

**RULES**  
**of**  
**THE BREWERIES AND BOTTLERYARDS EMPLOYEES'**  
**INDUSTRIAL UNION OF WORKERS OF WESTERN AUSTRALIA**

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S. HUTCHINSON  
DEPUTY REGISTRAR

**RULES**  
  
**of**  
  
**THE BREWERIES AND BOTTLEYARDS EMPLOYEES'**  
**INDUSTRIAL UNION OF WORKERS OF WESTERN AUSTRALIA**

**1 - NAME**

The name of the Union shall be the "The Breweries and Bottleyards Employees' Industrial Union of Workers of Western Australia".

**2 - OFFICE**

The Registered Office of the Union shall be Unit 11, 64 Bannister Rd Canning Vale WA or at such other place as the Union may determine. Any change in such office shall be duly registered.

**3 - CONSTITUTION**

- (1) This Union may admit to membership any worker who is employed in and/or about a Brewery, Beer Bottling Works, Malt House and/or Bottleyards, together with the person appointed or elected to the position of Secretary, provided that no person who was eligible to be a member of any Industrial Union registered under the provisions of the Industrial Arbitration Act, 1912 as amended before the 5th day of February, 1946, shall be eligible for or admitted to membership of this Union, and provided further that no person shall be a member of the Union (except in the capacity of an honorary member or member who or whose personal representative is entitled to some financial assistance under the rules of the Union while not being a worker) who is not a worker within the meaning of the aforesaid Act.
- (2) Only those persons who are referred to in paragraph (1) hereof and who are employed and/or reside within the State of Western Australia shall be admitted to membership of this Union.

**4 - INTERPRETATION**

In these Rules, unless the context otherwise requires, the following words and expressions shall have the following meaning:-

- (1) "The Union" means The Breweries and Bottleyards Employees' Industrial Union of Workers of Western Australia.
- (2) "Member" wherever used in these Rules shall mean a person who has been admitted to membership in accordance therewith and retains such membership pursuant to the provisions thereof.
- (3) "Trustees" means the Trustees of the Union.
- (4) "The Committee" means the Committee of Management of the Union.

### **5 - OBJECTS**

The objects of the Union shall be:-

- (1) To improve the conditions of employment of its members and to obtain by appropriate action better conditions for workers generally.
- (2) To maintain the rights and privileges of its members with respect to their employment.
- (3) To render pecuniary and other assistance to members in repelling and infringement that may be attempted against such rights and privileges.
- (4) To provide pecuniary assistance to members for any other purpose deemed expedient by a General or Special Meeting of the Union in accordance with the Rules.
- (5) To pay Funeral expenses in accordance with Rule 40(1) and (2) and to provide pecuniary and other assistance to widows and children in the case of death of a member.
- (6) To foster and encourage the spirit of co-operation between workers.
- (7) To advance the social and educational interests of members.
- (8) To acquire property of all kinds, to expend funds, invest funds, and dispose of profits for the benefit of members.
- (9) To raise funds from members by subscriptions, levies and fines.
- (10) To establish funds by levy in addition to any other contributions to provide for assistance to members in financial distress through sickness or accident or who are out of employment.
- (11) To establish a fund from which to provide retiring allowances for all full-time paid employees of the Union.
- (12) To subscribe to testimonials or otherwise recognise services rendered to the Union.
- (13) To make gifts for bona-fide charitable purposes.

- (14) To provide financial assistance to members or relatives of members seeking legal advice or in legal proceedings in respect of injury or damage or recovery of wages or moneys or arising out of or in the course of or in any way connected or concerned with membership or office in the Union or employment or any industrial matter or in any way concerned with any of the objects of the Union or in any other legal proceedings in respect of which the Union decides to give assistance.
- (15) To affiliate with, co-operate with, or assist any person or body which has any objects similar to any of the objects of the Union.
- (16) To register the Union under any Commonwealth or State Act of Parliament.
- (17) To exercise all powers, privileges and advantages available provided under any Commonwealth or State Act of Parliament.
- (18) To provide wherever possible, credit union facilities for members.
- (19) To provide where possible travel agency facilities for members.
- (20) To do all such other acts and things as are incidental to or in any way relate to the carrying out of the above objects.

## **6 - MEMBERSHIP**

- (1) Any person eligible in accordance with the constitution of the Union and desirous of becoming a member of the Union shall lodge an application in writing with the Secretary or a Steward. The application shall be referred to the Committee for determination.
- (2) In the event that the Committee determines that any person is not eligible to become a member of the Union in accordance with the Constitution of the Union the Committee shall in writing notify the person of their decision and the reasons therefor.
- (3) For the purpose of carrying out the objects of the Union, every person on becoming a member shall contribute such subscriptions and levies as shall from time to time be decided by an Annual General Meeting or Special Meeting of the Union.
- (4) Any persons elected to the Office of Secretary or Treasurer shall be subject to the full provisions of this Rule.
- (5) Any person referred to in paragraph (3) hereof shall sign a Procuracy Order authorising the deduction of his Union subscriptions and Levies from his wage, such money to be paid to the Union as contributions. Provided, however, if a member neglects or for any reason refuses to give such procuracy order such neglect or refusal shall not amount to a breach on his part of these Rules, if the member shall pay or otherwise arrange for the payment of his contributions punctually upon the same becoming payable.
- (6) Any member changing his address shall notify the Committee within 14 days of doing so.

