

RULES
of
AUSTRALIAN INSTITUTE OF MARINE AND POWER ENGINEERS,
WESTERN AUSTRALIAN UNION OF WORKERS

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RULES
of
AUSTRALIAN INSTITUTE OF MARINE AND POWER ENGINEERS,
WESTERN AUSTRALIAN UNION OF WORKERS

1 - NAME

The name of the Union is the "Australian Institute of Marine and Power Engineers, Western Australian Union of Workers" (hereinafter referred to as "the Union").

2 - OBJECTS

The objects of the Union are -

- (a) to conserve and further the legitimate interests of its members;
- (b) to provide for all matters respecting the conditions of employment status and welfare of its members and persons entitled to become members;
- (c) to prevent and settle disputes between members or between the Union and any employer person or body of persons by conciliation and by other lawful means;
- (d) to establish funds for the general conduct of the Union;
- (e) to assist members by financial or other means;
- (f) to secure preference of employment for its members;
- (g) to provide for all matters respecting the conditions of employment status and welfare of its members and persons entitled to become members;
- (h) to promote co-operation between the Union and all associations representing marine and power engineers;
- (i) to undertake, defend or intervene in any proceedings in the Industrial Commission or any Court of Law or Arbitration which in the opinion of the Union affect or may affect directly or indirectly the rights or interests of its members or of persons eligible to be members or of any of them;
- (j) to appoint and employ officers, solicitors, accountants, auditors and other persons considered necessary for the efficient working of the Union and to pay salaries, fees and allowances to persons so appointed and to members of the Union engaged in furthering the objects and work of this Union and to establish

superannuation and retiring funds for the benefit of officers and employees and ex-officers and ex-employees of the Union;

- (k) to do all such other things as the Union may from time to time deem incidental or conducive to the attainment of the above objects or any of them.

3 - CONSTITUTION

The following persons shall be eligible for membership of the Union:-

Any persons temporarily permanently or usually employed in the State of Western Australia on a full time or part time basis for hire and reward as engineers, marine and power plant (hydraulic and electrical), except engineers working ashore -

- (a) carrying out the normal functions of the trade occupation;
- (b) who are eligible for membership of the Electrical Trades Union of Workers of Australia (Western Australian Branch) Perth in accordance with its constitution as registered at the date hereof;
- (c) who are eligible for membership of the State Electricity Commission of Western Australia Salaried Officers' Association in accordance with its constitution as registered at the date hereof.

Membership shall be divided into two sections, seagoing and other than seagoing.

- (a) Seagoing members (mechanical) shall be engineers who have passed the examination and are in possession of certificates recognised by the Ministry of Transport or who have passed Part "A" of the second class Ministry of Transport Certificate and/or the Leaving Certificate or its equivalent in New South Wales or its equivalent in other States of the Commonwealth and who have served an apprenticeship.
- (b) Other than seagoing members shall be engineers who are working ashore who have passed one or more of the abovementioned examinations or an examination equivalent thereto or who have served an apprenticeship and who can satisfy the Union that they are in possession of qualifications similar to those held by persons mentioned in paragraph (a) herein.
- (c) The term of apprenticeship (mechanical) shall be understood to mean having worked for such period as defined by Ministry of Transport regulations, or served such apprenticeship as is required for qualification in their respective callings. Provided that the term of apprenticeship in the Electrical Division shall be not less than five years as an electrical fitter.

Engineers in possession of any Marine Engineer's certificate recognised by the Commonwealth or State in accordance with the provisions of the Navigation Act may be elected as members. Candidates holding the B.E. Degree (Mech.) of any Australasian University shall be exempted from two out of the five years' apprenticeship necessary to qualify them for membership. Auxiliary members shall be those admitted in accordance with any agreement with kindred societies.

Candidates for membership shall be Australian citizens, British subjects or naturalised British subjects.

Together with any other persons who have been or are hereafter appointed officers of the Union and admitted as members thereof.

