(s) against the member proven, it may fine any such member a sum not to exceed $200, suspend any such member from membership of the Union for a period of 6 months or deprive any such member of any right, benefit or privilege of membership until the happening of any specified event or until performance of any specified act, or expel such member from the Union.

(f) An appeal shall lay against any decision made under this Rule to a general meeting of members of the Union, provided that such appeal has been notified to the Executive Committee in writing within one month of any such decision having been made. Any such appeal must set out, in full, the particulars or matters which the appellant desires to be considered.

## 15 - COMPOSITION OF THE EXECUTIVE COMMITTEE

(a) Subject to the authority of the membership in General Meeting, the government of the Union shall be vested in the Executive Committee.

(b) The Executive Committee shall consist of a President, 2 Vice-Presidents, a General Secretary, 2 Trustees, and 6 Committee Members, who shall be elected by the financial ordinary members and financial unemployed ordinary members of the Union in accordance with Rule 16 of the Rules of the Union.

(c) The Executive Committee shall have the power to provide for the office of Assistant General Secretary, provided that such office shall be filled in accordance with these Rules.

## 16 - ELECTION OF OFFICERS

(a) The method of electing members of the Executive Committee and officers of the Union shall be by secret postal ballot of the whole of the financial ordinary membership and financial unemployed ordinary membership of the Union every second year.

(b) When an election is required to be held pursuant to these Rules, the Executive Committee shall appoint a Returning Officer for the said election, provided that any such Returning Officer is not the holder of any office of the Union or is an employee of the Union. Any such Returning Officer so appointed may be an officer of a statutory electoral commission.

(c) Any such Returning Officer shall conduct any election in accordance with the Rules of the Union.

(d) The General Secretary shall compile a roll of members of the Union who are eligible to vote in the election, with such roll containing the names, addresses and membership numbers of the said members and forward the same to the Returning Officer. The roll of voters for any ballot shall close seven days before the day on which nominations for the election open.

(e) The Returning Officer shall call for nominations for the offices by advertising the election(s) in the Union's journal, by written notification to all Shop Stewards and by public notice to be displayed in various locations as decided upon by the Returning Officer.

(f) Nominations for office shall be in writing and signed by the candidate and at least two financial ordinary and/or unemployed ordinary members of the Union at the time and place as advertised by the Returning Officer.

(g) The Returning Officer shall have the power in accordance with these Rules to accept or reject such nominations, provided that if the Returning Officer rejects any such nomination the following provisions shall apply:

(i) The Returning Officer shall notify the person concerned of the defect in the nomination; and

(ii) The Returning Officer shall, where it is practicable so to do, give the person concerned the opportunity if possible of remedying the defect within not less than 7 days after having been so notified.

(iii) If the person concerned within such period is able to and does remedy the defect in the nomination in accordance with these Rules, the Returning Officer shall thereupon accept such nomination.

(h) Where, after the closing of nominations, there are more candidates than the number required to fill an office or offices, the Returning Officer shall have ballot papers printed and obtain a certificate as the number of ballot papers printed.

(i) Nominations shall open on a date to be decided upon by the Executive Committee, provided that such a date shall not be later than 4 weeks before the end of the financial year of the Union.

(j) Nominations shall be open for a period of 4 weeks.

(k) There shall be a period of 3 weeks between the closing of nominations and the commencement of the ballot.

(l) The ballot shall be open for a period of 2 weeks.

(m) The Returning Officer shall make provisions for the voting by members who are to be temporarily absent from their normal place of residence during the ballot to record an absentee ballot.

(n) The Returning Officer shall forward by pre-paid post to each financial ordinary member and each financial unemployed ordinary member of the Union a ballot paper together with an envelope in which the ballot paper may be returned by post without cost by the member.

(o) The ballot paper shall be returned in such envelope addressed to the Returning Officer in such a manner that no person other than the Returning Officer can gain access to such ballot papers.

(p) The Returning Officer shall, upon the immediate closure of the ballot, collect the ballot papers and convey them to a place as may be decided by the Returning Officer and then proceed to count the said ballot papers, until such time as the count is finished.

(q) Any candidate in any ballot may nominate in writing to the Returning Officer one scrutineer to represent the said candidate, provided that a candidate may change his/her scrutineer at any time by giving written notice to the Returning Officer. Any scrutineer may represent only one candidate standing for any one office at any stage of the ballot. A scrutineer shall obey all lawful directions of the Returning Officer.

