

RULES
of
THE AUSTRALIAN MARITIME OFFICERS UNION-WESTERN AREA
UNION OF EMPLOYEES

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**RULES
of
The Australian Maritime Officers Union -Western Area Union of
Employees**

1 - NAME

The name of the organisation is “The Australian Maritime Officers Union - Western Area Union of Employees.”

2 - REGISTERED OFFICE

The registered office of the Union will be at 28 Mouat Street, Fremantle, Western Australia, or such other place or places as the Area Executive may from time to time decide.

3 - DEFINITIONS

Union means The Australian Maritime Officers Union - Western Area Union of Employees registered in accordance with the Industrial Relations Act 1979.

Principle Union means The Australian Maritime Officers Union registered in accordance with the Workplace Relations Act 1996.

The Western Area means the State of Western Australia.

4 - OBJECTS

The objects of the Union are:

- (a) to protect and advance the rights and interests of members in all matters relating to their employment and living standards;
- (b) to foster the study of disciplines relevant to members of the Union;
- (c) to communicate to members on all matters concerning Union activities and professional issues;
- (d) to establish funds and to purchase, own and control property, both real and personal, for the furtherance of the objects of the Union;
- (e) to protect and maintain the registration of the Union;
- (f) to obtain preferential treatment for members of the Union;

- (g) to establish funds or trusts for the benefit of members, employees, ex employees or officers of the Union and to arrange for pensions, superannuation scheme or other payments for these persons;
- (h) to provide legal or other assistance to members or their dependants or family where in the judgement of the Union it is appropriate to do so;
- (i) to arrange for and implement the affiliation and/or amalgamation of the Union with other industrial organisations, trade Union peak councils, international trade Union organisations and similar organisations;
- (j) to embrace the principle of equality of opportunity in employment in the Union and the industries of the Union regardless of sex, marital status, race, colour, nationality, ethnic or national origin, physical impairment or sexual preference;
- (k) to do all such things as are incidental to the achievement of the objects of the Union.

5 - ELIGIBILITY FOR MEMBERSHIP

PART 1

The Union will consist of:

Members of Mercantile Marine and dependent services possessed of certificates of competency issued or recognised by the Commonwealth of Australia, or any State thereof, the Board of Trade, or by any British possession or dependency, or possessed of any qualifications entitling him to undertake any duty connected with the navigation of vessels, may be elected as members.

Indentured Shipwrights performing the functions of and who are classified as a shipwright and who form part of the complement of a vessel will be admitted as members.

Marine Engineers (so engaged), including Third Class and Port Engineers and Marine Engine Drivers, may be admitted to membership, provided that this rule as to Engineers will only apply in cases where such engineer is not eligible for membership in or has been rejected by the Australian Institute of Marine and Power Engineers. This part of the rule as to eligibility of Engineers will include Engineers upon vessels owned by the Government, but Engineers who have become Shipowners, superintendents, or who are otherwise acting in the interests of employers, will be strictly debarred from membership. Apprentices who are bound by indenture for sea service to a shipowner or Master (other than engineer apprentices) and cadets may be admitted to membership but will not be entitled to be nominated for or hold office or cast a vote in connection with the affairs of the Union during their apprenticeship or cadetship as the case may be. Together with any other persons employed in the industry of shipping and marine or not who have been or are hereafter elected as officers of the Union and admitted as members thereof.

All persons employed or engaged in the function of ROV Pilot/Technicians in or in association with the operation, utilisation, control, maintenance, installation, repair and service of remotely operated sub sea vehicles and associated equipment will be admitted as members.

Notwithstanding any other provisions of Part 1 of this Rule, the Union will also consist of employees who are employed in or in connection with the recreational diving industry throughout the state of Western Australia who are:-

- (i) in command, control, or who supervise or operate vessels including employees described as masters, mates, deck officers and skippers, (other than those employees who are in command or control of small vessels which are operated in or in connection with a Port or adjacent to an offshore facility who are required to possess and use a Coxswain's Certificate or equivalent in such operations),
- (ii) marine engineers, however described, but excluding engineers who are members of The Australian Institute of Marine and Power Engineers;

except for employees who are;

- (b) solely or predominantly engaged in the sale, reception or delivery of merchandise in a retail outlet operating separately and distinct from the provision of recreational diving services;
- (c) solely or predominantly engaged in clerical duties in a retail outlet operating separately and distinct from the provision of recreational diving services.

