

**RULES OF THE
TRANSPORT WORKERS' UNION OF AUSTRALIA,
INDUSTRIAL UNION OF WORKERS,
WESTERN AUSTRALIAN BRANCH.**

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RULES
Of the
TRANSPORT WORKERS' UNION OF AUSTRALIA,
INDUSTRIAL UNION OF WORKERS,
WESTERN AUSTRALIAN BRANCH.

1 – NAME

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

2 - REGISTERED OFFICE

The registered office at which the business of the branch shall be conducted shall be Suite 302, 82 Beaufort Street, PERTH WA 6000.

3 - CONSTITUTION

The Branch shall consist of an unlimited number of 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, aeroplane cabin attendants, air hostesses, conductors, collectors of fares, stablemen and yardmen, employed in or in connection with the cartage, conveyance, movement or transportation of persons, goods, merchandise, wares, implements, machines, vehicles, livestock, material or matter of any kind.

Loader shall include a worker engaged in the sorting, packing, wrapping, slicing or loading of bread.

Except as hereinafter contained, this Branch shall not enrol any person as a member who is employed:

- (a) In and/or about a brewery, beer bottling works, malthouse and/or bottle yard; or
- (b) In the coastal and eastern goldfields districts by the Western Australian Government in the Departments of Water Supply, Sewerage and Drainage; or
- (c) As a cemetery employee; or
- (d) In the aerated water and cordial making industry in the area comprised within a radius of twenty-five (25) miles from the General Post Office in the City of Perth; or
- (e) As a locomotive driver on a railroad; or
- (f) By any City Council, Municipal Council, Health Board, Shire Council, or by any body or person acting for, under or on behalf of any of the abovementioned local governing bodies or authorities; or
- (g) In the Government railway services of Western Australia: or

- (h) In loading, discharging and coaling of vessels on or about the Fremantle Wharves, Gage Roads and Woodman's Point Jetty; or
- (i) In any hospital; or
- (j) In the butchering industry; or
- (k) In the sawmilling and sleeper cutting industry throughout the South-West Land Division of the State of Western Australia (excluding the locality comprised within a radius of fourteen (14) miles from the General Post Office, Perth); or
- (l) In wheat farming, gold mining or pastoral industries; or
- (m) By State Government Departments in or in connection with -
 - (i) Agriculture, forestry, land clearing, water conservation or irrigation;
 - (ii) Construction and maintenance of railways, roads or bridges; or
- (n) In supplying of firewood for gold mines.

Provided that no person who is eligible to be a member of any Union affiliated with the Federated Engine Drivers and Firemen's Association of Australasia, West Australian Branch Association of Workers (except crane drivers on a public highway) shall be eligible for or admitted to membership of the Branch.

The area over which the Branch shall operate shall be the State of Western Australia.

No person shall be a member who is not a worker.

4 - OBJECTS

The objects of the Branch shall be:-

- (a) To improve the conditions of employment and protect the interests of members by any lawful method.
- (b) To maintain reasonable hours of labour and a fair rate of wages.
- (c) To promote a good and fair understanding between employers and employees.
- (d) To settle all disputes by arbitration or other lawful means.
- (e) To raise money by means of contributions and levies for the purposes of the Branch.
- (f) To establish sub-branches wherever deemed expedient.
- (g) To co-operate with or assist any person or body which has any objects similar to any of the objects of the Branch.
- (h) To secure for the members preference of employment.
- (i) To establish and maintain a Branch Journal.

- (j) To establish funds to assist members in distress through sickness or accident or who are lawfully out of employment.

5 - APPLICATION FORM

Every applicant for admission as a member of the Branch shall fill in or cause to be filled in and sign an application form: such application form to be as follows:-

TRANSPORT WORKERS' UNION OF AUSTRALIA
 INDUSTRIAL UNION OF WORKERS
 WESTERN AUSTRALIAN BRANCH

Application Form

I,
 hereby make application to become a
 member of the "Transport Workers'
 Union of Australia, Industrial Union
 of Workers, Western Australian Branch",
 and agree to comply with the rules of
 such Branch, and to any alterations
 and amendments that may be made from
 time to time.

Signature.....

Address.....

Occupation.....

Employed by.....

Date..... 19..

6 - ADMISSION

Subject to Rule 39, every candidate for admission to membership of the branch shall sign the application form as set out in Rule 5, which shall be forwarded to the Secretary of the Branch.

Such applicant for admission shall become a member of the Branch immediately upon signing the said application form whether an entrance fee has been paid or not, unless at the next general meeting of the Branch, to which the application is submitted, objection is taken of his admission; in the event of objection being taken to his admission, the applicant shall only be admitted upon a majority of the members assembled at such meeting voting in favour of the admission of the application.

Any person who shall sign an application form in the form set out in Rule 5 save that the said application form shall refer to the "Transport Workers' Union of Australia" instead of "Transport Workers' Union of Australia, Industrial Union of Workers, Western Australian Branch" shall be deemed to comply with the provisions of this rule insofar as such rule, required the signing by a candidate of the form set in Rule 5.

Any person who has signed an application form in the form set out in Rule 5, save that the said application form shall have referred to the "Transport Workers' Union of Australia" instead of "Transport Workers' Union of Australia, Industrial Union of Workers, Western Australian Branch" shall be deemed to have complied with the

provisions of this rule, insofar as such rule required the signing by a candidate of the form set out in Rule 5.

7 - GOVERNMENT

The control of the Branch shall be vested in the Committee of Management.

8 - OFFICERS AND COMMITTEE OF MANAGEMENT

The Committee of Management shall consist of the President Vice-President, Secretary-Treasurer, Two Trustees and not less than seven and not more than eleven committeemen.