(r) The Returning Officer shall give every facility to the scrutineers to examine the count and to attend and represent, at every stage of the election, the interest of the candidate who has nominated such scrutineer.

(s) In the case of any equality in the voting for any two or more candidates, the Returning Officer shall determine by lot which of the candidates is elected.

(t) The Returning Officer shall have the power to determine any protest in relation to a ballot.

(u) The ballot shall be declared by the Returning Officer as soon as the results are known, by posting the results in the registered office of the Union, by notifying the Shop Stewards and by having the results published in the Union journal.

(v) Except as provided in any Act from time to time, whenever any member has been successful in an election he/she shall assume the office after the Annual General Meeting of the Members, which shall be held within 7 days from the close of the ballot.

(w) All ballot papers and other documents used in connection with an election shall be sealed and kept for a period of at least 12 months in the registered office of the Union.

(x) No member shall be eligible to nominate for office in the Union unless at the time of the nomination the member has been continuously financial during the 24 months immediately preceding the member's nomination, except in the offices of General Secretary and Assistant General Secretary where no such qualification shall be required, provided that nothing contained in this sub-rule shall prevent any office holder at the time that amendments are effected to this Rule from re-nominating and being elected to that office due to the length of time such office holder has been a member of the Union.

(y) No member may hold more than one office in the Union although a member may nominate for more than one office. All elections shall be decided by a preferential ballot, with any member excluded from the ballot if elected to an office of a higher level. Provided that positions shall be determined commencing with the President, Vice-Presidents, General Secretary, Assistant General Secretary should the Executive Committee decide to provide for such an office, two Trustees and Committee Members.

## 16A - ATTENDANCE BALLOT FOR ELECTIONS

(a) Notwithstanding the provisions of rule 16 - Election of Officers each election for office held under these rules shall be by way of an attendance ballot. The provisions of Rule 16 - Election of Officers shall apply to such ballot to the extent that the same may be applied thereto.

(b) The ballot shall be open for a period of at least one day or such longer period as the Returning Officer may think necessary.

(c) Booths for the casting of ballots shall be opened at such places as the Returning Officer may think necessary.

(d) The Returning Officer shall have full power and authority to do all that appears to him/her to be reasonably necessary to ensure that an attendance ballot is conducted so as to preserve the secrecy of the ballot and is such as to facilitate the casting of ballots by all members of the union entitled to vote therein.

## 17 - CASUAL VACANCIES

Where a casual vacancy occurs in any office for which an election is held pursuant to Rule 16 hereof, the following provisions shall apply:

(a) If, at the time the vacancy occurs, the expired term of the office exceeds one year of the term of the office, then the Executive Committee may appoint to fill the office for such unexpired term a person who would be eligible for election to the office at the time of appointment; or

(b) If, at the time the vacancy occurs, the expired term of the office does not exceed one year of the term of the office, then the vacancy shall be filled by election under the relevant parts of Rule 16 to fill the vacancy with any necessary changes to such election as may be necessary due to the timing of the casual vacancy.

(c) Any officer or member of the Executive Committee wishing to resign his/her office shall give to the General Secretary a notice in writing to that effect.

## 18 - FUNCTIONS AND POWERS OF THE EXECUTIVE COMMITTEE

(a) The duties of the Executive Committee shall be:

(i) to do its best to attain the objects of the Union;

(ii) to comply with lawful decisions of General Meetings;

(iii) to take action for the collection of fees, subscriptions, levies and/or any other sums of money owing to the Union;

(iv) to control the affairs of the Union; and

(v) to direct the policy of the Union in all matters affecting the interest of the members.

(b) The Executive Committee shall have the power to appoint persons to work for the Union, including office staff, organisers, and/or industrial officers, and further, the Executive Committee shall have the power to set the salary, wages and/or entitlements for all persons so appointed and for the General Secretary and the Assistant General Secretary should the Executive Committee decide to provide for such an office.

(c) The Executive Committee shall have the power to make resolutions to meet the special circumstances of any case, subject to any further resolution of a general meeting of the Union.

(d) (i) The Executive Committee shall have the power to appoint sub-committees to assist the Executive Committee in the management of the Union.

