

**SEAMEN'S UNION OF AUSTRALIA
WEST AUSTRALIA BRANCH**

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R. LOVEGROVE
DEPUTY REGISTRAR

RULES
SEAMEN'S UNION OF AUSTRALIA
WEST AUSTRALIA BRANCH

1 - NAME

The Union shall be known as the "Seamen's Union of Australia, West Australia Branch".

2 - CONSTITUTION

- (a) The Union shall consist of an unlimited number of members who, in the State of Western Australia follow the occupation of:
- (i) Painting (excepting those provided for in Part 1 of Reference No. 32 of 1945 Demarcation Board Decision if the word "enamelling" in sub-paragraph (ii) and the words "done in enamel" in sub-paragraph (ix) of paragraph 5 of part 1 of that Decision were deleted therefrom), chipping, sandblasting, shotblasting (subject to the abovementioned Decision), scrapping scrubbing, cleaning, limewashing, cementing and cement washing, on any vessel or sectional part thereof, or on any vessel during construction; boiler scalers, shipwrights' assistant, carpenters' assistant, and joiners' assistant in the shipping trade; employees employed cleaning ships' holds and dunnaging, excepting such cleaning and dunnaging as is normally performed by waterside workers or shipwrights; riggers, wire splicers, sailmakers, sailor gangs or general labourers (other than those engaged in structural maintenance) working about docks, dockyards, slips, vessels (including any sectional part of a vessel or on any vessel during construction) and shipyards; painters of ironwork, machinery, sheds, sheerlegs, cranes and smokestacks in established dockyards and shipyards in which members of the Union have from time to time been employed for work on ships; employees engaged in the making, repairing and/or maintaining of rope, wire, chain or canvas gear used in connection with cargo handling, insulation and lagging employees; employees engaged in the mooring and unmooring of vessels; deckhands of floating cranes and such like vessels.

Provided that an employee who pursuant to the foregoing provisions of this rule, is eligible for membership of the Union shall remain eligible for such membership when in the course of his employment in any of the occupations referred to in the said provisions and included in the Constitution of this Union, he is required to paint ironwork, machinery, sheds, sheerlegs, cranes and smokestacks in established dockyards and shipyards.

- (ii) Mates and engineers of whaling vessels, lamp trimmers, boatswains, boatswain's mates, sailors, quarter masters, donkeymen, storekeepers, greasers, oilers, firemen, trimmers, watertenders, wipers, deckhands, ordinary seamen, deck boys, deckhands and sailors' attendants, stokehold staff attendants, ladder men, pipe-winchmen, winchmen, hoppermen, and boatmen engaged working on ships and vessels including dredges, lighters, hulks, barges, ferries, tugboats, tenders and pilot vessels;
- (iii) Boatbuilder or shipwright in the maintenance, manufacture, construction or repair of iron, steel, wooden, fibreglass, plastic or concrete ships and vessels of any description and (without limiting the generality of the term) of boats, punts, pontoons, floating stages, targets, preventers, torpedo netting booms, rafts, dock gates, caisson and coffer dam gates, aircraft or seaplanes (where work on such aircraft or seaplanes is done in an establishment, the principal business of which is work of the other class hereinbefore mentioned) or on any other floating structure.
- (iv) Cargo, jetty, ship or wharf (including wharf entrance gates) watchmen;
- (v) The Secretary for the time being of the Seamen's Union of Australia, West Australia Branch and persons whether included or not included in the occupations referred to in paragraphs (i), (ii) and (iii) hereof as have been appointed officers of the organisation, and admitted as members thereof.

Provided that a person (other than a crewman of a self-propelled dredge, hopper barge or tender) who is employed under an agreement (whether registered or not) to which the Australian Workers' Union, Westralian Branch, Industrial Union of Workers was a party and in force on the eighth day of December, 1967 or under an Award to which that Union is a party at any time shall not be eligible to be a member of this Union.

Provided further that a person who is eligible for membership of the Australasian Society of Engineers Industrial Union of Workers, Western Australian Branch shall not be eligible to be a member of this Union.