4 - ELIGIBILITY

A person shall not be a member of the Union who is not a worker within the meaning of the Industrial Arbitration Act 1912-1963 (except in the capacity of an honorary member).

5 - REGISTERED OFFICE

The registered office of the Union shall be at 28 Mouat Street, Fremantle or such other place as the Committee of Management may from time to time decide.

6 - ADMISSION TO MEMBERSHIP

- (a) An applicant for membership shall -
 - (i) complete an application in the form prescribed from time to time by the Committee of Management and forward the application to the Secretary of the Union;
 - (ii) furnish such additional information as the Union may require.
- (b) No person shall have any of the rights of membership of the Union until his application for membership has been accepted by the Committee of Management and he has been notified of the acceptance of his membership by the Secretary.

7 - TERMINATION OF ELIGIBILITY AND RESIGNATION FROM MEMBERSHIP

- (a) Termination of membership of the Union shall be effected by the giving of written notice of intention to resign. The notice of resignation shall be delivered in person or by certified mail to the Union office. The resignation takes effect from the day on which it is received by the Union or on such later date specified as may be specified in the notice but the member remains responsible for any subscriptions, fees, levies or fines owing up to and including the date of termination of membership.
- (b) Where a member's subscription has expired and has not been renewed, on expiration of a period of three months, the membership is terminated but the member shall be responsible for any subscriptions, fees, levies or fines owing up to and including the date of termination of membership.

8 - DETERMINATION OF MEMBERSHIP

- (a) A member shall cease to be a member when -
 - (i) he is no longer eligible for membership; or
 - (ii) he is expelled; or

- (iii) he dies; or
- (iv) the period of his notice of intention to resign (unless previously withdrawn) has expired; or
- (v) the Committee of Management and the members agree to accept his resignation as effective upon a date prior to the expiry of the written notice.

9 - UNFINANCIAL MEMBERS

1. A member shall be unfinancial if he fails to pay -
 - (a) any subscription by a date on which it is payable pursuant to these rules;
 - (b) any fine imposed on him pursuant to these rules by the date on which it is ordered to be paid;
 - (c) any levy imposed pursuant to these rules within the time prescribed for the payment thereof.
2. An unfinancial member may at any time become a financial member by paying in full all moneys owing or payable by him to the Union.

10 - CHANGE OF ADDRESS

In the event of a member changing -

- (a) his place of residence;
- (b) his employer; or
- (c) his place of employment.

he shall report such change to the Secretary in writing within 14 days.

11 - REGISTER OF MEMBERS AND ACCESS TO BOOKS

- (a) The Secretary shall keep at the registered office of the Union an up to date register of all members showing for each member his full name, place of residence, postal address for service of notices, occupation, place of employment and address of employer, date of becoming member and a record of any subscriptions, entrance fees and levies in arrear.
- (b) The books of the Union and the register of members may at all reasonable times be inspected by any member of the Union and by any other person having an interest in the funds of the Union.

12 - PURGING THE REGISTER

The Secretary shall strike off the register the names of all members owing fines, fees, levies and dues for a period of 13 weeks (4 times per year) but any such member shall remain liable for all such fines, fees, levies and dues payable by him at the date thereof”.

13 - SUBSCRIPTIONS AND ENTRANCE FEES

A member shall pay such entrance fee and annual subscription as the Committee of Management may determine.

14 - COMMITTEE OF MANAGEMENT

- (i) The management of the Union shall be vested in the Committee of Management which shall be elected in accordance with these Rules.
- (ii) The Committee of Management shall consist of the President, Secretary and Treasurer elected by the members as hereinafter provided.