(ii) The members of a sub-committee may be appointed from among the members of the Union by the Executive Committee at its discretion.

(iii) The Executive Committee shall determine the number, the composition, the terms of reference and the duties and powers of any such sub-committees; provided that the Chairperson of any such sub-committee shall be a member of the Executive Committee. Provided further that a sub-committee shall act in an advisory capacity only and shall not exercise any of the functions of management.

(e) The Executive Committee shall see that the Rules of the Union are properly observed and shall decide upon any point on which these Rules are silent. Such decision, after having been posted in the registered office of the Union and advertised in the Union journal, shall be binding on every member of the Union unless revoked by the Executive Committee at a subsequent meeting or by the next General Meeting of the Union.

(f) The Executive Committee shall have power to institute legal proceedings against any member of the Union who wrongfully or fraudulently detains or uses any books, property or money belonging to or in the possession of the Union.

(g) The Executive Committee shall have the power to decide on the payment of any honorarium or allowance to any member of the Union for the performance of any service on behalf of the Union over and above his/her duties as a member and to refund any expenses incurred by any person whilst performing any service on behalf of the Union.

(h) A loan, grant or donation of an amount exceeding $1,000 shall not be made by the Union unless the Executive Committee:

(a) has satisfied itself:

(i) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

(ii) in the case of a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and

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

(h) The Executive Committee shall have the power to appoint the Auditor of the Union, and make arrangements for such Auditor's fees as the Executive Committee believes appropriate, provided that a person so appointed is a member of the professional accounting/auditing association.

(i) The Executive Committee shall have the power to conduct, or to have conducted on its behalf, elections from amongst members at any workplace for members of the Union to serve in the position of Shop Steward(s) and shall, if a workplace has 10 members or more and if the majority of those members so require, conduct or have conducted such elections for Shop Steward(s) at that workplace.

## 19 - EXECUTIVE COMMITTEE MEETINGS

(a) The Executive Committee shall meet at least once a month and one-half of its total number shall form a quorum. In the event of an insufficient quorum after half and hour from the appointed time of commencement of meeting, the meeting shall be adjourned to a date not later than 7 days therefrom.

At the adjourned meeting if there is no quorum after half an hour from the appointed time of commencement of meeting, the meeting shall be adjourned to a date not later than 7 days therefrom.

At the adjourned meeting if there is no quorum after half an hour from the appointed time of commencement of meeting the members present shall be able to proceed with the business thereof, but shall only be able to make decisions which do not affect the membership as a whole.

(b) Special meetings of the Executive Committee shall be summoned by the General Secretary or by any other person to whom the General Secretary has assigned the duty of summoning any such meeting, and shall be called if a written request signed by not less than 3 members of the Committee is received by the General Secretary.

(c) A Committee consisting of the officers of the Union, that is the President, the Vice-Presidents, the General Secretary, and the Trustees, 3 of whom shall form a quorum, shall have the power to deal with any matter requiring immediate attention. The decision of such meeting shall be recorded in the minutes and be subject to further resolution of the Executive Committee.

(d) Meetings of the Executive Committee, whether Ordinary or Special Meetings, shall be summoned by the General Secretary or by any person to whom the General Secretary has assigned the duty of summoning any such meeting, and shall be notified by postal, telephonic and/or telegraphic means including by facsimile transmission.

(e) Every question at meetings of the Executive Committee shall be decided by a majority of votes, and if there is an equality in the voting, the issue will be decided in the negative. Provided that voting shall be by a show of hands or by secret ballot, as a majority of the Committee in attendance at any such meeting may decide.

## 20 - MEETINGS OF THE UNION

(a) A General Meeting includes the Annual General Meeting and/or any Special General Meeting convened under these Rules.

(b) The Annual General Meeting of members shall be held annually at such a time and place as the Executive Committee may decide.

(c) All General Meetings, whether Annual or Special, shall be presided over by the President, or in his/her absence by the Vice-Presidents, or in the absence of both abovenamed officers, by a member of the Executive Committee in attendance at such meeting and elected by the members in attendance to chair such meeting.

(d) The business of the Annual General Meeting shall be as follows:-

(i) to receive the annual and other reports of the Executive Committee;

(ii) to review the progress of the Union since the last Annual General Meeting and to plan the future program of the Union;

(iii) to consider and to decide upon any other matter on the agenda of the meeting.