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

Without limiting the generality of the foregoing paragraphs hereof, persons employed as Radio Officers, Radio Operators, Deck Communication Officers and Barge Administrators on a vessel including Mobile Offshore Drilling Units and Floating Production Facilities will be admitted as members.

PART 2

The Union will also consist of the following persons:

An unlimited number of persons employed, or usually employed, in or in connection with the Stevedoring Industry, in or in connection with the following industries and/or industrial pursuits:

- (a) wharf superintendents and/or supervisors, cargo superintendents and/or supervisors, traffic superintendents and/or supervisors, stevedoring supervisors (whether in conventional or container stevedoring), however described or styled and such other employees who are required themselves or in conjunction with any other employees to control, plan, co-ordinate or integrate stevedoring operations in connection with vessels allocated to them and where required in relation thereto the work of foreman stevedores, clerks, watchmen, gearmen, waterside workers and mechanical equipment operators, storemen and packers, crane and overhead lifting appliance operators.

PART 3

- (a) Without limiting the generality of Part 1 and Part 2 of this Rule, or being limited thereby, the Union will also consist of all employees who are employed in supervisory duties of any nature (other than employees performing the duties of forepersons or leading hands or otherwise who exercise similar and direct supervisory powers over other employees) and employees who possess a Maritime Certificate of Competency where the possession of the certificate is part of the requirement of a classification, and employees who are employed as harbourmasters, port managers, marine pilots, marine surveyors, maintenance technicians, masters and deck officers of vessels, officers of pilot cutters, port control officers, signal station officers, radio officers, superintendents, stevedoring supervisors or who are employed in managerial or professional occupations; or employees of port authorities who perform clerical, administrative, professional, supervisory, and technical duties.
- (b) Employees designated as public servants by virtue of the relevant state legislation except those who are employed as harbour masters, senior marine pilots, or marine pilots by the Department of Transport (Western Australia) will not be eligible for membership.

PART 4

No restriction or qualification in Part 1 of this rule will apply so as to restrict or qualify Part 2 of this rule and no restriction or qualification in Part 2 of this rule will apply so as to restrict or qualify Part 1 of this rule.

PART 5

Any occupation related to trading where the possession of a Marine Certificate of Competency is a prerequisite qualification will be eligible for membership.

6 - ADMISSION TO MEMBERSHIP

- (a) An applicant for membership of the Union will complete and sign the form of application for membership as appears in Schedule 1 of the Rules of the Principle Union. The applicant will send or deliver the said application form together with his entrance fee to the Union or Principle Union.
- (b) A person will be ipso facto a member of this organization if they are a member of the Australian Maritime Officers' Union registered under the Workplace Relations Act 1996 (hereinafter referred to as the Principal Union) providing such person is domiciled within the State of Western Australia, or employed under the terms and conditions of any award or agreement registered by the Western Australian Industrial Relations Commission pursuant to the Western Australian Industrial Relations Act 1979, or is covered by an industrial agreement that operates solely within the State of Western Australia, and members that may be covered by any future industrial agreement that operates solely within the State of Western Australia.

7 - REMOVAL FROM MEMBERSHIP

- (a) The Area Executive may by resolution terminate the membership of any

member of the Union who is unfinancial in the terms of rule 12, provided such member has had appropriate notice in writing sent to that member's address appearing in the Register of Members that unless all arrears are paid that member may be excluded from membership.

- (b) Any member excluded from membership may within three months of the date of the notification to the member of the passing of the resolution excluding the member, by notice in writing to the Area President appeal to the Area Executive against his exclusion. The Area Executive will hear and determine the appeal at its next meeting following the receipt of the notice by the Area President.