- (a) The Branch shall in accordance with these rules elect a Committee of Management to be known as the "Committee of Management" which shall, subject to these rules, have control of all business of the Branch within the area over which it is constituted to operate.
- (b) The President, Vice-President, Secretary-Treasurer, Trustees and the Committeemen mentioned in (a) hereof shall be elected by a ballot of the whole of the members of the Branch who are eligible to vote.
- (c) That each office in the Union may, from such time as the Committee of Management of the Union may determine, be held by the person who, in accordance with the rules of the Union's Counterpart Federal Body, holds the corresponding office in that Body.

9 - NOMINATIONS

- (1) Nominations for offices referred to in Rule 8 shall be received by the Returning Officer until noon on the last Tuesday in November 1985, and each third year thereafter. The opening time for nomination shall be at noon on the second Tuesday in November in the year of each triennial election.
- (2) All nominations shall be made in writing and signed by the member signifying his willingness to accept the office if elected.
- (3) Any member who allows himself to become unfinancial between the date of nomination and close of the ballot shall automatically cease to be a candidate.
- (4) No member shall be permitted to nominate for more than one office or position on the Committee of Management. If a member nominates for more than one position, all his nominations shall be invalid.
- (5) In any election, if the Returning Officer finds a nomination to be defective, he shall before rejecting the nomination, notify the member concerned by telegram of the defect, and where it is practicable to do so, give him the opportunity of remedying the defect within a period of fourteen (14) days after the date of sending the telegram."

10 - ELECTIONS

- (1) Whenever an election is to be held to fill any of the positions referred to in rule 8 hereof, or the position of Federal Council Representative, or any further position of Federal Council Representative if the Branch becomes entitled to more than

one such representative, it shall be held in accordance with this rule and rules 9 and 42.

- (2) Notwithstanding anything to the contrary contained or implied in these rules, only members who were financial at the closing time for nominations shall be entitled to vote in an election.
- (3) Members declared elected under this rule shall take over the respective positions to which elected on the 20th day of April following their election, and the retiring members shall continue to act in the meantime.

11 - COMMITTEE OF MANAGEMENT

- (a) Without limiting its powers in any way the Committee of Management shall have power to:-
 - (i) Cancel the whole or any part of members' arrears of contributions, fines or levies; and
 - (ii) Vote and expend any money that may be necessary in connection with the business of the Branch; and
 - (iii) Determine such assistance as it deems necessary to employ to carry on the work of the Branch; and
 - (iv) Determine the number of organisers (if any) to be elected and to reduce the number at any time; and
 - (v) Determine what salaries or other remuneration shall be paid to Branch Officers and others employed by the Branch.
- (b) All paid officers, organisers and employees of the Branch shall be subject to the control and direction of the Committee of Management as expressed through the Secretary.
- (c) It may at any time pass resolutions for its own guidance provided they are in accordance with these rules and the Industrial Relations Act 1979 (as amended).
- (d) It shall interpret doubtful rules and act wherein the rules are silent

12 - DUTIES OF OFFICERS AND ORGANISERS

The duties of Branch Officers and Branch Organisers shall be as hereunder:-

PRESIDENT:

The Branch President shall preside, when practicable, at all Branch meetings and Committee of Management meetings.

He shall preserve order and give an impartial decision on all questions submitted to him. Should he speak on any question other than a point of order, he shall leave the chair, and call upon the Vice-President to take charge of the meeting whilst speaking, and shall immediately resume the chair when finished speaking.

He shall have power to fine any member, who, after being warned by the Chairman persists in disorderly conduct, up to and not exceeding the sum of ten dollars (\$10.00) for such offence. A member so fined shall have such fine confirmed in writing and shall

have the right to appeal to the next meeting of the Branch. He shall also have power to order the removal from the meeting room of any member who persists in disorderly conduct provided it is with the concurrence of the meeting.

VICE-PRESIDENT:

The Branch Vice-President shall assist the Branch President to conduct all meetings, and act as Chairman of any meeting in his absence, and have all the powers and privileges of the Branch President at such meetings.

SECRETARY-TREASURER:

The Branch Secretary-Treasurer shall be competent to discharge all the duties assigned to him by the Committee of Management, and shall attend all meetings connected with the Branch when practicable. He shall attend to all correspondence, keep a copy of all letters and wires despatched. He shall give an official receipt for all money received, and bank such moneys to the credit of the Branch at least weekly. He shall keep all documents, books and accounts relating to the business of the Branch. He shall issue notice to members, particularly to those who are in arrears with dues. He shall hand over to the Auditor all property, books, documents and moneys belonging to the Branch within twenty-four hours after being requested to do so by resolution passed at any meeting of the Committee of Management. He shall further discharge such duties as may be allocated to him from time to time by the Committee of Management. He shall, if deemed necessary, find security in such sum as the Committee of Management may decide, the premium to be paid by the Branch. He shall be allowed a sum not exceeding \$20 for petty cash, to be drawn by cheque from the Branch bank account. The Secretary shall be the custodian of the moveable property of the Branch. He shall also be in charge of the Branch office and those connected with the work thereof.

TRUSTEES:

Branch Trustees shall:-

- (i) Be responsible for the safe custody of all documents, securities and accumulated funds of the Branch. Such documents, securities and funds shall be deposited by the Branch Secretary in the name of the Branch; and
- (ii) Act on a resolution of the Committee of Management under the hands of the President and Branch Secretary; and
- (iii) Subject to direction of the Committee of Management, control all property of the Branch; and
- (iv) Invest any accumulated funds of the Branch in securities allowed by law as the Committee of Management may direct.