Provided further that no person employed in connection with river improvements or employed or serving in any naval, military or police force in Western Australia or is under fourteen years of age shall be eligible to become a member of this Union.

Provided further that no person shall be eligible to become a member except in the capacity of an honorary member who or whose personal representative is entitled to some financial benefit or financial assistance under the rules of the Union while not being an employee within the meaning of the Industrial Relations Act, 1979.

- (b) In addition to the members referred to in sub-rule (a) of this rule the Union shall be comprised of any number of bosuns, bosuns' mates, quartermasters, storekeepers, able seamen, sailors, deckhands, ordinary seamen, deckboys, pumpmen, donkeymen, water tenders, engineroom attendants, oilers, greasers, motormen, boiler attendants, firemen, wipers, trimmers, crew attendants, employees engaged on working on dredges, lighters, hulks, barges, punts, employees working on river and harbour vessels, including ferries, employees working on tugboats and tenders, employees working in the pilot services AND Marine Cooks, Bakers and Butchers and other employees employed, or competent to be employed in the galley of Australasian vessels; together with officers of the Union.

3 - REGISTERED OFFICE

The Registered Office of the Union shall be at Room 16, "Terminus Chambers", 18 Pakenham Street, Fremantle or at any such other place as the Committee of Management may from time to time decide.

4 - OBJECTS

The objects of the Union are, by all lawful means, industrial, political or otherwise -

- (a) to regulate, protect and advance the wages, remuneration, mode and general conditions of employment of its members and to improve and foster the industrial, economic, political, social and cultural interests and welfare of its members and of workers generally;
- (b) to negotiate and enter into industrial and other arrangements or agreements, execute deeds and instruments, seek legislation, awards and orders, and use all the powers and authorities expressed in Commonwealth and State Legislation on behalf of its members;
- (c) to control and co-ordinate the supply and organisation of labour and to secure preference of employment for its members;
- (d) to establish, maintain, or contribute to, labour, trade union or other workers' newspapers, journals or magazines, radio or television stations, film production units, theatres or other means of education and propaganda;
- (e) to amalgamate with, absorb, affiliate to, co-operate or otherwise combine with, or contribute to, any trade or industrial union, association or council or any other body or organisation having objects or activities similar in whole or part to the objects of the Union and be represented on such other Unions, Associations, Councils, bodies or organisations.

5 - MEMBERSHIP

- (a) All candidates for membership of the Union shall forward or cause to be forwarded to the Secretary of the Union an application in duplicate on the form prescribed by the Union for that purpose, signed by such candidate and stating his address.
- (b) Upon receipt by the Secretary of the application, he shall sign and date same, and the person applying shall attend the next meeting of the Union, pay his entrance fee and all dues as fixed by the rules, and shall be proposed and seconded, and shall then be accepted or rejected by members assembled. Proposers and seconders of applicants must be present. If accepted, he shall then be inducted by the Secretary, according to the prescribed form and his name and address inserted in the role of membership. Rejected applicants shall have the contributions etc., returned to them.
- (c) Every applicant for membership must be proposed by two (2) financial members of the Union and, where practicable, must produce a clearance form from the Union of which the applicant was a member immediately preceding his application.

- (d) A member of the Union who is eligible to be a member of The Seamen's Union of Australia, West Australia Branch, (hereinafter called the "Counterpart Federal Body") the Western Australian Branch of the Seamen's Union of Australia, an Organisation of Employees registered pursuant to the Conciliation and Arbitration Act, 1904 (Fed) shall become a member of the Counterpart Federal Body and remain a member so long as he remains a member of the Union. Members of the Counterpart Federal Body shall be exempt from membership and entrance fees of the Union.

6 - REGISTER OF MEMBERS

A register of members shall be kept by the Secretary. The register shall record the names and addresses of all members, the date of joining the Union, the date of resignation, together with the detail of all monies paid to the Union by the members. The register shall be open for inspection, during ordinary business hours, by any persons having an interest in the funds of the Union.

7 - CHANGE OF ADDRESS

It is the responsibility of every member to supply the Secretary with his correct address. Any change of address must be notified to the Secretary within 14 days of such change. Any member failing to comply with this rule shall be liable to a fine of not more than two dollars (\$2.00).