8 - RESIGNATIONS

- (a) A member of the Union may end that membership by written notice of resignation addressed to the Union.
- (b) A notice of resignation shall be served on the Union by:
 - (a) delivering it personally to the Union's office at the address listed in rule 2.
 - (b) sending it by certified mail to the address mentioned in paragraph (a) or to the address of the Union as ascertained by referring to a current directory of telephone numbers.
- (c) A notice of resignation takes effect on the day on which it is served on the Union or on a later day specified in the notice.
- (d) Any membership fees payable but not paid by a former member of the Union, in relation to a period before the member's resignation from the Union 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.

9 - REGISTER OF MEMBERS

- (a) A register of members of the Union will be kept in accordance with the Industrial Relations Act 1979.
- (b) The register of members shall be updated on the 1st working day of January, April, July and October for the purpose of removing any persons who cease to be eligible for membership in accordance with these rules and or the Industrial Relations Act 1979.
- (c) The register of members for the Union may be inspected for any bona fide reason by any member of the Union at any time during ordinary office hours, on application to an authorised person. The member inspecting the register will be required to give any reasonable undertakings which might be required by the Union designed to protect the privacy of members.

10 - ASSOCIATE AND DEFERRED MEMBERSHIP

- (a) When a financial member ceases to work in industry due to retirement or is forced to retire permanently due to ill health or accident he will be entitled to make application to the Union of which he was a member to have his name

retained on the register of members as an associate member without payment of fees. He will be entitled to all the rights of members except that he will not have the right to propose or second motions or nominate or be nominated for office or vote at meetings or elections.

- (b) A financial member who ceases to seek employment in the industries described in rule 5 may make application for the deferment of his membership for a nominated period of absence from active membership but such deferred membership will not exceed three years. If the application is approved the annual fee is \$100

11 - ENTRANCE FEE & SUBSCRIPTIONS

- (a) The entrance fee on joining the Union will be \$200.00
- (b) Each member will pay to the Union such annual subscription as may be determined from time to time by the Area Executive, provided that any such determination will be endorsed by the Annual General Meeting. Such determination will only take effect from January 1 in the following year.
- (c) The annual subscription so fixed will be payable in respect of the Union's financial year which commences on January 1 in each year.
- (d) When a person ceases to be a member of the Union, the Area Executive may refund to such person or such person's personal representative, that portion of the member's subscription or any part thereof already paid in respect of the period or any part thereof between the member's cessation of membership and the end of the current financial year.

12 - FINANCIAL STATUS

The financial standing of a member in relation to his annual subscription will be determined as follows:

- (a) When the method of collection of a member's subscription adopted by the Union is by the rendering of an account to the member at that member's address in the Register of Members on or after the 1 January in any financial year for the full amount due to the Union from the member for such financial year, the member will be regarded as financial provided that payment in full is received by the Union, on or before 30th June of that financial year.
- (b) When the method of collection of a member's subscription adopted by the Union is by the rendering of an account to the member at that member's address in the Register of Members periodically, at intervals of less than one year, for such pro rata portion of that member's annual subscription as relates to that period, the member will be regarded as financial provided that payment in full of such portion is received by the Union on or before the expiry of two calendar months from the date of the account rendered for that portion.
- (c) When the method of collection of a member's subscription adopted by the Union is by the member executing an authority to deduct instructing that member's financial institution to pay from that member's account to the Union such portion

of that member's annual subscription periodically as relates to the period between such payments the member will be responsible for ensuring that the payment for that member's subscription has been made, and if any payment due has not been received by the Union on the expiry of two calendar months from its due date the member will be regarded as unfinancial.

- (d) Where subscriptions payable to the Union are deducted by a member's employer from the salary of the member on a regular basis and paid to the Union with the member's authority, that member will be deemed a financial member of the Union as long as authority remains in force.
- (e) When any other method of collection of that member's subscription is adopted the member will be regarded as financial provided that payment in full of all amounts due to the Union is received by the Union within two calendar months of the date when payment of the subscription or part of the subscription became due.