15 - ELECTIONS

- (a) Any member willing to stand for the position of President, Secretary or Treasurer, shall submit to the Returning Officer his nomination on the prescribed form. The Secretary shall call for nominations between the first day of February and the 21st day of February.
- (b) The nomination shall be endorsed by 2 financial members of the Union and shall be received by the meeting of the Committee of Management in March and all members who have been financial during the 12 months, next preceding the closing of nominations shall be eligible for election, to any of the foregoing positions.
- (c) In the event of a candidate being successful in more than one position he shall be elected to the senior position. The order of seniority shall be that appearing in sub-rule (a) hereof.
- (d) In the event of more than the required number of candidates being nominated a preferential secret ballot shall be conducted by the Returning Officer in accordance with the system contained in the Electoral Act 1907. In the event of there being less than the required number of candidates being nominated the Returning Officer shall declare a casual vacancy in regard thereto and the Committee of Management shall fill the vacancy until the next election.
- (e) After completion of nominations the Returning Officer shall proceed to take a ballot but no member who is unfinancial at the last day of February next preceding the ballot shall have the right to vote. The ballot shall close at 5.00pm on the Friday next following the 31st March in each year and ballot papers received after that time shall not be counted.
- (f) the members of the Committee of Management (other than the Secretary) shall be elected and shall, subject to Rule 19, hold office for a period of 2 years. Subject to Rule 19 the Secretary shall hold office for 4 years.
- (g) At the March meeting of the Committee of Management in each year the Returning Officer shall be appointed by the Committee of Management. His duties shall be to:

- (i) receive and check all nominations for office in the Union and for that purpose the Secretary shall supply him with a list of financial members;
 - (ii) conduct all secret ballots of the Union for which purpose he may appoint a Deputy Returning Officer to assist him;
 - (iii) prepare ballot papers with a perforation into two parts. Each part shall contain the name of the candidates and positions nominated for, together with such voting instructions as the Returning Officer may consider necessary. Part 2 shall be numbered consecutively from one onwards;
 - (iv) obtain from the person supplying the ballot papers a certificate of the number of ballot papers supplied for each office;
 - (v) initial each part of each ballot paper and detach and retain Part 2 thereof and post or hand to each member entitled to vote a ballot and also an unsealed envelope marked "ballot paper" and addressed to the Returning Officer.
- (h) The Returning Officer shall:
- (i) receive all envelopes containing ballot papers from members who have recorded their votes thereon in connection with the election of Committee of Management.
 - (ii) place and keep until the time appointed for counting all envelopes containing ballot papers referred to in (i) hereof, in a locked container kept at the office of the Union the key of which shall be retained by the Returning Officer.
 - (iii) determine the date and time when and the place where, the ballot is to be counted and advise the Scrutineers accordingly.
 - (iv) compile and keep a list of names and addresses and register numbers of all members supplied with ballot papers.
 - (v) within 7 days of the close of the ballot count the votes recorded and communicate with the President of the Union in writing the result of the ballot in each instance.
 - (vi) retain in his possession for a period of one year from the date of declaration of the ballot the following documents:
 - (a) all nomination papers;
 - (b) part 2 of ballot papers referred to in this rule;
 - (c) the certificate referred to in this rule;
 - (d) a copy of the communication sent to the President of the Union in connection with the declaration of the ballot;
 - (e) all unused ballot papers connected with the election;
 - (f) all ballot papers referred to in this rule.

16 - SCRUTINEERS

At the March meeting of the Committee of Management the committee shall appoint 2 scrutineers. The scrutineers shall have the right to -

- (i) be present when envelopes containing ballot papers used in connection with the election of the Committee of Management are being opened and the votes recorded on such ballot papers are being counted;
- (ii) inspect any ballot paper or other document used in connection with the election and if necessary record any comment or objection on the ballot.

17 - CONDUCT OF ELECTIONS

- (a) The Returning Officer may issue a ballot paper to replace one mistakenly or accidentally spoilt.
- (b) Each member shall mark his ballot paper according to the instructions given by the Returning Officer.
- (c) Each member shall forward his ballot paper to the Returning Officer in a securely sealed envelope by post or delivery.
- (d) Votes shall be counted in the presence of any candidates who may be present and in the presence of the scrutineers.
- (e) The Returning Officer shall mark all informal votes accordingly and record the number thereof.