ORGANISERS:

- (i) Organisers shall be eligible for election on the Committee of Management.
- (ii) Organisers shall assist in the work of the Branch generally, and discharge such duties as may be allotted to them by the Secretary. All moneys collected by them shall be paid over to the Secretary within one week of collection.

13 - RESIGNATION OF BRANCH OFFICERS

Should any member elected to any office or position in accordance with the preceding rules desire to resign from such office or position he shall give in writing to the President or Secretary of the Branch twenty-eight days' notice of his intention to do so.

14 - REGISTER

The Secretary of the Branch shall keep or cause to keep at the Branch Office a Register of the names, occupations, and addresses of all members and officers of the Branch and a copy of such Register shall be forwarded to the Federal Secretary.

The Register of the Branch shall show the date of enrolment of each member and contain a record of all fees paid by such member.

15 - FEDERAL COUNCIL REPRESENTATIVES

(Deleted)

16 - REMOVAL OF COMMITTEEMEN, OFFICERS AND ORGANISERS

The Committee of Management shall have power to suspend any Committeeman, Officer, Federal Council representative or Organiser elected in accordance with rules 9, 10 and 42 for dishonesty, disobedience, incompetence, neglect of duty, acting contrary to the best interest of the Branch, or any other valid reason. Should action be taken in accordance with the foregoing, a special meeting shall be called of members.

The President or Secretary of the Branch, upon receipt of a petition signed by 100 or more financial members, shall call a special meeting of the Branch to hear specific charges, which shall be clearly set out in the petition against the Committee of Management as a whole or any one or more members thereof.

At any meeting held in accordance with this rule the actions of those charged shall be considered and he or they shall be heard in defence. It shall be competent for such meeting to carry a motion of no confidence in any member or members so charged.

Whenever a motion of non-confidence has been carried in accordance with this rule, and endorsed by the Branch, the Chairman of the meeting at which such motion was passed shall declare vacant the position or positions held by the member or members affected by the motion, and nominations to fill such position or positions shall be called for by advertisement in the daily press, and the provisions of rules 9, 10 and 42 insofar as applicable shall apply in the election to fill the position or positions affected.

The Returning Officer shall fix the dates when nominations shall close, and also the dates when the ballot shall open and close. Provided that the closing date of the ballot shall not be later than eight weeks from the date when the motions of no confidence were carried.

Only members who were financial at the date when the motion of no confidence was passed shall be eligible to vote in connection with any election held under this rule.

No petition presented in accordance with the rules shall be acted upon unless, at the time of being signed, it was prefaced with the provisions of Rule 41 (b) (iii).

No motion under this rule shall be deemed to be carried or acted upon unless two-thirds of the members voting thereon have voted in favour of the motion.

17 - ELIGIBILITY FOR POSITIONS

No person or persons shall be eligible to hold the position of:

Branch Secretary-Treasurer
Branch President,

until he or they have been financial members of the branch continuously for the previous three years and is, or are, financial at the time of his or their appointment.

No person shall be eligible to hold the position of organiser in the branch, for which payment is in excess of \$8 per week, unless he has been a financial member of the branch continuously for the previous three years and is financial at the time of his appointment.

Nothing in the foregoing provisions of this rule shall apply to a newly-formed sub-branch during the first three years after formation of such sub-branch.

No person over the age of 65 years shall be eligible to nominate for anyone of the foregoing positions or some other fully paid position in the branch and, subject to, as hereafter set out, no person occupying any such position shall continue to do so after the end of the financial year of the branch following his reaching the age of 68 years.

Notwithstanding anything hereinbefore contained, the person relinquishing a position referred to in the foregoing may continue to occupy the position until relieved by his successor.

18 - THE POWER OF BRINGING INDUSTRIAL DISPUTES BEFORE THE COURT OR OTHER TRIBUNAL

(Deleted)

19 - LEGAL PROCEEDINGS

- (a) All fees, levies and dues payable by members, insofar as they are owing for any period of membership may be sued for and recovered in the name of the branch in any court of competent jurisdiction by the Branch Secretary or such other persons authorised by resolution of the branch.
- (b) The Secretary shall be the officer to sue or be sued on behalf of the Branch and for such purpose the Secretary or an Acting Secretary appointed may sign any application, affidavit, declaration, information or other document necessary to give effect to such proceedings.

20 - INDUSTRIAL AGREEMENTS

Industrial agreements and other instruments or documents to which the Branch may be a party may be made by or on behalf of the Branch in the following manner:

- (a) Any industrial agreement and any instrument, document or writing not required by law to be under seal may be executed by the President or Vice-President and the Secretary.
- (b) Any document required by law to be under seal may be executed under the common seal of the Branch, together with the signatures of the President or Vice-President and the Secretary.

- (c) No industrial agreement shall be entered into by the Branch until it has been approved by a majority vote of the members of the Committee of Management.

No agreement shall be entered into with any other organisation, association or federation, to amalgamate or affiliate unless the consent of the Committee of Management has first been obtained.

21 - INDUSTRIAL DISPUTES

All industrial disputes in which the branch or any of its members may be concerned may, unless settled by mutual consent, be referred for settlement pursuant to the Industrial Relations Act 1979 (as amended).