13 - ADDITIONAL FEE FOR LATE PAYMENT

Where a member is in arrears an additional administration fee may be levied by the Union.

14 - UNFINANCIAL MEMBERS

- (a) Any member who is not financial within the meaning of Rule 12 hereof will be and be deemed to be unfinancial and will not be entitled to any of the rights or privileges of membership or to participate in any ballot of members of the Union or to vote or speak at any meeting of the Union or nominate or be nominated for any office.
- (b) Where:
 - (a) the period in respect of which the membership fees has been paid to the Union expires; and
 - (b) no fees to continue that membership has been paid to the Union before, or within 3 months after, that expiry,that membership ends by operation of this subsection at the end of that 3 month period.

15 - WESTERN AREA

The management of the affairs of the union will be subject to these rules and to any proper direction by the union membership. The union will determine its own administrative requirements.

16 - WESTERN AREA EXECUTIVE

- a) Area Executive: The Area Executive will consist of the officers who are referred to in sub-rule (b) of this Rule.
- b) Officers of the Union: The Officers of the Union will be the Area President, Area Vice President and Area Secretary.

The Area Executive will:

- (i) meet at least half yearly and transact the business of the union, supervise and pay all expenditure as authorised, periodically review and generally watch over the interests of the Union and its members.
- (ii) in the first quarter of each year the Area President will present to the members attached to the union, a full report of the business of the preceding year in such manner as he may determine.
- (iii) comply with the Industrial Relations Act 1979.

17 - REMOVAL OF OFFICERS

- (a) Where the Area Executive at a special meeting called for that purpose finds any Officer of the Union guilty, in accordance with these rules, of misappropriation of the funds of the Union, or a substantial breach of the Rules of the Union, or gross misbehaviour or gross neglect of duty, or finds that such a person is not eligible or has ceased under the rules to be eligible to hold such office or has been declared medically unfit to carry out his duties, it may by resolution, suspend or remove such person from such office.
- (b) No such resolution will be moved at a meeting of the Area Executive unless the person concerned has been given adequate notice of intention to move the resolution, particulars of the matter alleged against him and an opportunity to show cause either orally or in writing to the Area Executive why the resolution should not be passed.

18 - ELECTIONS

Elections will be conducted by the Western Australian Electoral Commission in accordance with the Industrial Relations Act, 1979 and rules 20 to 24 of these rules unless the Registrar issues a certificate pursuant to section 71 (5) of the Act.

19 - ELECTIONS FOR OFFICERS

The union will elect an Area President, an Area Vice President and an Area Secretary who will be elected by and from all financial members of the union.

Elections for these positions will be held in accordance with these rules for the first time in 2002. In the interim those persons named in the application for registration as initial officers of the union will hold the above positions.

20 - TERMS OF OFFICE

The term of office will be four years and each officer will take office from the declaration of their election and will hold office until successors thereto have been elected and take office.

21 - QUALIFICATIONS AND PROCEDURE TO NOMINATE FOR OFFICE

- (a) Any nominee for any office in the Union will be a financial member of the Union. Such member must be employed or be usually employed within the industry and be covered by an award or registered agreement to which the Union is a party, or be elected or appointed to any office in the Union.
- (b) Nominations must be in writing and be signed by the nominee and must clearly set out the position(s) for which the nominee proposes to stand. Each nomination will be endorsed in writing by any three other financial members.