(e) A Special General Meeting shall be convened whenever:

(i) the Executive Committee or the General Secretary deems it necessary, or

(ii) the Executive Committee receives a requisition in writing from not fewer than 20 financial members or 5% of the total number of financial members, whichever is the lower, who shall state the object and reason for their wanting such a meeting.

(f) All General Meetings of the Union shall be called by the General Secretary by notification to the Shop Stewards of the Union, advertisement in the Union's journal should such be scheduled to be published to allow the notice to appear with sufficient time before the meeting begins, and by notice in the registered office of the Union.

(g) A Special General Meeting shall have the power, when convened, to consider and decide on any matters for which it has been convened and to take any consequential action pursuant to such decision, provided that all actions taken are in accordance with these Rules.

(h) The quorum at a General Meeting shall be 20 members or 5% of the financial ordinary members and financial unemployed ordinary members of the Union, whichever is the lesser.

(i) The General Secretary, in conjunction with the Executive Committee, shall prepare an agenda for each General Meeting, provided that the agenda for the Annual General Meeting shall be published and distributed at least 7 days in advance of such an Annual General Meeting. Provided further that any member of the Union can have any matter placed on the agenda for a General Meeting by forwarding to the General Secretary at least 7 days in advance of any such General Meeting a written notice of the business which the member desires brought before the meeting, unless the Executive Committee decides that the period required be waived for any particular item of business proposed by a member.

(j) If after half an hour from the time appointed for a General Meeting a quorum is not present, the meeting shall be postponed to a date not exceeding 14 days thereafter, with such date to be decided by the Executive Committee. The provision in relation to re-scheduling such a meeting in this sub-rule shall not apply to a Special General Meeting requisitioned by members under this rule.

(k) If after the expiry of half an hour from the time fixed for the commencement of a postponed meeting there is no quorum present in accordance with this rule, the members present shall have the power to proceed with the business of the meeting but they shall have no power to alter or amend any of these Rules or to make any decision which affects the membership as a whole.

(l) No member shall be entitled to more than one vote on a particular issue, and in the case of an equality in the voting, the matter shall be decided in the negative.

(m) Except where otherwise provided in these Rules or when resolved by a majority of the members present, voting at a General Meeting will be by show of hands.

(n) A secret ballot shall be taken in respect of any proposed amendment(s) to these Rules, with a decision to be reached by two-thirds of the majority of the members present before any such amendment(s) becomes effective.

## 21 - REMOVAL OF OFFICERS AND MEMBERS OF THE EXECUTIVE COMMITTEE

(a) Any officer or member of the Executive Committee may be removed from office if he/she has been found guilty, in accordance with these Rules, of:

(i) misappropriation of the funds of the Union, or

(ii) a substantial breach of these Rules, or

(iii) gross misbehaviour; or

(iv) gross neglect of duty.

(b) Any officer or member of the Executive Committee may be removed from office if he/she has ceased under the Rules of the Union to be eligible to hold the office. Such officer shall be deemed to have vacated office and such vacancy will be filled in accordance with Rule 17 hereof.

(c) Any such charge in sub-rule (a) above shall be reduced to writing and the evidence in support of the charge placed before the officer or member of the Executive Committee, who shall be entitled to be heard in relation to the charge.

(d) The decision as to whether the officer or member of the Executive Committee is guilty or not as charged shall be made by resolution passed by a majority of members at a General Meeting of the Union called for such purpose.

(e) Any officer or member of the Executive Committee who is found guilty of such charge will be deemed to have vacated his/her office or membership and such vacancy shall be filled in accordance with Rule 17 hereof.

## 22 - DUTIES OF OFFICERS AND MEMBERS OF THE EXECUTIVE COMMITTEE

(a) The President - The President shall preside at all General and Executive Committee meetings and shall be responsible for the proper conduct of business therein. The President shall preserve order and give an impartial decision on all questions submitted for consideration by any such meeting. He/she shall sign the minutes thereof as and when they are approved. The President shall have the power to order the removal from any meeting of any person who persists in disorderly conduct at a meeting, and may, if required, call a member of a police force to remove any such person from a meeting.

(b) The Vice-Presidents - The Vice-Presidents shall assist the President in the performance of his/her duties and shall act for the President during the latter's absence, death, disqualification, resignation or removal from office until such time as the vacancy can be filled in accordance with Rule 17 hereof.