8 - CESSATION OF MEMBERSHIP

- ~~(i) Any member in arrears of dues for 12 months shall cease to be a member, and his name shall be struck off the register of members, but any member so struck off shall not be free from arrears due. Any member leaving the industry and having paid all dues may be granted a clearance or certificate that he is a financial member of the Union. (Disallowed - See Order No 860 of 1996 of 28/11/96)~~
- (ii) Except as provided in Clause (i) hereof, no person shall cease to be a member except upon resignation or release by clearance and strict compliance with the provisions of this rule.
- ~~(iii) No member shall discontinue his membership by resignation without giving at least three (3) months' previous written notice to the Secretary or paying a sum equal to three (3) months' contributions in lieu of notice nor until such member has paid all fees, fines, levies or other dues payable by him under the rules to the end of the period covered by such notice. Such notice of intention to resign or resignation shall not be withdrawn without the consent of the Union. (Disallowed - See Order No 860 of 1996 of 28/11/96)~~
- (iv) Any member who desires to terminate his membership immediately so that he can commence work in another industry may, upon payment of all contributions, fees, fines, levies and dues payable to that date, be granted a clearance by the Union and the issue of such clearance on the official printed form provided shall immediately terminate the member's membership.
- (v) The termination of any membership in accordance with the provisions of these rules shall not relieve the member of any obligation for payment of arrears or

any other contribution, fee, fine, dues or levy due and payable as at the time his membership is terminated.

- (vi) Any member expelled, resigning or in any way ceasing membership, shall forfeit all claims to any monies he has paid in respect of his membership.
- (vii) A person who, immediately prior to accepting employment in an occupation not covered by the constitution of this Union, is a member of this Union and who notifies the Secretary of the acceptance of such employment shall, if he resumes employment at an occupation covered by the constitution of this Union within 12 months of accepting the first mentioned employment, be re-admitted as a member of this Union without payment of an entrance fee but only if he produces a clearance or Union Ticket from another Union.

9 - GOVERNMENT OF THE UNION

- (a) The Union shall be governed by the members of the Union in general meetings assembled and the Committee of Management shall carry out all the instructions given by resolution of the members of the Union in such general meetings.
- (b) The Executive Officers of the Union shall be those persons who from time to time are the Executive Officers of the "Counterpart Federal Body".
- (c) The Committee of Management shall govern and exercise general supervision over the affairs of the Union between general meetings and within that time the management of the Union shall be vested in the Committee of Management.
- (d) The Committee of Management shall consist of the Executive Officers. The voting on business before the Committee of Management shall be by show of hands provided however that a resolution in writing may be submitted to all members of the Committee of Management by the Secretary and if signed by a majority of them shall be valid and effectual. At meetings of the Committee of Management two officials shall form a quorum.

10 - POWERS AND DUTIES OF COMMITTEE OF MANAGEMENT

The Committee of Management shall, subject to the control of members at general meetings of the Union as herein provided, have power to:

- (a) Secure the observance of the Rules of the Union;
- (b) Safeguard the interests of the members of the Union;
- (c) Decide questions on which the Rules or any Agreement are silent or doubtful;
- (d) To direct an inquiry into differences between members and to settle such differences;
- (e) Decide questions of differences between this Union and any other Union;
- (f) Enter into negotiations for the making of agreement;
- (g) Submit to members a report on the work of the Union since the previous report was submitted;

- (h) Call a general meeting of the members of the Union or of the Committee of Management of this Union;
- (i) Fix entrance fees and membership fees.