22 - CONDUCT OF ELECTIONS

- (a) Returning Officer: The Area Executive at its meeting preceding each election required by these rules will request the Western Australian Electoral Commission to conduct its elections.
- (b) Calling for Nominations: Nominations for all positions of the Area Executive will be called by the Returning Officer who will send to each member of the Western Area a notice setting out the position(s) to be balloted for and the opening and closing dates of nominations.
- (c) Opening and closing of nominations: Nominations open on the first Monday in September and close at 1630 hours on the first Monday in October.
- (d) Verification of nominees eligibility to stand: As soon as practicable following the close of nominations, the Returning Officer will examine the records of the Union and where relevant verify the financial status of the nominee and the endorsees. If there be only one candidate for any office the Returning Officer will declare him elected to that office by forwarding him a letter to that effect and sending a copy to the Area President. If there be more than one nomination for any position a ballot will be held in accordance with the Rules.
- (e) Defective nominations: If the returning officer finds a nomination to be defective he will before rejecting the nomination notify the person concerned of the defect and where it is practicable in the opinion of the Returning Officer to do so, give him the opportunity of remedying the defect within such period as is applicable under the rules, which will, where practicable, be not less than seven days after his being so notified.
- (f) Roll of voters: The Returning Officer will ascertain from the records of the Union the number of members eligible to vote for officers of the Union and he will arrange for ballot papers to be printed in sufficient numbers to afford each member a vote. The Returning Officer will initial each ballot paper or make arrangements for a similar device to ensure the security of the ballot. Each ballot paper will indicate clearly the method of voting which will be a "first past the post" method of voting. Names will be set out by ballot draw by the Returning Officer.
- (g) Absent Voters: If a member who is entitled to vote at any election held under the Rules will be absent from the member's usual address during a ballot, such member may apply to the Returning Officer for a ballot paper to be sent to an address such member nominates.

- (h) Opening and closing times for ballot: The ballot will open on the third Monday in October of the year of the ballot and close at 1630 hours on the second Monday in December.
- (i) Dispatch of ballot papers: Each financial member will have posted to his address, appearing in the register of members a ballot paper for any election necessary, together with a reply paid envelope addressed to the Returning Officer at a post office box obtained by the Returning Officer for purposes of the ballot.
- (j) Counting of ballot: As soon as practicable after the close of the ballot the Returning Officer will collect all ballot papers returned and proceed to count the ballot. The candidate receiving the highest number of votes for each position to be filled will be declared elected. The order of election to the Area Executive will be: Area President, Area Vice-President, Area Secretary. In the event of a candidate standing for an election to the Area Executive, he will, if he obtains the highest number of votes, be elected to office in accordance with the order of election to the Area Executive and any votes he receives for lower placed officers will not be counted. The Returning Officer will declare the results of the ballot by posting a certificate of the result to all candidates in the ballot within one week of the close of the count in the ballot. Voting will be secret and the Returning Officer will take all steps necessary at every stage of the ballot to avoid irregularities in the ballot.
- (k) Scrutineers: Each candidate in any ballot conducted under the Rules may appoint a Scrutineer to watch his interests in the ballot. A Scrutineer may be present with the Returning Officer at all stages of the ballot including the despatch and collection of ballot papers and the opening and counting of ballot papers. A Scrutineer may object to the inclusion or exclusion of any person on the roll of voters and may examine any ballot paper or envelope and may object to the method of counting or the inclusion or exclusion of any vote in the count. Any such objection will be made to the Returning Officer whose ruling thereon will be final. A Scrutineer will conform with any times fixed by the Returning Officer for the conduct of any step in a ballot and will not be entitled to remove, alter or deface any ballot paper or obstruct the Returning Officer in any way.

23 - EXTRAORDINARY VACANCIES

Where a casual or extraordinary vacancy occurs in any Office within the Union for any reason, the office will be filled by an ordinary election in accordance with the rules of the Union for the balance of the term of office.

24 - QUORUMS

- (a) Quorums for meetings of the Union will be as follows:
 - (i) At a meeting of the Area Executive - two members.
 - (ii) At the annual meeting - twenty members.
 - (iii) At any general meeting - fifteen members.
 - (iv) At any area meeting - fifteen members.