22 - PAID OFFICERS AND OTHERS

- (a) The Committee of Management shall from time to time fix salaries and/or allowances to be paid to its officers and others employed by the Branch.
- (b) No full-time paid officer, organiser or other employee of the Branch, shall be permitted to accept employment outside the Branch which he receives any remuneration without permission of the Committee of Management.
- (c) All fulltime officers and employees of the Union shall be granted four weeks annual leave. Payment for such leave shall be made at the rate which would ordinarily be paid and for annual leave shall be paid an additional 17.5% of his or her rate. After ten years continuous service they shall be granted three months long service leave on full pay.

Such long service leave may be granted in full or in part at any time after becoming due. Any period of leave not granted in accordance with the foregoing and any period of 10 years or more which has expired to October 1951 shall be paid upon termination of the employment of the officer or engagement of the officer or employee as a retiring allowance at the rate of salary as he was in receipt of at the date of such termination of office or engagement.

In the event of the death of an officer or employee referred to in this rule, all long service leave payment shall be paid to the officer's dependant or to persons as shall be determined by the Committee of Management.

Where an officer or employee, whether he has previously qualified for long service leave in accordance with the foregoing or not, has completed a period of five years continuous service or more but less than ten years continuous (but not including any period in respect of which he has already received long service leave) and the service of that officer or employee is terminated for any reason, he shall be paid pro rata for such period.

Provided further that any officer or employee hereinbefore mentioned who has been proved guilty of theft of funds of the branch shall lose rights in respect of long service leave under this rule.

"Service" for the purpose of this rule shall include service with any other union which may be amalgamated from time to time.

The branch shall open and maintain a special account at the bank where its general account is kept, to be known as the long service leave account, for the purpose paying long service leave as herein provided. Where a full time paid officer or

employee qualifies for long service leave payment, the branch concerned shall deposit in its long service leave account from time to time the amount necessary to pay for such long service leave when it becomes due. Moneys paid into the long service leave account shall not be used for any other purpose than payment for long service leave, unless authorised by the Committee of Management.

- (d) Should any dispute arise under this Rule the matter shall be determined by the Committee of Management or as provided for in the Long Service Leave Act, 1958.

23 - VACANCIES

- (a) Where a casual vacancy occurs in the office of:- President, Vice-President, Secretary- Treasurer, Trustee, Committeeman or Organiser such vacancy may be filled by appointment by the Committee of Management of a member eligible to nominate for and hold the office.
- (b) The member so appointed shall hold office in accordance with the rules for so much of the unexpired part of the term of office as does not exceed:
 - (i) 12 months; or
 - (ii) three quarters of the term of the office, whichever is the greater.
- (c) Where the unexpired part of the term of the office exceeds that specified by Sub-rule (2), the vacancy may be filled by an election held, as far as practicable, in accordance with Rules 9, 10 and 42 of a member of the branch eligible to nominate for that office.

24 - MEETINGS

Committee of Management:

- (a) Ordinary meetings of the Committee of Management shall be held at least monthly at such place as may be decided by the President and Secretary.
- (b) A special meeting of the Committee of Management shall meet within (14) days of its members taking over their respective position pursuant to sub-rule (3) of Rule 10 of these Rules.
- (c) A special meeting of the Committee of Management shall be called by the Secretary on the request of a majority of the members of the Committee of Management. Such request shall be in writing and shall set out clearly the business required to be dealt with.
- (d) At least forty-eight hours' notice of the meeting and outline of the business which is proposed to be dealt with thereat, shall be submitted in writing to each member of the Committee of Management.
- (e) Unless otherwise decided by the President and Secretary, all special meetings referred to herein shall be held at the registered office of the Branch.

BRANCH

An ordinary general meeting of members of the Branch shall be held quarterly on the last Wednesday at 8 PM on February, May, August and November. The February

meeting shall be the annual meeting and together with the August meeting shall be held in Perth. The May and November meetings shall be held in Fremantle provided that any member residing within a twenty mile radius of the G.P.O., Perth or the Post Office, Fremantle, who fails to attend at least one of the four aforesaid ordinary general meetings each year, without a reasonable excuse shall be fined two dollars (\$2.00). General, Special General or Special Summons Meetings may be held at any time and place as determined by the Committee of Management, provided that no member will be penalised for non-attendance if he has a reasonable excuse.

All meetings shall start not later than 8 PM provided that a quorum is present at the time. If no quorum is present at 8.30 PM or thirty (30) minutes after the time set down for the opening of the meeting, the meeting shall lapse. All meetings shall close not later than 10 PM unless otherwise determined by resolution for the purpose of concluding business under discussion. No meeting shall continue after 10.30 PM under any circumstances.

25 - UNAUTHORISED MEETINGS

It shall be a breach of these rules for members to assemble for the purpose of transacting Branch business at meetings other than those officially recognised by the Committee of Management.

26 - QUORUM

At all meetings of the Committee of Management a majority of the members thereof shall form a quorum.

The number of members required to form a quorum for the conduct of any business at a general or special meeting of the Branch shall be ten (10).

27 - ORDER OF BUSINESS AT MEETINGS

Unless otherwise determined by resolution, the order of business at all meetings shall be:-

- (a) Confirmation of Minutes and reading of Committee of Management minutes.
- (b) Business arising out of minutes.
- (c) Correspondence.
- (d) Passing of accounts.
- (e) Reports.
- (f) General Business.
- (g) Notices of motion.

28 - STANDING ORDERS AND RULES OF DEBATE

The standing orders and rules of debate shall be as follows:-

- (a) The first member who attracts the attention of the President shall have precedence in speaking.