11 - THE MANNER OF SUMMONSING MEETINGS OF MEMBERS AND OF THE COMMITTEE OF MANAGEMENT

- (a) Meetings of the Committee of Management shall be summonsed by the Secretary sending to each member thereof a notice of the date of the holding of such meeting by post or telegram in sufficient time to enable the member to reach the place at which the meeting is to be held. The Committee of Management shall meet at least once in each year and at such other times as the Committee of Management may decide.
- (b) A meeting of the Committee of Management of the Union or of the Union shall be called by the Secretary on requisition signed by a majority of members of the Committee of Management or on requisition signed by ten percent (10%) of the members of the Union. All such requisitions shall contain the nature of the business to be transacted at the meeting.
- (c) Meetings of the Union may be summonsed by the Secretary inserting in a newspaper circulating in the State of Western Australia a notice of such meeting at least two (2) days before the holding thereof.
- (d) Meetings of the Union shall be conducted in the manner following:
 - (i) A quorum at a meeting of the Union shall be in the aggregate 50 members;
 - (ii) the members of the Union assembled shall elect from the body of the hall a chairman to preside over the proceedings and he shall have a deliberate vote only;
 - (iii) each of the items on the agenda shall be submitted to the members present by way of motion and voted upon by the members.

12 - APPOINTMENT AND REMOVAL OF EXECUTIVE OFFICERS

- (a) The Secretary of the Union shall be that person who from time to time is the Secretary-Treasurer of the "Counterpart Federal Body".
- (b) The Assistant Secretary/ies of the Union shall be that person or those persons who from time to time are the Assistant Secretary/ies of the "Counterpart Federal Body".

13 - EXECUTIVE OFFICERS' DUTIES

- (a) The duties of the Secretary shall be to:
 - (i) Attend all meetings of the Committee of Management and the Union and to carry out the resolutions passed at any such meeting.

- (ii) receive and conduct all correspondence of the Union, attend to and administer the business of the Union generally and attend to all returns and keep all records as provided by law; and
- (iii) preside over meetings of the Committee of Management.
- (b) The duties of the Assistant Secretary/ies shall be to:
 - (i) attend all meetings of the Committee of Management and the Union; and
 - (ii) assist the Secretary in the performance of his duties and to perform the duties of Secretary in his absence.

14 - POWER TO SUE AND BE SUED

The Secretary shall be the person to sue and be sued for and on behalf of the Union.

15 - INDUSTRIAL AGREEMENT AND OTHER DOCUMENTS

Industrial agreements and other instruments may be made, entered into, executed or from time to time altered, amended, varied, modified or cancelled by or on behalf of the Union by the Committee of Management.

Such industrial agreements and any instrument not required by law to be under seal may be executed by the Executive Officers. Any instrument required by law to be under seal may be executed under the common seal of the Union.

16 - REPRESENTATION

The Union shall be represented in all proceedings before the Industrial Commission or any other court or tribunal whatsoever by such persons appointed by the Committee of Management from time to time.

17 - MANAGEMENT AND CONTROL OF FUNDS AND PROPERTY OF UNION

The funds and property of the Union shall be managed and controlled in accordance with the Memorandum of Agreement entered into between the Union and The Seamen's Union of Australia, the organisation of which the Counterpart Federal Body is the Western Australian Branch.

18 - ALTERATION, REPEAL AND MAKING OF NEW RULES

- (a) These Rules may be altered or rescinded or new Rules made by the Committee of Management, subject to the endorsement of members assembled in special meeting of the Union.
- (b) A resolution in writing to alter, rescind or make new Rules in conformity with this Rule shall be submitted to all members of the Committee of Management, and if signed by a majority of them shall be as valid and effective as if it had

been passed at a meeting of the Committee of Management duly called and constituted.

- (c) A proposal to alter, rescind or make new Rules may be made by any member of the Committee of Management.
- (d) The Rules of the Union shall not be altered or rescinded or new Rules made until:
 - (i) notice of the proposed alteration, rescission or new rule and reasons therefor is given to all members of the Union;
 - (ii) all members are advised that they may lodge an objection with the Industrial Registrar within 21 days of having received notice of the proposed alteration, rescission or new rule;
 - (iii) a period of 21 days has expired after members have been circularised;
 - (iv) all objections to the Registrar have been disposed of.