25 - AREA MEETING

- (a) On the written requisition of not less than twenty-five financial members of the union, or two per centum of the total membership of the union whichever is the greater, setting out the matters to be considered by such meeting, or by resolution of the Area Executive, the Area President will call an Area Meeting of the members attached to the Area of a time and place to be determined by the Area Executive, provided that such meeting will be held within twenty days of receipt by the Area President of such requisition of the passing of such resolution.
- (b) The Area Meeting will have the power to review decisions of the Area Executive on any matter. The Area Meeting will have power to give any directions to the Officers of the Area Executive which directions will be observed subject to, these Rules and the Industrial Relations Act 1979.
- (c) All members of the Union will be given at least seven days notice of such meeting, and the matters to be considered thereat will be stated in the said notice.

26 - GENERAL MEETING

- (a) General meetings will be held on the last Tuesday of the month in the Western Area at times and places determined by the Area Executive at its annual meeting.
- (b) Decisions taken by Area Executive at its meetings prior to the General Meeting will be tabled.
- (c) General Meetings will have the power to review, reject or accept decisions of Area Executive.

27 - ANNUAL MEETING

- (a) An Annual Meeting will be held in the first quarter of the year to receive and approve the auditors report, report of the Area Executive and union on the previous twelve months activities.
- (b) By decisions of the Area Executive the Area President will call an Annual Meeting of members of the union at a time and place in Western Australia to be determined by the Area Executive provided that such meeting will be held within twenty (20) days of such decision.
- (c) All members of the Union will be given at least seven clear days notice of such meetings, and the matters to be considered thereat will be stated in the said notice.
- (d) The decisions of Annual Meetings, subject to the rules, will be binding on the Area Executive.

28 - ALTERATIONS TO THE RULES

- (a) These rules may be altered or deleted or new rules made by a resolution of a majority of members present in person or by proxy at an Area Meeting, Annual Meeting or meeting of the Area Executive subject to the alteration or deletion being approved by a referendum of financial members.
- (b) Notification of any registered to the rules will be published in a notice to the members of the union or in an official National publication of the Principle Union within two months of the alterations being registered by the Registrar under the Industrial Relations Act 1979.

29 - REFERENDUM

The Area President may, or will if:

- (a) upon receipt of a petition signed by not less than five per centum of financial members of the Union requiring a referendum and properly specifying the issue or issues to be determined, or
- (b) directed by the Area Executive
- (c) submit any matter directly to the membership and if passed by a majority vote will become law without approval of the Area Executive.

Any referendum will be had or taken by submitting in writing to each member a ballot paper on which the subject matter upon which a vote is sought will appear. Such ballot paper will be submitted to members in such a manner as is provided by these Rules in the case of service of notices. Four weeks prior to the ballot taking place the reasons for the referendum will be circulated to all financial members by those seeking the ballot by way of Union journal or circular. The ballot paper will be in such form as the Area Executive will decide. Each member will mark his ballot paper in the manner indicated thereon according to his views. The member will return the ballot paper under cover of an envelope marked "referendum" by prepaid post or personally properly addressed to the Returning Officer so that it may be received by it on or before a day to be stated for the close of the ballot. The non-receipt of a ballot paper or the non-return thereof by any member or members will not invalidate a referendum. All informal votes will be rejected. An informal vote for the purpose of these Rules will be one that is not cast in the form prescribed by the Returning Officer, in instituting the ballot.

Where a referendum of members is called under these rules, the Returning Officer will conduct the ballot and apply the elections rule so far as it is applicable in the conduct of the referendum and will take such other steps as may be required to ensure a secret ballot and fair result.

30 - INDUSTRIAL DISPUTES AND UNION BUSINESS

- (a) Industrial disputes may be submitted to any commission, or any other industrial authority by and on behalf of the Union by the Area President or such person or persons as the Area Executive will authorise.
- (c) Whenever an industrial dispute arises in the Western Area an authorised person will forthwith advise the Area President of the same.

- (c) Industrial agreements and all deeds and instruments may be made and executed by or on behalf of the Area by the Area President or the such persons and the Area Executive shall authorise.
- (d) In any proceedings the union may be represented before the Western Australian Industrial Relations Commission by any person appointed by resolution of the Area Executive.