(c) The General Secretary - The General Secretary is the Chief Executive Officer of the Union and shall:-

(i) manage the union office and control any and all staff employed by the Union, whether they be office staff, organisers, industrial officers and/or an Assistant General Secretary;

(ii) conduct all the business and affairs of the Union in accordance with these Rules;

(iii) attend all General and Executive Committee meetings and ensure that the minutes are kept;

(iv) shall furnish annually to the Registrar of the Industrial Relations Commission a statement, audited in the prescribed manner, of all receipts and expenditure during the period of 12 months of the financial year of the Union, and of the assets and liabilities of the Union as at the end of the financial year. The statement shall be accompanied by a copy of the auditor's report and shall be prepared in such form and shall comprise such particulars as may be prescribed;

(v) keep and maintain separate registers of ordinary members, unemployed ordinary members, life members and honorary members of the Union, showing the names, postal addresses and membership number of each such member;

(vi) be responsible for notifying the Registrar of the Industrial Relations Commission within the prescriptions of the Act, the date of any alteration or amendment of the Constitution, change of office bearers, the Union's registered office and/or any other matter to be so notified in accordance with the Industrial Relations Act 1988, as amended from time to time;

(vii) represent the Union or cause the Union to be represented in all negotiations, discussions or other matters affecting the Union;

(viii) have the power to authorise expenditure on behalf of the Union not exceeding $2000.00 at any one time;

(ix) be one of the countersigning officers for all withdrawal orders on the Union funds deposited in a bank account in the name of the Union;

(x) keep all paper, records and property of the Union and, on vacating office, hand over the same to his successor and/or the President and/or any one of the Trustees of the Union.

(xi) be responsible for the proper keeping of financial books, accounts and monies of the Union:

(xii) prepare a statement showing the financial position of the Union for submission to the Annual General Meeting and, when required, to the ordinary Executive Committee meetings;

(xiii)have the power to retain in his/her possession for current Union expenses a sum of money for petty cash, such sum to be decided by the Executive Committee;

(xiv) be responsible for the signing of all receipts and vouchers for monies spent and received on behalf of the Union;

(xv) on vacating office, hand over all books, documents and property of the Union in his/her possession to his/her successor.

(xvi) have the use of the Seal of the Union and shall execute all documents on behalf of the Union, including all applications made to the Industrial Relations Commission or any other judicial body before which the Union does appear.

(d) The Assistant General Secretary - Should the Executive Committee so decide to provide for the office of Assistant General Secretary, such officer shall assist the General Secretary in the performance of the General Secretary's duties and shall perform the duties delegated to him/her by the General Secretary, and shall, in the absence of the General Secretary, act in the office of General Secretary.

(e) The Trustees -

(i) The custody and control of the property and funds of the Union shall be vested in the President, the Vice-Presidents, the General Secretary and the two Trustees of the Union.

(ii) All withdrawals from the funds of the Union shall be signed for by the General Secretary and one of the 2 Trustees of the Union.

(iii) In the absence or unavailability of both of the Trustees, the President or Vice-Presidents of the Union can sign for withdrawals of the funds of the Union in the place of one of the 2 Trustees

(iv) All officers named in this Rule shall ensure that the funds of the Union are only used in furtherance of one or more of the Objects of the Union, for the maintenance of the Union and/or for the day-to-day running expenses of the Union.

(f) The Committee Members - Committee Members of the Executive Committee shall attend meetings of the Executive Committee, sit on any sub-committee the Executive Committee may set up, and generally, assist in the consideration and decisions of questions brought up for discussion in Executive Committee meetings.

## 23 - CONTROL OF EXECUTIVE COMMITTEE BY THE MEMBERSHIP

Subject to these Rules, the Executive Committee shall comply with any direction given by the membership in General Meeting convened in accordance with Rule 20 of these Rules, at which not less than 5% of the financial ordinary members and/or financial unemployed ordinary members are present, provided that any such direction must be passed by a majority of two-thirds of those members in attendance at such meeting.

## 24 - AUDITOR

(a) The Auditor shall, at the end of the Union's financial year, thoroughly examine all the accounts of the Union, check all receipts and payments and shall certify the same accordingly. He/she shall have access to all books, accounts, vouchers and any other documents of the Union which he/she may consider necessary to examine in order to complete the audit.