19 - SEAL

- (i) The device of the Union seal shall be a circle with the words "Seamen's Union of Australia, West Australia Branch" round the circumference and, "(Organisation of Employees)" in the centre.
- (ii) The Seal shall be kept in the Registered Office of the Union in the custody of the Secretary.
- (iii) The Seal may be affixed by the Secretary, or at his direction, to any document requiring it, provided that it shall not be affixed to any agreement or document which requires the endorsement of the Union, the Committee or a Union meeting until such endorsement has occurred.

20 - TRUSTEES

The Trustees of the Union shall be the Executive Officers.

21 - INSPECTION OF BOOKS AND ACCOUNTS

Any person having an interest in the funds of the Union may inspect the books and accounts of the Union at the office of the Union during ordinary office hours.

22 - ANNUAL PICNIC DAY

The Annual Union Picnic shall be held on such date as the Committee of Management may determine. The Committee of Management shall control the picnic and all arrangements therefore and may establish such committees of members for this purpose as it may see fit. The Secretary shall perform the duties of Picnic Secretary. Should he require assistance for this purpose an assistant shall be appointed by the Committee of Management.

23 - OPERATION OF RULES

- (a) Rules 1 - 22 and Rules 32 and 33 shall operate from a date to be determined by the Committee of Management after the Industrial Registrar has issued a certificate under Section 71(5).
- (b) Rules 5(d), 9(b), 12 and 17 shall cease to operate and rules 24 to 31 shall operate in the event of a certificate under Section 71(5) being cancelled.

24 - EXECUTIVE OFFICERS

- (a) Pending the holding of an election the Executive Officers of the Union shall be those persons who were the Executive Officers of the Union immediately before this rule came into operation.
- (b) Within two (2) months of this rule coming into operation an election of a secretary and two assistant secretaries shall be conducted who, upon election, shall be the Executive Officers of the Union for a period of three years.
- (c) Within 14 days of this rule commencing to operate, a General Meeting of the Members shall be held at which the members shall elect a Returning Officer who shall be ineligible to nominate for any other elected position in the Union and shall conduct all ballots on behalf of the Union until a Returning Officer is elected pursuant to Rule 25 hereof.

25 - RETURNING OFFICER

- (a) At a General or Special Summons Meeting held not later than the last day in February of each year, the members shall elect a Returning Officer who shall, during the period of his office, be ineligible to nominate for any other elected position in the Union and shall conduct all ballots on behalf of the Union.
- (b) The Returning Officer shall have the same powers in connection with any ballot as those provided for returning officers in the Commonwealth and State Electoral Acts. He shall be generally empowered to do all things necessary for the proper conduct of the ballot so as to ensure ballot secrecy, the absence of dual voting, impersonation, intimidation of voters or any other irregularity during the ballot.
- (c) Any Deputy Returning Officers required to assist the Returning Officer in connection with any ballot may be appointed at a meeting of the Union if the Union so determines, or, in the absence of any such appointment, shall be appointed by the Returning Officer from among the members. Whilst acting as Deputies, they shall not be eligible to nominate for any position in that ballot and shall be under the complete control and direction of the Returning Officer.

26 - NOMINATIONS

- (a) Prior to any election the Committee shall fix the times at which the Returning Officer shall call for nominations and the period during which nominations may be received; Provided that nominations will close at least 14 clear days prior to the date fixed for the holding of the election.
- (b) Nominations shall be in writing on the official form provided for the purpose and shall be signed by the candidate and at least two financial members. Each nomination form submitted shall contain an undertaking signed by the candidate that he will, if elected, accept the position for which he nominates.
- (c) All nominations shall be addressed to and received by the Returning Officer.
- (d) No member shall be eligible to nominate for any position in the Union unless he is financial and has been continuously following or attempting to follow an occupation covered by the Union's Constitution, for the 12 months immediately prior to the date of his nomination. For the purposes of this Rule, a member who occupies or has occupied a position as an official or employee of the Union shall be deemed to have been following an occupation covered by the Union's Constitution during the period of his office.
- (e) No member shall be eligible to nominate for or to hold any more than one (1) position as an officer of the Union at any time, and, in the event of an extraordinary election taking place, any member holding office shall not be eligible to nominate for any other office until he has resigned from the position he then holds.