- (7) The Secretary of the Union shall inform applicants for membership in writing of the financial obligations arising from membership and the circumstances and the manner in which a member may resign from membership.

### **7 - RESIGNATION FROM MEMBERSHIP**

- (1) Subject to the provisions of any Act a member may resign by giving notice in writing to the Secretary of the Union.
- (2) The notice may be delivered personally to the Secretary at the Union office or sent by pre-paid post.
- (2A) A notice of resignation takes effect on the day on which it is delivered to the Secretary or on a later day specified in the notice.
- (2B) A notice of resignation that has been received by the Secretary or the Union is not invalid because it was not addressed and delivered in accordance with these rules.
- (2C) A notice of resignation delivered to the Secretary is taken to have been received by the Union on the date of such delivery.
- (3) Notwithstanding any resignation in accordance with the preceding provisions a member shall be liable for all membership fees, subscriptions, levies and fines, owing by him to the Union to the date on which such notice takes effect and thereafter no further claim by the member on the Union or the Union on the member shall arise; and
- (4) A resignation from membership of the Union is valid even if it is not effected in accordance with these rules if the member is informed in writing by or on behalf of the Union that the resignation has been accepted.

### **8 - UNFINANCIAL MEMBERS**

- (1) A member shall be unfinancial if in arrears of payment of any fee subscription or levy for a period in excess of 3 months on the date due and shall not be entitled to take any part in the Union's business or claim any of the benefits or privileges of membership until all arrears have been fully paid up except as otherwise specifically provided by the Rules. An unfinancial member shall not be deemed to be a member for the purpose of assessing members for any quorum, requisition, petition, or for the purpose of any nomination or election. Provided that a member shall be entitled to vote at the election of officers if he was financial on the last day of the calendar quarter immediately preceding the calendar quarter in which nominations for the election are called and the roll of voters shall close on that day.
- (2) Unfinancial members may be sued for the recovery of all moneys due to the Union provided that any fees, subscriptions, levies or fines owing by a member shall not be recoverable unless legal proceedings to recover the same are commenced within 12 months of becoming due.
- (3) The financial status of any member shall be deemed to be that shown in the records of the Union as kept at the Union office from time to time until the contrary is shown.

- (4) Where the Committee is satisfied that a member is unfinancial through no fault of his own it may waive the outstanding arrears and declare the member financial and he shall then be a financial member.
- (5) Notwithstanding any other rule, a member who is unfinancial for a period of 3 months shall thereby cease to be a member of the union.

### **9 - PURGING THE REGISTER**

- (1) The Secretary shall cancel from the register of members the name of any person whose membership ceases because of resignation, death, expulsion or unfinanciality.
- (2) Cancellation of membership of the Union shall not affect the liability for payment in full of all amounts incurred for entrance fees, subscriptions, dues, levies, fines or penalties to the date membership ceases.
- (3) Subject to these rules, it shall be the duty of the Secretary to take steps promptly to recover such arrears by demand, and if necessary, by legal proceedings.
- (4) The Register shall be purged on not less than 4 occasions in each year by striking off the names of those persons who have ceased to be members.

### **10 - GOVERNMENT**

- (1) The Union shall be managed by a Committee of Management (herein referred to as the Committee) consisting of a President, Vice President, Secretary, Treasurer, three ordinary members of the Committee and three Trustees. Four to form a quorum at Committee meetings. Such officers and ordinary members of the Committee shall be nominated in accordance with Rule 22 and elected in accordance with Rule 23.
- (2) The property of the Union shall be under the control of the Committee of Management which may deal with the property as determined by resolution. The funds of the Union may be invested as determined by the Committee. The funds of the Union may be expended by resolution of the Committee of Management in pursuit of any of the objects of the Union as determined by the Committee.
- (3) The Committee may continue to validly function notwithstanding that there may be a vacancy or vacancies within its body.
- (4) Subject to paragraph (5) hereof and Rules 13 and 14, the term of office for members of the Committee shall be for two (2) years so that four members of the Committee shall be elected in one year and four members elected in the succeeding year.
- (5) For the purpose of giving effect to the rotation of the members of the Committee as outlined in paragraph (4) hereof, the following procedure shall be adopted.
  - (a) At the Annual elections succeeding the registration of these Rules, nominations shall be called for the positions of President, Vice President, three Trustees and three ordinary members of the Committee.

- (b) The President, the first elected Trustee and the first and second elected ordinary member of the Committee shall be deemed to be elected for a term of two years and the remainder, namely the Vice President, two Trustees and one ordinary member of the Committee one year.
- (c) In subsequent years nominations for vacant positions on the Committee excluding the Secretary and Treasurer shall be called in accordance with Rule 22 and the term of office for those members elected will be for two years.