- (b) Members addressing the meeting shall direct their discourse to the Chairman, and shall remain standing while so doing.
- (c) No discussion shall take place on any motion or amendment unless such motion is duly proposed and seconded. Any number of amendments may be proposed and discussed simultaneously with original motion or amendment.
- (d) When a motion shall have been duly proposed and seconded, the President shall at once proceed to take a vote thereon, unless some member rises to oppose it, or to propose an amendment, but no amendment shall be in order unless notice be given to move same before the proposer of the motion has replied.
- (e) No more than two members shall speak in succession on one side, either 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 amendment shall be at once put to the meeting.
- (f) A question may be superseded at any time by a motion:-
 - (i) "That the question be now put";
 - (ii) "That the next business be proceeded with";
 - (iii) "That it be discharged from the notice paper";
 - (iv) "For the adjournment of the meeting";being resolved in affirmative, such motions to be moved and put to the meeting without discussion. It shall not be competent for any member who has spoken on the question to so move.
- (g) No member, except the mover, shall speak more than once on the same motion except in explanation. The seconder of a motion must exhaust his right to speak at the time he seconds the motion or amendment, or lose the right to speak on the matter before the chair.
- (h) No member shall be allowed more than ten minutes to speak to a motion, unless with the concurrence of the meeting. Provided that the time of discussion for any matter shall be forty minutes. The mover shall be allowed ten minutes for speaking in support of his motion; subsequent speakers five minutes; and the mover of the motion five minutes to reply. These times may be extended by resolution of the members, but in no case shall the time for discussion of any matter exceed sixty minutes including extensions unless a resolution is carried by two-thirds of the members present for such an extension.
- (i) The mover only shall have the privilege of reply, after which the motion shall be forthwith put to the meeting.
- (j) Questions of order shall be decided by the Chairman, whose ruling shall be final, unless it is challenged by a formal motion submitted to the meeting.
- (k) The President or Chairman for the time being may speak only on questions in which the interest of the Branch he represents are directly involved. In the event of the President or Chairman desiring to speak on

any question, he shall vacate the chair while the matter is under consideration.

- (l) An amendment to the motion being carried, the amendment then becomes the motion, and shall forthwith be put to the meeting.
- (m) No resolution carried at any meeting shall be recommitted unless two-thirds of the members present so agree.
- (n) It shall, in cases of urgent necessity, be competent (by a vote of two-thirds of the members present) for the meeting to suspend any standing order herein contained, provided the effect of such suspension of standing orders shall be limited in its operation to the particular purpose for which such suspension has been sought.
- (o) Any member dissatisfied with the ruling of the Chairman may move a motion of dissent, as follows: "That the Chairman's ruling be dissented from".

The motion shall then be put to the meeting by the Vice-Chairman without discussion, in the following manner:-

The question is: "That the Chairman's ruling be dissented from", those in favour of the motion say "Aye", those against the motion say "No".

The mover only shall speak to the motion, except the Chairman, who may explain his reasons for the ruling given.

The Vice-Chairman shall not give a ruling on the question involved in the Chairman's ruling.

The Chairman's ruling shall only be dissented from by a direct appeal to the meeting, the question being put by the Vice-Chairman without discussion.

29 - VOTING

- (a) Voting at all meetings shall be determined on the voices unless a show of hands is demanded by any member entitled to vote. Provided that a division shall be taken upon not less than five (5) of the members present standing and making a request immediately.
- (b) The Chairman shall, at all meetings, have the same voting power as if he were an ordinary member, and in the event of the voting being equal the question shall be deemed to have been decided in the negative.
- (c) In the event of an election being conducted at a meeting to fill any position for which the method of election is not elsewhere provided in these rules, the Returning Officer, if present, shall conduct the ballot; if he is not present the members at the meeting shall appoint a returning officer. Two members to assist the Returning Officer shall also be appointed by the members at the meeting.

The Returning Officer shall hand each member, who is eligible to vote, a ballot paper on which the member shall record his vote.

The Returning Officer shall collect the ballot papers and together with the two assistants, count the votes recorded thereon and declare elected the member or members, who received the greatest number of votes.

30 - INSPECTION OF BOOKS

All financial members interested in the funds of this Union shall be permitted to inspect the books of the Union and register of members, at the registered office during ordinary office hours.

31 - FUNDS

- (a) The Branch shall raise funds by entrance fees, subscriptions and other means in accordance with the objects of the Branch; the amount so raised shall be controlled and retained solely by the Committee of Management (subject to the rules), providing that the Branch shall pay the following contributions in the form of sustentation fees, to the Federal Council.
- (b) The Branch shall forward to the Federal Council, not later than the 15th March each year, a copy of statement of receipts and expenditure together with a Balance Sheet, for the preceding year, which shall be signed by the Branch Auditor. If the Branch fails without a satisfactory excuse to comply with the foregoing it may forfeit the right of representation on the Federal Council, unless the Federal Council determines otherwise at a meeting.
- (c) Contributions to the Federal Council shall be \$3.50 per year, or such other amounts as may be decided by the Federal Council from time to time, for each of its effective members.

32 - ENTRANCE FEES

The entrance fee for membership shall be \$20 unless otherwise fixed at an increased amount of not more than \$100 by the Committee of Management of the branch by which the member is enrolled but applicants for membership who have been members of any other recognised industrial union and who present proof that they are clear on the books of such other union, may be admitted with the consent of the branch, without the payment of the entrance fee.

33 - CONTRIBUTIONS

- (a) Each member shall pay the branch, as a contribution to the funds of the branch, an amount fixed by the Committee of Management of the branch. Such amount shall, for the year ending 31st of December, be \$120.
- (b) The year, for the purpose of this rule, shall commence on the 1st day of January, and shall end on the 31st day of December.
- (c)
 - (i) Each member joining the branch during the first six calendar months (1st January - 30th June) shall pay the full contributions.
 - (ii) Each member joining the branch during the last six calendar months (1st July - 31st December) shall pay half the total contributions.
- (d) Contributions of new members shall be paid within fourteen days from the date of becoming a member.