(b) The Auditor shall prepare a report on the financial position of the Union and the manner in which the accounts have been kept, whilst having regard to the provisions of the Industrial Relations Act 1988, as may be amended from time to time. Such report shall be submitted to the Executive Committee, who shall publish same with a copy of the Annual Report and Statement of Accounts duly certified by the Auditor, which shall be conspicuously placed in the Union's registered office and shall be made available free of charge to all members.

## 25 - FINANCIAL YEAR

The financial year shall terminate on the 31st December in each calendar year.

## 26 - PROCEDURE AND NOTIFICATION FOR INDUSTRIAL DISPUTES

(a) In the event of any dispute arising, the member concerned shall make the same known to his/her Shop Steward, who shall then advise the General Secretary, provided that if the workplace in which the dispute has arisen does not, for any reason whatsoever, have a Shop Steward in attendance, the member shall advise the General Secretary directly. The General Secretary shall immediately report any dispute to the officers of the Executive Committee, who shall decide what course of action shall be taken on behalf of the Union, but in no case shall any form of industrial action be threatened or take place without the sanction of the officers of the Executive Committee.

(b) The following rules shall regulate any industrial action:-

(i) No strike or any form of industrial action shall take place unless authorised by a majority of the membership at a workplace so affected by the dispute.

(ii) After the necessary majority has been obtained, all further procedures shall be enacted by decision of the officers of the Executive Committee.

(iii) Instructions issued by the officers of the Executive Committee in respect of any industrial action must be obeyed by every member of the Union.

(c) In the event of industrial action being instigated by the officers of the Executive Committee, no member of the Union shall in any manner whatsoever do the work of any of the members engaged in such industrial action.

(d) The General Secretary or any other officer of the Union delegated to do so by the General Secretary shall be authorised to notify the Australian Industrial Relations Commission of any industrial dispute to which the Union is, or might become, a party.

## 27 - VICTIMISATION

Any member victimised by dismissal or otherwise, solely or mainly on account of his membership of or work for the Union, or prejudicially affected by any industrial action of other employees, may claim assistance from the Union. If the Executive Committee is satisfied as to the facts of the case, it shall take whatever action it considers appropriate on the member's behalf. The amount of any financial assistance and the period for which such assistance is to be paid, if any, shall be decided by the Executive Committee.

## 28 - SEAL OF THE UNION

(a) The Union shall have a seal or stamp which shall be of such design as the Executive Committee may determine, and which shall bear the name of the Union.

(b) The seal or stamp shall remain in the custody of the General Secretary, who shall have the use and custody of such seal or stamp.

## 29 - INSPECTION OF THE UNION'S RECORDS

The Membership Register and Account Books shall be open to the inspection of any member or to any accredited person(s) who has an interest in the working of the Union, provided that two weeks' notice in writing of such inspection is given to the General Secretary.

## 30 - AMENDMENT OF RULES

(a) Notices of proposed alterations to, amendments of, additions to, or excisions from these rules must be forwarded to the General Secretary within 4 weeks of the publication of the agenda for the Annual General Meeting.

(b) In matters of urgency the Executive Committee is empowered to table amendments, without notice, at any General Meeting.

(c) No rule shall be altered, added to, amended or excised, nor shall any new rule be made except in accordance with the provision of Rule 20(n) of these Rules.

(d) Notwithstanding anything contained in these Rules, the Rules of the Union may be repealed, altered or added to by the Executive Committee for the purpose of bringing the Rules into compliance with the provisions of the Industrial Relations Act 1988 and the regulations thereunder.

## 31 - DEFINITIONS FOR RULES 31- 36

a) For the purporses of rules 31 - 36 the following definitions apply:

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

ii) “disclosure period” for the purpose of these rules means the financial year unless a shorter period is specified;

iii) “Declared person or body” a person is a declared person or body if:

(1) an officer of the organisation has disclosed material personal interest under sub-rule 34(a); and

(2) the interest relates to, or is in, the person or body; and

(3) the officer has not notified the organisation that the officer no longer has the interest;

iv) “financial duties” includes duties that relate to the financial management of the organisation;

v) “General Manager” means the general manager of the Fair Work Commission;

vi) “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;

vii) “office” has the same meaning as defined by section 9 of the *Fair Work (Registered Organisation) Act 2009*;

viii) “officer” has the same meaning as defined by section 6 of the *Fair Work (Registered Organisation) Act 2009*;