### **11 - PRESIDENT**

The President shall be the head of the Union. He shall preside at all meetings in connection with the business of the Union and see that the business is conducted in a proper manner. He shall where necessary sign cheques passed for payment and shall sign other documents requiring his signature as head of the Union. He shall be empowered to call Committee meetings in all cases of emergency and generally ensure the well-being and maintenance and furtherance of the objects of the Union, and in case the votes at any time be equal he may exercise the privilege of giving a casting vote.

He shall sign all Minutes of meetings of the Union and the Committee after their confirmation.

The President shall declare positions on the Committee vacant when those positions become vacant pursuant to these Rules.

The President shall have such other powers and shall perform such other duties as are prescribed elsewhere in these Rules.

### **12 - VICE-PRESIDENT**

The duties of Vice-President shall be to assist the President at all meetings of the Union and in the absence of the President to occupy the Chair and conduct the business. He shall perform all functions assigned to the President to the best of his ability and judgement if the President, through illness or absence is unable to do so.

### **13 - SECRETARY**

- (1) The duties of the Secretary shall include the keeping of an account in proper form of the receipts, payments, funds, and the effects of the Union, attending all meetings and taking the Minutes of the same. He shall zealously attend to all correspondence and answer such questions as may be asked in accordance with the Rules and resolutions of the Union. He shall keep a book and insert the date of postage of all correspondence and letters and keep copies of same. He shall sit with the Auditor when auditing and insert his name on all letters and returns; write any correspondence the Committee and General or Special Meetings may direct and he shall pay into the Union's account in the Commonwealth Savings Bank (or such other Bank as may be chosen) all moneys received by him from time to time and he shall have a current Bank statement ready for inspection at any Committee meetings if so required. He shall when required to do so, place all Books of the Union on the table for the Committee's inspection.

- (2) The Secretary shall in all meetings be allowed the right to speak and vote and shall devote such portion of his time as the Committee may desire to advance the interests of the Union. The Secretary shall be paid such remuneration as may be determined from time to time at a General or Special Meeting. The Secretary shall keep a complete register of members admitted, their residential address and details of the financial status of each member in respect of his membership.
- (3) The Secretary shall have such other powers and shall perform such other duties as are prescribed elsewhere in these Rules.
- (4) Subject to Rule 20 and Rule 27 of these Rules, the Secretary shall remain in Office for a period of four years from the date of his election.

#### **14 - TREASURER**

- (1) The Treasurer and the Secretary shall sign all cheques which are to be authorised by the Committee.
- (2) The Treasurer shall always be allowed the right to speak and vote and shall devote such portion of his time as the Committee may desire to advance the interests of the Union. The Treasurer shall be paid such remuneration as may be determined from time to time at a general or special meeting.
- (3) The Treasurer shall have such other powers and shall perform such other duties as are prescribed elsewhere in these Rules.
- (4) Subject to Rule 20 and Rule 27 of these Rules, the Treasurer shall remain in office for a period of four years from the date of his election.

#### **15 - TRUSTEES**

The Union shall elect three (3) Trustees who in conjunction with the Treasurer, Secretary, President, Vice President and Ordinary Members of the Committee shall be responsible for the investment and management of all of the funds or property of the Union in such manner as the Union in General or Special Meeting assembled may direct, subject to these Rules.

#### **16 - ORDINARY MEMBERS OF THE COMMITTEE**

The Union shall elect three (3) ordinary members of the Committee who will attend all meetings of the Committee and take part in the management of the affairs of the Union as provided for in these Rules.

#### **17 - AUDITOR**

- (1) The Auditor of the Union, who shall be an approved auditor in accordance with the relevant industrial legislation shall be appointed from time to time by the Committee. Subject to any relevant legislation, the Committee shall have power to remove the Auditor from office at any time at its discretion. The Auditor shall make a complete audit of the Union's accounts at the completion of the Union's financial year on the 30<sup>th</sup> September each year and submit to the Annual General Meeting the Auditor's report, a statement of receipts and expenditure of

the respective funds and a Balance Sheet as well as any other information or document required by relevant industrial legislation.

- (2) In addition to the foregoing the Auditor shall audit the Books and accounts of the Union whenever directed by the Committee or by Special Meeting of the Union and forward a report to the President. The President shall make available to the officers and members of the Committee all reports he may receive from the Auditor. The Auditor shall be entitled to attend meetings of the Committee to ensure that his report has been submitted in accordance with this provision.
- (3) The costs of the Audit carried out in accordance with the provisions of the Rule shall be borne by the Union.

### **18 - STEWARDS**

- (1) One Steward shall be appointed by the members of the Union at each Brewery, Malt House, Beer Bottling Works, Bottleyard and Can Plant.
- (2) Stewards shall explain the objects of the Union and the benefits of membership to employees and endeavour to encourage non-members to join the Union. They shall arrange for members to sign the Procuration Order authorising deductions of subscriptions, levies and other dues from wages. They shall be remunerated for their services such amount as decided by the Annual General Meeting or a Special Meeting of the Union. They shall represent the members at their place of work to the employer subject to the direction of the Secretary.
- (3) Stewards shall be entitled to attend meetings of the Committee as observers but shall not be officers of the Union.