18 - DECLARING THE BALLOT

- (a) After counting the votes recorded the Returning Officer shall communicate with the President in writing the result of the ballot in each instance and declaring in such communication the candidate (or candidates where more than one is required) receiving the greatest number of votes elected.

He will likewise declare the candidates who are unopposed.

- (b) The Secretary shall thereupon advise each successful candidate in writing of his election to the office to which he has been elected and shall also notify all financial members of the result of the election in writing.

19 - VACANCIES IN AND REMOVAL OF COMMITTEE OF MANAGEMENT

- (a) The Committee of Management or any member thereof may be removed from office on the vote of a majority of members present at any Special Meeting of members of the Union called for the purpose.
- (b) Any vacancy occurring on the Committee of Management by death, resignation or other cause shall be filled by a meeting of the Committee of Management.

20 - POWERS AND DUTIES OF COMMITTEE OF MANAGEMENT

- (a) The Committee of Management shall have the following powers and duties -
- (i) excepting when the Annual General Meeting or a Special General Meeting is in session to manage the affairs and conduct the business of the Union to administer the Rules of the Union and to do all acts or things as the Annual General Meeting is empowered to do unless specifically prohibited from so doing by the Union in general meeting;
 - (ii) to carry out such specific duties as are delegated to it by the Annual General Meeting or by a special general meeting;
 - (iii) to authorise such expenditure of moneys from the Union's funds as may be necessary for the conduct of the affairs of the Union;
 - (iv) to employ such persons as are deemed necessary in the service of the Union and to terminate the services of such persons.
- (b) All acts and decisions of the Committee of Management shall be subject to review by the Union in General Meeting.

21 - DUTIES OF PRESIDENT

The President shall preside at all meetings of the Union, the Committee of Management and all sub-committees which may be appointed or created. He shall conduct the business in a fair and impartial manner, sign all minutes, records and reports adopted by the Union, and carry out all instructions which the Union may from time to time deem good for the benefit of the Union. He shall, in conjunction with the Secretary, sign all important documents requiring the signature of the Union's representatives. He shall preserve due order and decorum at meetings, and conduct all such meetings, and govern the same, in accordance with the Union Rules.

22 - DUTIES OF VICE PRESIDENT

(Deleted by Application 810/97 on 9 May 1997)

23 - DUTIES OF SECRETARY

It shall be the duty of the Secretary:

- (a) To make full and accurate minutes in the books of the Union of the proceedings of all General, Special and Committee Meetings.
- (b) To prepare and post notices of meetings to all members concerned as hereinbefore laid down.
- (c) To keep full and accurate accounts of all sums of money received or expended on account of the Union.
- (d) Subject to the directions of the Committee of Management to make all disbursements of the funds of the Union by cheques to be signed on behalf of the

Union by such persons as may from time to time be authorised by the Committee of Management and drawn on the Bank at which the Union's account is kept.

- (e) To obtain receipts or discharges for all payments made on account of the Section.
- (f) To furnish to the Registrar within one calendar month after the completion of the yearly audit of the accounts a duly audited statement of receipts and expenditure and balance sheet of the assets and liabilities of the Union made up to the date of closing such accounts.
- (g) Generally to carry out the instructions of the Committee of Management.

24 - DUTIES OF TREASURER

The duties of the Treasurer shall be to sign all cheques which may be ordered by the Union and produce when required all books in his possession for the inspection of the Auditor. He shall keep a record of all moneys received.

25 - DUTIES OF COMMITTEEMEN

(Deleted by Application 810/97 on 9 May 1997)

26 - DUTIES OF TRUSTEES AND CONTROL OF PROPERTY

(Deleted by Application 810/97 on 9 May 1997)

27 - INVESTMENT OF FUNDS

The funds of the Union not immediately required for its purpose shall be invested in the name of the Union in such manner as the Committee of Management may from time to time determine.