- (e) Contributions in each subsequent year shall be paid in full by the 31st day of March.
- (f) Members referred to in paragraph (a), (b) and (c) of this rule who are in receipt of less than the male basic wage fixed by an award or industrial agreement for the industry in which the member is employed shall pay half the rates set out in the said paragraphs.
- (g) Upon the office being notified that any member is unemployed or ill such member shall be exempt from Union dues for such period of unemployment or illness.
- (h) All contributions payable under this rule shall be paid to the Secretary of the Branch or to any other person authorised by such Branch.

34 - LEVIES

The Branch shall have power to make any levy on the members of the Branch for the purpose of carrying out the objects of the Branch. The amount of money collected by means of such levy shall be at the disposal of the Branch, so long as it is devoted to the purpose or purposes for which the levy is made.

No member shall be compelled to pay, by way of levy, an amount of more than \$20 in any one year.

35 - UNFINANCIAL MEMBERS

Any member who fails to pay entrance fee, contributions, fines or levies as prescribed by these rules, shall be deemed to be unfinancial until all such entrance fee, contributions, fines or levies have been paid and ten days thereafter.

Unfinancial members shall be debarred from all benefits, privileges or rights whatsoever connected with the Union.

36 - DISBURSEMENT OF FUNDS

The conditions under which funds may be disbursed on behalf of the Branch for ordinary purposes shall be as follows:-

- (i) Subject to these rules and as hereinafter provided, the Branch shall have complete control of the funds of the Branch collected by it, and disbursement for both ordinary and extraordinary purpose shall only be made after being passed for payment by resolutions of the Branch Committee of Management.

Provided that salaries of officers of the Branch and employees, together with regular recurring expenses or accounts which have been authorised by the Committee of Management may be paid by cheques drawn without being so passed for payment.

- (ii) All moneys received by and on behalf of the Branch shall be banked to the credit of the Branch at the Rural and Industries Bank or the Commonwealth Bank of Australia, nearest to the registered office of the Branch.
- (iii) The moneys drawn from the Branch bank account shall be by cheque only and signed by either the President, the Vice-

President or one of the Trustees and countersigned by the Secretary.

- (iv) No part of the funds or property of the Union shall be paid or applied for or in connection with or to aid or assist any person engaged in any strike or lock-out within Western Australia.

37 - AUDITS

- (a) The Committee of Management shall appoint a duly qualified public accountant who shall:-
 - (i) Make a yearly audit of the accounts of the Branch and make a report, in writing, upon such audit to the Committee of Management of the Branch.
 - (ii) Have power to call for all books, papers, vouchers and documents belonging to the Branch.
 - (iii) Make an audit at any time at the direction of the Committee of Management.
- (b)
 - (i) The Secretary-Treasurer shall, within one calendar month after completion of the yearly audit of accounts, furnish the Registrar of Industrial Unions, on the prescribed form, with a duly audited statement of the receipts and expenditure and balance sheet of the assets and liabilities of the Branch made up to the 31st December.
 - (ii) In the month of January in every year a list of the names of officers, with their addresses as at the close of the last preceding month, and any other particulars required, shall be furnished to the Registrar of Industrial Unions on the prescribed form.

38 - CESSATION OF MEMBERSHIP

Should any member leave the industry represented by the Branch through any cause he may, on written application, receive a clearance certificate, if he has paid all fees due to the Branch by him to the date of the application.

Any member who leaves the industry and accepts employment for a period in excess of three months continuously in an industry not represented by this Branch, may have his membership of the Branch cancelled by resolution carried at a meeting of the Committee of Management of the Branch.

Any person whose membership has been so cancelled shall be advised in writing accordingly by the Branch Secretary.

39 - TRANSFERS

Any member desirous of transferring to another State in which a Branch of the Union operates shall, if he is eligible for such transfer and has satisfied all his liabilities to the Branch, be issued with a transfer to the other Branch concerned, and, upon the due completion of his transfer, his membership in the Branch shall cease.

40 - RESIGNATIONS

A member who seeks to resign from the Branch shall give written notice of his resignation addressed to the Secretary/Treasurer of the Branch and he shall deliver the written notice personally or by certified mail to the registered office of the Branch.

A member shall continue to be liable to pay all fees, fines, levies or other dues payable by him under the rules notwithstanding that he has ceased to be a member, and these may be sued for in any court of competent jurisdiction by the Branch.

The Register of the Branch shall be purged on not less than four occasions in each calendar year of the names of all persons who have ceased to be members of the Branch.

41 - PENALTIES

- (a) Any member who is charged, in writing, by any other member that he or she:-
- (i) Fails to abide by or observe any of the rules of the Branch;
 - (ii) Failed to observe any lawful resolution of the Branch of which he or she has had previous written notice;
 - (iii) Induced or assisted any member who is legally entitled to remain a member, to tender his or her resignation as a member of the Branch;
 - (iv) Works in contravention of an Award, Order or Agreement by which the Union is bound;
 - (v) Gives false or misleading information to Committee of Management or to any meeting of the Branch or to any officer of the Branch on a matter which is the concern of the Branch;
 - (vi) Obstructs the Committee of Management or any other lawful Committee or Body of the Branch in any way in the performance of any of its functions;
 - (vii) Obstructs any officer of the Branch in the course of his duties;
 - (viii) After having been reasonably requested to assist, fails to assist the Committee of Management or any other lawful Committee or Body of the Branch in any way in the performance of its functions;
 - (ix) After having been reasonably requested to assist, fails to assist any officer of the Branch in the course of his duties;
 - (x) Wrongfully holds himself out as occupying any office or position in the Branch, or as being entitled to represent the Branch in any capacity (to which charge it shall be a defence that the member believed bona fide and on reasonable grounds that he was entitled to so act);