### **19 - DELEGATES**

- (1) Delegates may be appointed from time to time by any General, Annual, Half-yearly or Special Meeting of the Union, or in case of emergency by the Committee, for the purpose of assisting the officers of the Union in representing the Union in any deputation or in any organisation with which the Union may at any time affiliate or for the purpose of transacting any other business of the Union.
- (2) Delegates shall be paid all reasonable out-of-pocket expenses incurred, together with a sum equal to the amount of wages lost by them whilst attending to the business of the Union. All amounts payable under this paragraph shall be determined by the Committee.
- (3) A delegate shall not be an officer of the Union and shall not undertake any duties of an office holder.

### **20 - VACATION OF OFFICE**

- (a) A person elected to an office in the Union may only be removed from office where the officer has been found guilty under the rules of the Union of:
  - (i) misappropriation of the funds of the Union; or

- (ii) a substantial breach of the rules of the Union; or
  - (iii) gross misbehaviour or gross neglect of duty; or
- (b) A person elected to an office in the Union may be removed from office where the officer has ceased to be eligible to hold that office or has ceased to be a financial member.
  - (c) The procedure prescribed in rule 32 shall apply to proposed removal from office under this rule.

## **21 - MEMBERS HOLDING OFFICE**

Subject to these rules, all officers of the Union, unless they die, resign or are dismissed, removed or have ceased, under the rules of the Union, to be eligible to hold office, or their offices otherwise become vacant, shall hold office until their successors are elected.

## **21A – CASUAL VACANCIES**

If a casual vacancy arises in any office the following provisions shall apply:

- (1) if three quarters or less or 12 months or less, whichever is the greater, of the original term is unexpired the Committee may appoint any member of the Union who would otherwise be eligible to hold that office for the remainder of the unexpired term;
- (2) if more than three quarters or 12 months or more of the original term is unexpired then a secret postal ballot shall be held to fill the vacancy. Such ballot to be conducted in accordance with these rules.
- (3) A member appointed or elected to fill a casual vacancy shall hold such office for the balance of the unexpired term.
- (4) For the purposes of this rule time shall be calculated from the date on which the vacancy occurred.”

## **22 - NOMINATIONS FOR OFFICE**

- (1) Nominations for vacant positions on the Committee which occur as a consequence of the rotation principle contained in Rule 10(5) shall be lodged with the Returning Officer before 10 a.m. on the second Wednesday in October in the appropriate year.
- (2) Nominations for casual vacancies for positions on the Committee shall be lodged with the Returning Officer before 10.00 a.m. on the 21st day after the position(s) is(are) declared vacant by the President.
- (3) Nominations shall be in writing, signed by the candidate and endorsed by two other financial members of the Union. No member shall nominate for more than one office. Subject to (4), a steward or delegate is eligible to nominate for any office.

- (4) Only persons who have been financial members for the six months immediately preceding the date of the election shall be eligible to nominate. For this purpose, the date of the election shall be the date that nominations are called.
- (5) Before rejecting any nominations he considers defective, the Returning Officer shall notify the candidate of the defect and, where practicable, allow the candidate a reasonable amount of time to remedy the defect. Such time to be not less than seven (7) days.
- (6) Subject to paragraph (4) hereof if only one sufficient valid nomination is received to fill any vacancy, the Returning Officer shall declare the person so nominated, elected.
- (7) The Returning Officer shall call for nominations at least one month before the commencement of any ballot and nominations shall remain open for not less than 14 days.
- (8) The Returning Officer shall publish or distribute notices calling for nominations and giving all necessary information concerning the elections. Such notices to be published or distributed in such manner as the Returning Officer thinks necessary to ensure they are brought to the attention of all members.

### **23 - ELECTIONS**

- (A) If an election is necessary for the positions of the officers referred to in rule 22(1), such election shall be by secret Postal ballot conducted in accordance with these Rules.
  - (1) The ballot shall close by 5 p.m. on the third Wednesday in November. Any vote received after that time shall not be counted. The period of time between the commencement and close of the ballot shall be not less than fourteen (14) days.
  - (2) The ballot shall be conducted by the Returning Officer who shall use for the purpose of receiving Ballot Papers, a private Box in his name at the Post Office, being a private Box used exclusively for that purpose. The method of voting shall be by the Optional Preferential system. He shall declare and report the result of the ballot to the Annual Meeting in December.
  - (3) The keys to the private Post Office box shall be held by the Returning Officer and the ballot shall be counted at the time and place appointed by the Returning Officer.
- (B) If an election is necessary for the positions of the officers referred to in Rule 22(2), such election shall be by secret Postal ballot conducted in accordance with these Rules.
  - (1) The ballot shall close by 5 p.m. on the 21st day after closing of nominations in Rule 22 (2). Any vote received after that time shall not be counted. The period of time between the commencement and close of the ballot shall be not less than fourteen (14) days.
  - (2) The ballot shall be conducted by the Returning Officer who shall use for the purpose of receiving Ballot Papers, a private Box in his name at the

Post Office, being a private Box used exclusively for that purpose. The method of voting shall be by the Optional Preferential system. He shall declare and report the result of the ballot in writing to the next General Meeting of the Union.