28 - ANNUAL GENERAL MEETING

- (a) An Annual General Meeting shall be held by the Union once in every year at a time and place decided by the Committee of Management and on a day not later than the 31st May in each year. The Annual General Meeting while in session shall govern, manage and conduct the affairs of the Union subject to decisions made by a majority of votes cast in a plebiscite of the Union and shall have power subject to these Rule to:
 - (i) subject to the compliance with Section 23 of the Industrial Arbitration Act 1912-1963 make, repeal, amend or add to the Rules provided that notice of the proposed repeal, amendment or addition has been included in the notice of the Annual General Meeting;
 - (ii) receive and adopt a statement of receipts and expenditure and an audited balance sheet as at the 30th June each year;
 - (iii) determine any matter referred to it by the Committee of Management;

- (iv) review the acts or decisions of the Committee of Management;
 - (v) do all acts or things which by virtue of the Rules it or the Committee of Management is empowered to do;
 - (vi) do all other acts and things which are not by the Act or these Rules specifically directed to be done by any other person or body and which in the opinion of the Annual General Meeting are in the interests of the Union or in the interests of the Members or persons eligible to be members.
- (b) Notice of the Annual General Meeting shall be given by the Secretary by posting to or leaving for each member at his place of employment or postal address for service of notices as shown in the Register of Members, a written notice of the time, date and place of the Meeting at least 14 days prior to the holding thereof.
 - (c) The Secretary shall include in the notice of the Annual General Meeting such notices of intention to amend repeal or add to the Rules as shall be received by him in sufficient time to permit inclusion in the said notice.
 - (d) All acts and decisions of the Annual General Meeting unless contrary to these Rules shall be binding on all Members.

29 - SPECIAL GENERAL MEETING

- (a) The Secretary shall convene a Special General Meeting of the Union:
 - (i) when the Committee of Management so resolves;
 - (ii) when the President so directs;
 - (iii) when a meeting is requisitioned in writing by not less than ten financial Members or by not less than ten per centum of the financial members (whichever number is the lesser) and in each case such requisition shall be addressed to the President or the Secretary and shall set out the reasons for requiring such meeting.
- (b) The time and place of Special Meetings shall be decided by the Committee of Management provided that when a meeting has been requisitioned for in accordance with the previous sub-rule it shall be convened by the Secretary within twenty eight days of the requisition reaching the President or Secretary.
- (c) Notice of a Special General Meeting shall be given by the Secretary by posting to or leaving for each Member at his place of employment or postal address for service of notices as shown in the Register of Members a written notice stating shortly the nature of the business to be transacted and the date, time and place of such meeting at least seven days prior to the holding thereof.
- (d) No business shall be transacted at a Special General Meeting unless notice thereof has been given in accordance with these Rules.
- (e) A Special General Meeting shall have powers equal to those of an Annual General Meeting in transacting all business the nature of which has been outlined in the notice of the meeting.

30 - PROCEDURE AT GENERAL OR SPECIAL MEETINGS

- (a) All proposals, questions and matters submitted to any meeting shall be decided by a majority of those present to be determined in the first instance by a show of hands.
- (b) Any 5 members may demand that the question or matter be decided by a division to be held and conducted in such manner as the chairman shall determine.