31 - SEAL

- (a) The union will have a Common Seal, which will be kept in the custody of the Area President or any person authorised by the Area Executive to be the custodian of the seal.
- (b) Any document required by law to be under seal may be executed on behalf of the union, pursuant to a resolution of the Area Executive, by and under the hand of the Area President or other nominated person.
- (c) Any document required by the Industrial Relations Act 1979 to be under seal will be executed on behalf of the union by affixing the seal of the union thereto and by being signed by the Area President or other nominated person.
- (d) Any document otherwise required by law to be under seal will be executed on behalf of the union under the seal of the union which will be affixed to such documents pursuant to a resolution of Area Executive and will be attested by and under the hands of the Area President or other nominated person.
- (e) The person or persons nominated by the Area Executive to perform the duties of the Area President will be recorded in the Area Executive minutes detailing any instructions or limitations on its use.
- (f) A record of the use of the seal will be kept and tabled at each Area Executive meeting.

32 - DISPUTES

Any dispute arising under these rules or any dispute between any member or members and the Area Executive, or any officer of the Area Executive, or between one member and another member, if not settled by mutual consent, will be referred to an Area Meeting.

33 - INTERPRETATION OF RULES

These rules, unless the meaning is otherwise clear, will be construed and interpreted by the Area Executive and in the event of further dispute the party will have the right of appeal to the Western Australian Industrial Relations Commission.

34 - RETURNS TO BE FILED

The Area President will file all returns required in accordance with the Industrial Relations Act 1979.

35 - DISSOLUTION

Upon the payment and discharge of all debts and liabilities and compliance with all regulations prescribed by law, this union may at any time be dissolved by resolution carried by not less than a majority of at least three-fifths of the members.

36 - DISCIPLINE

(1) Any member may charge any other member with:-

- (a) failing to observe the Rules of the Union;
- (b) refusing to obey any lawful resolution of the Area Executive;
- (c) failing to carry out or acting in contravention of any award, order or agreement binding on each member;
- (d) obstructing the Area Executive or any officer of the Union in the exercise of his or their powers under these Rules;
- (e) behaving in an insulting or offensive manner towards any employee or officer of the union in the course of his duties;
- (f) wrongfully holding himself out as occupying any office or position in the union.

(2) Every charge will be made in writing addressed to the Area President and to the member so charged. On receipt of a charge the Area President will summons the member charged and the complainant to a meeting of the Area Executive who will hear and determine the charge in accordance with the requirements of natural justice.

(3) If a charge is found to be proven the Area Executive may:-

- (a) impose no penalty; or
- (b) fine the member a sum not exceeding \$500.00; or
- (c) suspend the member from office or the rights of membership for a period not exceeding three months;

Provided that the penalties expressed in sub-section (c) above will not be imposed upon any member elected to an office in the union unless he has been found guilty, in accordance with these Rules, of misappropriation of the funds of the union, a substantial breach of the Rules of the union or gross misbehaviour or gross neglect of duty.

(4) Should the charges laid by the complainant be disproved and subsequently found to have been made with malicious or mischievous intent, then the penalties provided in sub-clause (3) hereof may be applied in respect to the complainant subject to the same conditions.

(5) Any member dealt with under this Rule will have a right of appeal to the next meeting of the Area Executive.

37 - INDEMNITY

No liability will attach to any member of the Area Executive, agent or employee of the union for any act, neglect, omission or default of any meeting or conference or for joining in the receipt or for any other act of conformity or for any loss, damage or misfortune caused by any act, neglect, omission or default of any other person or caused by any insufficiency, deficiency or irregularity in any agreement, contract, instrument, security, deed, lease or document or for any loss or damage arising from the bankruptcy, insolvency or tortuous act of any other person or for any error of judgment, omission, default or oversight on his own part or for any damage, loss or misfortune arising there from unless such error of judgment, omission, default, oversight, damage, loss or misfortune be caused by his own wilful default or neglect.

38 - RULE BOOK

Upon admission to membership each person so admitted will be entitled to obtain a copy of the Rules of the Union.