- (3) The keys to the private Post Office box shall be held by the Returning Officer and the ballot shall be counted at the time and place appointed by the Returning Officer.
- (C) In any election held under this rule, the Returning Officer shall provide to each voter a ballot paper, a declaration envelope and another envelope that complies with any legislative requirements. A ballot cannot be counted unless the ballot paper on which it is recorded is returned as follows:
- (1) the ballot paper must be in the declaration envelope provided to the voter with the ballot paper;
  - (2) the declaration envelope must be in the other envelope that complies with any legislative requirements.

#### **24 - RETURNING OFFICER**

At the September meeting in each year the Committee shall appoint a Returning Officer who shall be neither an officer nor an employee of the Union. It shall be the duty of the Returning Officer:-

- (1) To appoint such Deputy Returning Officers and Scrutineers who are not candidates as may be necessary.
- (1A) To give notice to the members of the election and to call for nominations.
- (2) To receive nominations for offices lodged in pursuance of Rule 22.
- (3) Where an election is necessary, to have Ballot Papers printed showing the full names of the candidates for the respective offices. Such Ballot Papers to contain voting instructions.
- (4) The order in which names are to appear on the Ballot Paper shall be drawn by the Returning Officer in the presence of the President and another Officer of the Union.
- (5) To issue and initial all Ballot Papers posted to members entitled to vote.
- (6) To be responsible for the Post Office Box used and to see that it is locked until such time as the Ballot is to be counted.
- (7) To receive from the Secretary a nominal Roll of members of the Union and keep a record on the Roll of members to whom Ballot Papers were issued. Such record to correspond with the number of Ballot Papers issued.
- (8) To keep a register of members casting an absentee vote. Such register to be open to inspection by any financial member of the Union.

- (9) The Returning Officer shall, in the manner and at the time of declaring the result of an election, declare in respect of the election -
- (a) the number of ballot papers, other than duplicate ballot papers, issued;
  - (b) the number of duplicate ballot papers issued;
  - (c) the number of ballot papers admitted as formal;
  - (d) the number of ballot papers rejected as informal;
  - (e) the number of unused ballot papers;
  - (f) the number of ballot papers certified by the printer as printed in respect of the election, and;
  - (g) the number of votes admitted as recorded in favour of each candidate;
  - (h) the number of votes received after the close of the ballot.
- (10) The Returning Officer in consultation with the Committee shall make provisions for the preservation in the custody of the Union of -
- (a) all Ballot Papers admitted as formal;
  - (b) all Ballot Papers rejected as informal;
  - (c) all counterfoils relating to the Ballot Papers, whether formal or informal;
  - (d) all envelopes received after the close of the Ballot;
  - (e) the marked electoral Roll against which the counterfoils were checked;
  - (f) unused Ballot Papers, counterfoils and other documents prepared in connection with the election;
  - (g) all nominations papers;
  - (h) all applications for absentee votes;
  - (i) a copy of his report to the Union on the result of the ballot,

which shall be respectively placed in separate containers each endorsed with the name of the Union and the office to which the election relates and shall be sealed, signed and dated by the Returning Officer and retained for a period of not less than one year after the date of the election.

### **25 - SCRUTINEERS - APPOINTMENT AND DUTIES**

- (1) Two scrutineers who are appointed under the provisions of Rule 24(1) hereof may be present whilst the Returning Officer carries out his duties and draw his attention to any irregularities.
- (2) Any candidate may at his own expense appoint a scrutineer who shall be entitled to be present at the counting of the ballot. A candidate shall give written

notification of the candidate's scrutineers to the Returning Officer not less than 24 hours before the commencement of the counting of the ballot.

- (3) The scrutineers referred to in Sub-Rules (1) and (2) hereof shall also be entitled to be present at the counting of the ballot, inspect but not touch ballot papers, draw the attention of the Returning Officer to any matter and to make notes PROVIDED that at all times such scrutineers comply with the reasonable directions of the Returning Officer.

## **26 - ABSENT VOTING**

Any financial member who will be absent from their normal place of residence during a ballot and who desires to record an absentee vote, shall on application to the Returning Officer be supplied with a ballot paper and such material as will enable him to return his vote in a sealed envelope. Such application shall be made no later than 24 hours prior to the opening of the ballot. On making the application the member shall provide the Returning Officer with an alternate address. On issuing such ballot papers the Returning Officer shall notify each member so applying of the closing date of the ballot.