- (xi) Acts contrary to the well being of the Branch or any member thereof;

may be summoned to a special meeting of the Branch to explain his or her conduct.
- (b) Any member who, being summoned to attend under subclause (a) hereof, at any meeting of the Branch:-
 - (i) Fails to attend the meeting to which he or she was summoned and does not after being called on for an explanation of such failure satisfy the members of the body to which he or she was summoned, that he or she has a reasonable excuse for such failure: or
 - (ii) If after due inquiry, the meeting is satisfied that the charge is made out, fails to give an explanation of his or her conduct which is satisfactory to the members present at such special meeting shall be liable to be fined any sum not exceeding ten (10) dollars or may be suspended or dismissed from any office or position held by him or her or may be expelled from the Branch;
 - (iii) Should any member who signs a petition in accordance with Rule 16 fail to attend the meeting called as a result of such petition he or she shall be fined a sum not exceeding ten dollars by the Committee of Management, unless he or she provides a satisfactory reason to the Committee of Management for non-attendance at the said meeting.
 - (iv) No motion under this rule shall be deemed to be carried or acted upon, unless two-thirds of the members voting thereon have voted in favour of the motion.
- (c) If upon investigation, the charge is found to be frivolous, the member who laid the charge may be fined up to the sum of ten dollars (\$10) by the Branch.
- (d) Any member charging another member, shall attend the appropriate meeting.

42 - RETURNING OFFICER AND SCRUTINEERS

- (1) The Committee of Management shall appoint a Returning Officer, not being the holder of any other office in, and not being an employee of, the Branch, not later than the 31st Day of December 1979, and thereafter triennially. Such Returning Officer shall retain the position until the appointment of his successor; provided that the Committee of Management may, at any time, declare the position of a Returning Officer Vacant, and appoint someone to the vacancy in his stead for the remainder of the term, and the person to be appointed as aforesaid shall not be the holder of any other office in, and not be an employee of and need not be a member of the Branch.
- (2) Whenever an election is to be conducted in connection with the filling of any position in the Branch or other position or positions referred to in rule 10, the Returning Officer shall conduct such election in accordance with the Industrial Arbitration Act (Elections By Postal Ballot) Regulations, 1977, and notwithstanding anything contained in these Rules relating to elections, the Industrial Arbitration Act (Elections By Postal Ballot) Regulations, 1977 shall

apply as if set out and forming part of these Rules and shall prevail over any inconsistent provisions of the Rules.

- (3) The returning officer shall -
- (a) receive nominations in accordance with rule 9;
 - (b) where more than one candidate is nominated for election for a position, conduct a ballot which shall open at noon on the 11th day of February, and close at noon on the 3rd day of March provided that if such date or dates fall on a Saturday, Sunday or public holiday the ballot shall open and/or close at noon on the next ensuing working week day. The election shall be completed within 4 months of the closing date for nominations;
 - (c) have proper ballot papers prepared, each of which shall contain the name of the Branch, closing date and time of the ballot, names of the candidates and positions nominated for, the occupation and place of employment of all candidates, together with instructions to place a cross opposite the name of the candidate or names where more than one is required, that the member desires to have elected, the position of all candidate's names on ballot papers shall be drawn by lot;
 - (d) obtain from the person supplying the ballot papers a certificate of the number of ballot papers supplied for each office;
 - (e) use for the purpose of receiving ballot papers in respect of an election, a private box at a post office, being a private box used exclusively for that purpose;
 - (f) issue by posting by prepaid post, to each member, who is entitled under these Rules to vote in that election, at the address shown on the electoral roll, a ballot paper referred to in paragraph (c) of this subrule, and the other ballot material in a sealed envelope and provide for the return of the ballot paper without expense to the voter. The envelope referred to in this paragraph shall bear an instruction that, if it is not delivered to the addressee, it should be returned to the private box referred to in paragraph (e) of this subrule. The envelope referred to in this paragraph shall contain -
 - (i) a ballot paper initialled by the Returning Officer; and
 - (ii) an envelope marked "ballot paper"; and
 - (iii) an envelope addressed to the Returning Officer at the private box referred to in paragraph (e) of this subrule, being an envelope that may be posted without expense to the voter and a separate counterfoil, the counterfoil being numbered to coincide with the number shown against the name of that member on the electoral roll;
 - (g) number the counterfoil with a number coinciding with the voters consecutive number on the electoral roll, and make provision for the endorsement thereon of -
 - (i) the positions to which the election relates;
 - (ii) the name of the voters;
 - (iii) the address of the voter; and