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

x) “related party” has the same meaning as defined by section 9B of the *Fair Work (Registered Organisation) Act 2009*;

xi) “relative” in relation to a person, means:

(1) parent, step parent, child, stepchild, grandparent, grandchild, brother or sister of the person; or

(2) the spouse of the first mentioned person;

xii) “relevant remuneration” in relation to an officer of the organisation for a disclosure period is the sum of the following:

(1) any remuneration disclosed to the organisation by the officer under sub-rule 33(a) during the disclosure period;

(2) any remuneration paid during the disclosure period;

xiii) “relevant non-cash benefits” in relation to an officer of the organisation 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, or by a related party of the organisation;

xiv) “remuneration”

(1) includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but

(2) does not include a non-cash benefit; and

(3) does not include the reimbursement or payment of reasonable expenses for the costs incurred in the course of the officer carrying out the officer’s duties.

## 32 - ORGANISATION POLICIES AND PROCEDURES

a) The organisation will develop and implement internal control policies and procedures relating to the expenditure of the organisation.

## 33 - DISCLOSURE OF OFFICER’S RELEVANT REMUNERATION AND NON-CASH BENEFITS

a) Each officer of the organisation will disclose to the organisation any remuneration paid to the officer:

i) because the officer is a member of a board, if:

(1) the officer is a member of the board only because the officer is an officer of the organisation; or

(2) the officer was nominated for the position as a member of the board by the organisation, or a peak council.

ii) by any related party of the Union in connection with the performance of the officer’s duties as an officer.

b) The disclosure required by sub-rule a) will be made to the organisation:

i) as soon as practicable after the remuneration is paid to the officer; and

ii) in writing.

c) An organisation will disclose to the members of the organisation:

i) the identity of the officers who are the five highest paid in terms of relevant remuneration for the disclosure period; and

ii) for those officers:

(1) the actual amount of the officers’ relevant remuneration for the disclosure period; and

(2) either the value of the officers’ relevant non-cash benefits, or the form of the officers’ relevant non-cash benefits, for the disclosure period.

d) For the purposes of sub-rule c), the disclosure will be made:

i) in relation to each financial year;

ii) within six months after the end of the financial year; and

iii) in writing.

## 34 - DISCLOSURE OF OFFICER’S MATERIAL PERSONAL INTERESTS

a) Each officer of an organisation will disclose to the organisation any material personal interest in a matter that:

i) the officer has or acquires; or

ii) a relative of the officer has or acquires,

that relates to the affairs of the organisation.

b) The disclosure required by sub-rule a) will be made to the organisation:

i) as soon as practicable after the interest is acquired; and

ii) in writing.

c) An organisation will disclose to the members of the organisation any interests disclosed to the organisation pursuant to sub-rule a).

d) For the purposes of sub-rule c), the disclosures will be made:

i) in relation to each financial year;

ii) within six months after the end of the financial year; and

iii) in writing.

## 35 - DISCLOSURE BY ORGANISATION OF PAYMENTS

a) The organisation will disclose to the members of the organisation either:

i) each payment made by the organisation, during the disclosure period:

(1) to a related party of the organisation; or

(2) to a declared person or body of the organisation; or

ii) the total of the payments made by the organisation, during the disclosure period:

(1) to each related party of the organisation; or

(2) to each declared person or body of the organisation.

b) Sub-rule a) does not apply to a payment made to a related party if:

i) the payment consists of amounts deducted by the organisation from remuneration payable to officers or employees of the organisation; or

ii) the related party is an officer of the Union, and the payment:

(1) consists of remuneration paid to the officer by the Union; or

(2) is reimbursement for expenses reasonably incurred by the officer in performing the officer’s duties as an officer.

c) For the purposes of sub-rule a), the disclosures will be made:

i) in relation to each financial year;

ii) within six months after the end of the financial year; and

iii) in writing.

## 36 - TRAINING

a) Each Officer must undertake training that:

i) is approved by the General Manager, in accordance with section 154C of the *Fair Work (Registered Organisation) Act 2009*;

ii) covers each of the Officers’ financial duties; and

iii) is completed within six (6) months of the date the Officer begins to hold an Office.

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