## **27 - POWER OF COMMITTEE**

- (1) If any officer of the Union does anything contrary to the Rules of the Union, the Committee shall have power to suspend him or them until the matter has been laid before a Special Meeting of the Union convened for the purpose referred to in Rule 10. The Committee, subject to these Rules, shall generally manage and direct the affairs of the Union, in the interim between General and Special meetings of the Union, but the Committee in its proceedings shall be subject to the control and approval of such General and Special meetings which may endorse or reverse any decisions or action of the Committee. The Committee shall have such other powers and shall perform such other duties as are prescribed elsewhere in these Rules.
- (2) Any officer of the Union absenting himself from meetings for three (3) consecutive times and failing to furnish a satisfactory explanation, shall be struck off the Committee. Subject to Rule 21A Casual Vacancies, a vacancy occurring in the offices of the Union by death, resignation or other causes shall be filled for the remainder of the term of office by an election held in accordance with these Rules.
- (3) The Committee shall have power to suspend for such period as it may deem expedient any member wilfully or persistently acting in direct contravention of the Rules of the Union. The suspended person shall have the right of appeal to a General meeting which may affirm or reverse the decision of the Committee.
- (4) The Committee may at any time pass resolutions for their own guidance, provided the same are in accordance with these Rules and not contrary to law.
- (5) All disputes between the Union and any member or between two or more members relating to Union matters, shall be determined by the Committee, but any member may appeal from the decision of the Committee to an Annual, half-yearly or Special Meeting of the Union, the decision of which shall be final.
- (6) The Committee shall meet at such times and places as it shall from time to time determine and when determined by the Secretary. Notice of a meeting to be held

at a time other than as determined by the Committee may be given orally to each member by the Secretary.

### **28 - FINANCIAL YEAR OF UNION**

The financial year of the Union shall terminate on the 30th day of September of each year.

### **29 - CONTRIBUTIONS & LEVIES**

Members shall receive a copy of these Rules and Certificate of Membership attached. A member out of employment shall not be required to pay subscriptions or levies until recommencing work, but he shall first notify the Secretary or Steward and have their names marked "out of work" (o.w.) on the register of members.

### **30 - LEVIES AND MONEY VOTES**

It shall be competent for any Special meeting subject to these Rules to vote any sum of money provided that due notice of such meeting and the intention to vote a sum of money thereat, together with the purpose for which it is proposed to be voted, shall have been given to all members in the manner prescribed in Rule 36 and further that such vote shall only be declared carried by the vote of three-fourths of the members present at such Meeting. Provided that no part of the funds or property of the Union shall be paid or applied to, or in connection with, or to aid or assist any person or persons engaged in any strike or lock-out within Western Australia.

### **31 - INFRINGEMENT OF RIGHTS AND PRIVILEGES**

- (1) Should any infringement of the rights and privileges of the members be attempted by an employer, the members concerned therein shall deal with the same, and if necessary, appoint a deputation to wait upon the employers and endeavour to adjust the dispute. Failing any settlement, the matter shall be referred by the members concerned to the Committee which may take such steps in the matter as it may deem expedient, subject always to the provisions of any Act of Parliament.
- (2) If any member receives from an employer notice of a reduction of wages or increased hours of labour, he shall at once give notice thereof to the Secretary, who shall communicate with the President and if deemed necessary, shall call a Special Meeting of the Committee to consider the same and act thereon.

### **31A – LOANS, GRANTS AND DONATIONS**

- (1) Subject to (2) hereof, a loan, grant or donation of an amount exceeding \$1,000 must not be made by the Union unless the Committee:
  - (a) has satisfied itself:
    - (i) that the making of the loan, grant or donation would be in accordance with the other rules of the Union; and

- (ii) in the case of a loan – that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and
  - (b) has approved the making of the loan, grant or donation.
- (2) The Secretary of the Union may make a loan, grant or donation of an amount not exceeding \$3,000 to a member of the Union if the loan, grant or donation:
  - (a) is for the purpose of relieving the member or any of the member's dependents from severe financial hardship; and
  - (b) is subject to a condition to the effect that, if the Committee, at its next meeting, does not approve the loan, grant or donation it must be repaid as determined by the Committee.
- (3) In considering whether to approve a loan, grant or donation made by the Secretary the Committee must have regard to:
  - (a) whether the loan, grant or donation was made under the rules of the Union; and
  - (b) in the case of a loan:
    - (i) whether the security (if any) given for the repayment of the loan is adequate; and
    - (ii) whether the arrangements for the repayment of the loan are satisfactory.

### **32 - GENERAL**

- (1) If any person of general bad character shall have become a member of this Union he may be expelled from membership by a majority vote of a General meeting provided that:-
  - (a) A notice of motion and a written notice giving a short substance of the charges notifying the time and place of the meeting shall be posted to the accused member's last known place of abode not less than seven (7) clear days, or in the case of an accused member's last known place of abode situated more than 100 kilometres from the place where the charge is to be heard, not less than ten (10) clear days before the date of such meeting;
  - (b) The purpose of such meeting is advertised;
  - (c) At the appointed time and place of the General Meeting, the General Meeting shall investigate the charge whether or not the member shall be in attendance. In the event that the accused member is in attendance at the General Meeting he shall be given a reasonable opportunity to be heard in his defence and may if he desires make his answer to the charge(s) in writing. Where the member has a reasonable excuse for not attending the meeting may be postponed for a reasonable period to allow for the member's attendance and the decision of the meeting shall be advised in writing to the member.