- (iv) the signature of the voter;
- (h) determine the date and time when, and the place where, the ballot is to be counted, and advise the scrutineers accordingly;
- (i) keep a list of the names and addresses of the members of the Branch who are entitled under the rules of the union to vote in that election and who have been issued with ballot papers, and such list shall show the names in alphabetical order of surname with a consecutive number against each name in a margin at the left hand side of the surname;
- (j) at the time of the close of the ballot but not before, collect all envelopes from the private box at the post office; take all the envelopes so collected to the place of count and proceed to make the count on the first past the post system; communicate to the Secretary of the Branch in writing the result of the ballot in each instance, and declare in such communication the candidate (or candidates where more than one is required) receiving the greatest number of votes elected; he shall likewise declare elected candidates who are unopposed;
- (k) hand over to the Branch Secretary, on completion and declaration of any ballot in a securely locked container, the following documents or articles, in his possession, which have been used in connection with the ballot -
 - (i) all nomination papers;
 - (ii) the certificate referred to in paragraph (d) of this subrule;
 - (iii) all ballot papers admitted as formal;
 - (iv) all ballot papers rejected as informal;
 - (v) all counterfoils relating to the ballot papers, whether formal or informal;
 - (vi) all envelopes received after the close of the ballot;
 - (vii) the marked electoral roll against which the counterfoils were checked;
 - (viii) unused ballot papers, counterfoils and other documents prepared in connection with the election; and
 - (xi) a copy of the communication sent to the Secretary of the Branch in connection with the declaration of the election,

which shall be retained for a period of twelve months after the date of the election.
- (4) Each candidate nominated for election shall, if he so desires, by written notice given to the Returning Officer not less than seven (7) days prior to the close of the ballot, appoint a person to be a scrutineer in respect of that election, without a cost to the Branch, being a person other than a candidate, and shall, if he so desires, by notice in like manner appoint another such person to carry out the functions of scrutineer where the first mentioned person does not carry out those functions.
- (5) A Scrutineer appointed under subrule (4) of this rule shall be given sufficient notice, in writing, by the Returning Officer prior to the date and time when the Returning Officer collects the ballot papers before proceeding to count the

number of votes, to enable him to be present while the Returning Officer performs his functions.

- (6) Subject to subrule (7) of this rule, a scrutineer appointed under this rule shall, if he so elects -
 - (a) be present when the Returning Officer collects the ballot papers and takes them to the place of count and during the count of the number of votes;
 - (b) direct the attention of the Returning Officer to any irregularity concerning the issue of ballot papers, the admission of any envelope to scrutiny, the admission of a ballot paper as formal, the rejection of a ballot paper as informal or the counting of the votes.
- (7) Where the scrutineer appointed under subrule (4) of this rule -
 - (a) interrupts the scrutiny otherwise than in accordance with paragraph (a) or (b) of subrule (6) of this rule; or
 - (b) fails to carry out a lawful request by the Returning Officer, the Returning Officer may direct a scrutineer to leave the place where the scrutiny is being conducted.
- (8) A scrutineer appointed under subrule (4) of this rule shall comply with a direction by the Returning Officer given under subrule (7)."

43 - COLLECTION OF ARREARS OF WAGES

Where any member is proved to have been underpaid by his or her employer, and demand for payment has been made on such an employer by the Branch, any settlement must be made only through the Branch Office. The Branch Secretary-Treasurer shall have the power to deduct any arrears and at least six (6) months' contributions for the current year from any member for whom the Branch has received a settlement of claim. Any member who accepts settlement from his or her employer of any claim made by the Branch without the sanction of the Secretary, shall be deemed guilty of an offence and shall be dealt with in accordance with the rules.

44 - SEAL

The Branch shall have a seal bearing the following device: A circle containing a horseshoe, air pilots wings and motor truck surrounded by the words "Transport Workers' Union of Australia, Industrial Union of Workers", over the words "West Australian Branch". The Secretary shall have the custody of the seal.

45 - ALTERATION TO RULES

- (i) These Rules may only be altered with consent of a majority of the members present at a General Meeting.
- (ii) Notice of the proposed alteration of these Rules and the reasons therefore shall be given to all members in the Union Journal circulated to all members and in that notice, members are to be informed that they or any of them may object to the proposed alteration by forwarding a written objection to the Industrial Registrar to reach him no later than 21 days after the date of receipt of the Union Journal.

- (iii) In the notice referred to in subrule (ii) and with respect to any proposed alteration of the rule relating to the qualification of persons for membership of the Union, members are to be informed that they or any of them may object to the making of the application for the proposed alteration and/or object to the proposed alteration by forwarding a written objection to the Industrial Registrar to reach him no later than 21 days after the date of receipt of the Union Journal.

46 - DISSOLUTION

No vote of the members shall be taken for the purpose of dissolving the Branch as long as there be fifteen financial members in favour of carrying on the Branch.

47 - RULES

Each member shall be supplied with a copy of the rules of the Branch as registered, provided that any member requiring a second copy shall pay ten cents (10c) for such copy. In no case shall the want of knowledge be accepted as a plea for the non-compliance with any of the said rules.

48 - DEFINITIONS

Wherever the words "branch secretary" or "secretary of the branch" or "secretary of a branch" appear in these rules the word "secretary" shall be read and construed as "secretary-treasurer".

"Branch" means the Transport Workers' Union of Australia, Industrial Union of Workers, Western Australian Branch, the organisation registered pursuant to the Industrial Relations Act 1979, (as amended).

"Union" means Transport Workers' Union of Australia, the organisation registered pursuant to the Conciliation and Arbitration Act 1904 (as amended).

49 - INCORPORATION WITH UNION

- (i) The branch shall be incorporated with and be a branch of the union.
- (ii) Membership of the union shall be synonymous with membership of the branch and admission to, or cessation of membership of the union shall, ipso facto, constitute admission to or cessation of membership of the branch.
- (iii) Such of the rules of the union as were registered under the provisions of the Conciliation and Arbitration Act 1904 (as amended) on the first day of May 1961 (a copy of which rules is attached hereto and filed with the registrar of the Industrial Unions of Western Australia) shall be incorporated in these rules and shall be applicable to the branch and its members except to the extent that any such rules are inconsistent with these rules in which case these rules shall prevail.