31 - PLEBISCITE

- (a) A plebiscite of members on any matter shall be taken if:
 - (i) directed by the Committee of Management; or
 - (ii) requisitioned for in writing by at least ten or ten per centum of financial members whichever is the greater.
- (b) Every direction or requisition for a plebiscite shall be in writing addressed to the Secretary and shall set out the matter to be voted upon in the form of a motion.
- (c) Immediately such notice, direction or requisition is received the Committee of Management shall appoint a Returning Officer who shall within fourteen days after the notice, direction or requisition is received submit the motion to a postal vote of all Members. Members shall be directed to vote for or against the matter submitted to them and ballot papers shall be directed to be returned to the Returning Officer within fourteen days of their posting.
- (d) The Committee of Management may appoint a Member scrutineer and in the case of a plebiscite requisitioned by Members the Members so requisitioning may appoint a Member as their scrutineer. Such appointments shall be in writing and shall be signed in the case of the Committee by a person authorised in each case in that behalf and in the case of requisitioning members by the majority of such Members and shall be lodged with the Returning Officer not less than seven days prior to the last day for the return of ballot papers.
- (e) The Returning Officer shall not open or count any ballot papers until after the last day for the return of ballot papers and shall at least three days prior thereto notify all scrutineers appointed in accordance with this Rule of the time and place for the counting of ballot papers and at the time and place so appointed shall in the presence of such scrutineers as may be present open the ballot papers and count the votes.
- (f) After the completion of the count the Returning Officer shall prepare a statement of the votes cast for and against the motion and such statement shall be submitted to such scrutineers as may be present when the count is completed who may sign the statement if they so desire and the Returning Officer shall then transmit such statement to the Secretary.

32 - PROXIES

Any officer or member may appoint in writing any financial Member as his proxy to attend for him at any meeting or meetings of the Committee of Management or at any General Meeting or Meetings for the Union. Such proxy may relate to one specific meeting or to any number of meetings but shall not be effective unless the appointment is made in writing and lodged with the Secretary before the appointed time for any meeting for which it is to be used.

33 - QUORUM

At all Annual General Meetings or Special General Meetings of the Union, 7 financial members present in person shall form a quorum. At all meetings of the Committee of Management 2 members present in person shall form a quorum.

34 - AUDITOR

- (a) The Union at its Annual General Meeting shall appoint an Auditor who shall be a qualified Accountant.
- (b) At the time of appointment the Annual General Meeting shall fix the remuneration of the Auditor so appointed.
- (c) The Auditor shall hold office until a new Auditor is appointed at the next Annual General Meeting and shall be eligible for re-election.
- (d) The Auditor shall at least once in the year thoroughly audit and check the accounts of the Union and shall make such report to the Annual General Meeting or to the Committee of Management as he shall deem fit.
- (e) Within one calendar month after the completion of the yearly audit the Secretary shall furnish to the registrar a duly audited statement of the receipts and expenditure and balance sheet of the assets and liabilities of the Union made up to the date of closing such accounts.

35 - SEAL

- (a) The Common Seal of the Union shall be kept in the custody of the Secretary or as directed by the Annual General Meeting.
- (b) The Seal shall only be affixed to an instrument on the authority of the Union in General Meeting or of the Committee of Management and in the presence of the President or Secretary and two other Members of the Committee of Management.
- (c) Industrial agreements and all deeds and instruments shall be executed by affixing thereto the Seal pursuant to paragraph (b) hereof.

36 - INDUSTRIAL DISPUTES

All industrial disputes in which the Union or any of its members may be concerned shall, unless settled by mutual consent be referred for settlement pursuant to the provisions of the Industrial Arbitration Act 1912-1963.

37 - REPRESENTATION IN PROCEEDINGS

In all proceedings under the Industrial Arbitration Act 1912-1963 including proceedings before the Industrial Commission and the Industrial Appeal Court the Union shall be represented by the Secretary or by any other person appointed for that purpose by the Committee of Management.

38 - RESTRICTION ON USE OF FUNDS

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 lockout in Western Australia.

39 - DISPUTES BETWEEN UNION AND MEMBERS

Any dispute arising under these Rules or any dispute between the Union and its members if not settled by mutual consent shall be determined by a special general meeting of the Union.

40 - AMENDMENT OF RULES

These Rules may be amended, added to or rescinded with the consent of a majority of members present at a special general meeting called for that purpose in the manner required by Section 23 of the Industrial Arbitration Act 1912-1963.