- (2) The Secretary or any Steward may refuse to accept the entrance fee of any person of general bad character as a member; provided always that he shall forthwith report such refusal to the Committee, which shall determine the application according to Rule 6(2).
- (3) The Books of the Union and Register of members may be inspected by any person having an interest in the funds of the Union at any reasonable hour.
- (4) The Union shall be represented before the Industrial Commission or any other tribunal appointed under the provisions of any Act of Parliament by the Secretary or President or by any such other person as may be appointed for that purpose by the Committee.
- (5) Disputes may be notified to the Industrial Commission or other statutory tribunal established for the purpose of dealing with industrial disputes by the Secretary.

### **33 - UNION SEAL**

- (1) There shall be a Seal of the Union which shall be oval in shape with the words "The Breweries & Bottleyards Employees' Industrial Union of Workers" appearing around the circumference and the words "of Western Australia" in the centre thereof. The Secretary shall have the custody of the Seal and it shall be used only as prescribed in paragraph (2) hereof.
- (2) All Industrial Agreements, Deeds and any other instruments which are required by law to be under Seal shall be made and/or executed under the Seal of the Union by the President and Secretary of the Union, provided that before being executed such document shall be submitted for approval to a General or Special Meeting of the Union. All instruments and other documents which are not required by law to be under Seal shall be executed by the President and Secretary of the Union.

### **34 - ANNUAL RETURNS**

The Secretary shall make and file all returns and other documents or information as may be required of the Union by any Act of Parliament.

### **35 - HONORARY MEMBERS**

- (1) Subject to a written application to the Secretary having first been made any person who ceases to be employed in the industry(s) or works referred to in Rule 3 may be elected an Honorary member of the Union on the vote of a majority of members present at a Special or Annual Meeting of the Union.
- (2) Notwithstanding anything elsewhere contained in these Rules, the Committee may admit to honorary membership any person who has been a financial member of the Union for a period of fifteen years and who has retired from employment in the industry(s) or works referred to in Rule 3.
- (3) All honorary members shall have the right of speaking but not of voting at meetings of the Union.

### **36 - MEETINGS**

- (1) General Meetings of the Union shall be held at least once in each three months provided that the Annual General Meeting shall be held in the month of December. The Committee shall decide the date of each meeting.
- (2) Special meetings of the Union may be called at any time by the President and Secretary of the Union, acting conjointly, and shall be called by the President on a written application signed by fifteen (15) financial members of the Union being filed with the Secretary to discuss the business contained in such application.
- (2A) All Meetings of the Union shall be convened by the Secretary by notice posted to each member at the address recorded in the Union's books not less than 7 clear days before the meeting. Such notice shall indicate the nature of the business to be conducted at such special meeting and include all motions of which notice has been given and the proposed agenda.
- (3) In the event of the occasion arising the Committee shall have the power to summon an extraordinary meeting of the Union. The condition under which and the manner in which such meeting may be called shall be as provided in paragraph (2) above for a special meeting. The powers of an extraordinary meeting shall be the same as those prescribed in these Rules for a Special Meeting.
- (4) At all General, Special and Extraordinary meetings of the Union six (6) members shall form a quorum.
- (5) The right of voting at General, Special and Extraordinary meetings of the Union may be exercised by all financial members.

### **37 - ORDER OF BUSINESS**

After the opening of any General Meeting of the Union for the purpose of facilitating business the following order shall be strictly adhered to:-

1. Confirmation of Minutes.
2. Reading of correspondence.
3. Reports.
4. Finance.
5. General Business.
6. Discussion of Notices of Motion.
7. Receiving Notices of Motion.
8. At the Annual Meeting declaration of ballots for election of officers and committee men.

### **38 - STANDING RULES AND ORDERS**

- (1) Any member on giving notice of a motion shall read it aloud and give to the Secretary a copy of such motion together with his name and the day proposed for bringing on such notice.
- (2) No notice entered on the notice paper shall be proceeded with unless the member who has given such notice, or someone authorised by him, be present when the business is called in order.
- (3) Notice of motion shall only be required for the purpose of adding to, rescinding or altering Rules or previous resolutions.
- (4) Any motion not seconded shall not be debated and all motions before being debated must be read from the Chair.
- (5) As soon as a debate upon a question is concluded, the President shall put the question to the meeting in a distinct and audible manner.
- (6) The question being put shall be resolved in the affirmative or negative by a show of hands, but any three members may demand a division.
- (7) A question having been proposed may be amended by leaving out, substituting or adding words, and such amendments shall be resolved by a majority of votes.
- (8) Any amendment proposed and not seconded shall not be entertained nor placed on the Minutes.
- (9) Only one amendment shall be entertained at one time. If the amendment be carried, it shall become the motion. It shall be competent, whether the amendment be carried or not, to receive other amendments one at a time, to be disposed of in like manner until the question is finally dealt with.
- (10) During any discussion any member who has not moved, seconded or spoken to the motion may move without debate "that the question be now put".
- (11) Any speaker desiring to propose a motion or amendment, or to discuss any matter under consideration, must rise and address the Chairman and no member when speaking shall be interrupted unless called to order, when he shall sit down and the member so called to order shall be heard in preference to any other speaker after the Chairman shall decide on the point of order or business.  
  
A member shall be allowed to speak for not more than ten (10) minutes when moving, seconding or speaking to a motion, or amendment before the Chair.
- (12) No member may speak to any motion after the same has been put by the Chairman.
- (13) When two or more members rise to speak, the Chairman shall call upon the member who, in his opinion, rose first in his place.
- (14) A member may speak once to any motion before the meeting, and to any amendment proposed thereto. Any member proposing or seconding a resolution shall be held to have spoken, and the mover only shall have the right to reply; but any member may, with the consent of the Chairman, speak again in explanation.

- (15) Whenever the Chairman rises during a debate any member then speaking or offering to speak, shall sit down, so that the President may be heard without interruption.
- (16) If any member attends a meeting intoxicated, or interrupts the business, he shall be requested by the Chairman to withdraw forthwith, failing which he may be ejected from the meeting.

### **39 - SUSPENSION OF STANDING ORDERS**

It shall be competent by a vote of two-thirds of the members present for the meeting to suspend any Standing Orders herein contained provided the object of such suspension shall not be rescinding of any resolution previously adopted by the Union.

### **40 - FUNERAL BENEFIT**

- (1) Subject to Rule 31A, an amount of money determined at an Annual General meeting or Special General meeting for Funeral expenses may be paid by the Union on the death of any financial member to the next-of-kin, or to such other person as may be determined by the Committee.
- (2) Subject to Rule 31A, an amount of money determined at an Annual General meeting or Special General meeting for Funeral expenses may be paid by the Union on the death of an honorary member (subject to a review by the Committee of Management of the deceased's financial circumstances) to his next-of-kin, or to any such person as may be determined by the Committee. For the purpose of this Rule, an honorary member shall mean a person who has been elected or admitted as such under the provisions of Rule 35(1) and (2) provided that at the time of his death he was not actually employed in any other industry(s).

### **41 - LONG SERVICE LEAVE TRUST FUND**

- (1) A Long Service Leave Trust Fund is established for the benefit of any member who may voluntarily elect to set aside sums of money for the purpose of having an accumulated amount available at the time of taking his long service leave.
- (2) The control of member's individual accounts shall be vested in the Committee and withdrawals from such accounts shall be made under the signature of the Treasurer and President or Secretary after the Committee has authorised such withdrawals.
- (3) Withdrawals shall be made on the authority of the Committee if a member -
  - (a) Ceases for any reason to be employed in the industry(s) or works referred to in Rule 3.
  - (b) Becomes eligible for long service leave, or
  - (c) Dies.

The Committee shall pay such amount standing to the member's credit to the member the member's dependants or next-of-kin as the case requires.

- (4) The manner in which the member's savings are to be invested will rest entirely with the Committee who will do all things necessary to ensure that the maximum rate of interest is returned to the members concerned.

#### **42 - ALTERATION OF RULES**

- (1) The Union shall have the right to make Rules for its own use and guidance. Such Rules may be amended, added to, varied or repealed.
- (2) A member may by notice in writing deliver to the Secretary a notice of motion of proposed alterations to the Rules and the reasons therefor. The notice shall be put to the next General or Special Meeting of the Union.
- (3) No amendment, addition to, variation or repeal of these Rules shall be made unless a notice of the proposed alteration, and the reasons therefor, is sent to each member at the address recorded in the Union's books.
- (4) In the notice referred to in paragraph (3) members shall be informed that they or any of them may object to the proposed alteration or any of them by attending the general meeting and speaking and voting thereat and/or by forwarding a written objection to the Registrar to reach him no later than 21 days after the date of the Special Meeting of the Union referred to in paragraph (2) above.
- (5) For the purposes of this Rule the period of notice before the meeting which is to consider the proposed alterations shall be at least 10 clear days. The notice shall contain the notice of motion, each of the proposed amendments, the reasons therefor and the information referred to in paragraph (4) hereof and the place, date and time of the meeting.

#### **43 - NOTICE TO MEMBERS**

A register shall be kept at the Union office of the name of every member and of an address for service. The sending of any notice, account, summons, charge or document to the member at such address shall be deemed sufficient service on the member whether it reaches him or not, and the notice, account, charge or document shall be deemed to have been served on him at the time when it would have reached such address in the ordinary course. Service in any other manner sufficient to reach the member shall be sufficient on such member.

#### **44 - DISSOLUTION**

No vote of any number of members shall be taken for the purpose of winding up the Union as long as there be twenty financial members in favour of carrying on the Union. Subject to Rule 32(3) of these Rules, the Union shall not be dissolved unless the question "that the Union shall be dissolved" shall be submitted by ballot to all the then financial members of the Union. If it is so decided that the Union shall be dissolved all the property of the Union shall be converted into money and all liabilities of the Union shall forthwith be paid and discharged, and the nett balance of such moneys remaining shall be divided pro-rate amongst the members.