27 - ELECTORAL ROLL

- (a) For any ballot for election of officers or on any other matter or question, a roll of Union members containing names, addresses and ticket numbers shall be prepared and certified by the Secretary at least 28 days before the day set down for the ballot.
- (b) A correct copy of such roll, duly certified by the Secretary, shall be filed with the Union at least 21 days before the date set down for the ballot.
- (c) Only members fully financial at the date of certification of the roll by the Union Secretary shall be entitled to have their names included in such roll.
- (d) Subject to Rule 28 hereof, only those members whose names appear on the roll shall be entitled to vote in the ballot.

28 - SPECIAL VOTING

- (a) On any day between filing of the roll and the day on which any ballot is held any member whose name does not appear on the Roll as certified, but who claims to be fully financial and, therefore, to be entitled to vote, shall be permitted to cast a special vote in the manner set out hereunder.
- (b) The member shall complete a special declaration form issued by the Returning Officer or his Deputy, setting out -

- (i) that he is fully financial and stating his name, address and ticket number for the current year and, so far as practicable, the date on which he became financial as aforesaid;
 - (ii) that he claims to be rightly entitled to vote at the ballot in accordance with Rule 31;
 - (iii) that he has not previously voted in the ballot, and;
 - (iv) that he has not applied for, been issued with, or completed a postal ballot paper in the ballot.
- (c) The member shall sign such special declaration in the presence of the Returning Officer or his Deputy, and the Returning Officer or his Deputy shall attach his signature thereto as witness.
- (d) The member shall then be issued with a ballot paper which shall have been endorsed on the back by the Returning Officer or his Deputy with the words "Special Paper" and with the signature of the Returning Officer or his Deputy.
- (e) The member issued with the special paper shall then mark his paper, fold it so as to conceal his vote, and return it to the Returning Officer or his Deputy who shall forthwith, in the voter's presence, enclose it in an envelope bearing the special declaration of the voter inscribed on the face thereof, securely seal it and deposit it in the ballot box in the presence of the voter.
- (f) No person shall be issued with a special ballot paper as prescribed in this Rule unless he has first completed and signed the declaration as herein provided.
- (g) At the scrutiny of ballot papers after the completion of voting, the envelopes contained the special votes and bearing the special declarations completed by the voters shall be separated from the rest of the ballot papers and the Returning Officer shall -
- (i) without unsealing such envelopes, ascertain from a check of the official records whether the voter whose declaration is attached to each envelope is entitled to cast a vote under the Rules as claimed;
 - (ii) place in a separate bundle the envelopes bearing the declarations of those members who he has determined are not entitled to vote as claimed, mark on the face of each such envelope the word "disallowed" and lock them, still unopened in a sealed container;
 - (iii) place the envelopes bearing the declarations of those members who he has determined are entitled to cast a vote in the election, face downwards on the table, take the ballot papers contained therein from the envelopes. When all such votes have been similarly dealt with, the box shall be shaken, re-opened and the votes counted in the ordinary manner. A separate return of the number of such special ballot papers shall be made by the Returning Officer.

29 - POSTAL VOTING

- (a) Where any member is aware that he will be absent from the port of Fremantle or, because of accident or illness, he will not be able to attend in person to vote on the day set down for the holding of the ballot, such member may, provided that his intended absence has been notified to the Secretary, and further provided that, at the time of taking of the ballot, he is not working in another industry or occupation, make written application for the Returning Officer, on the official form provided, for the grant of a postal vote. Thereupon, if the Returning Officer is satisfied that the member is entitled to a postal vote under this rule, a ballot paper or papers will be issued to the applicant and instructions given of the time and date on which the ballot will be completed.
- (b) Application for a postal vote must be made within 14 days immediately preceding the date set down for the ballot, provided that the application must reach the Returning Officer before 12 noon on the day immediately preceding that set down for the ballot.
- (c) Upon receipt of the ballot papers or papers the applicant will complete same and return them in a sealed envelope marked "Postal Vote" and endorsed with his name, address and Union number, to the Returning Officer so as to reach him before 5:00 p.m. on the day set down for the closing of the ballot.
- (d) When a postal vote is received by the Returning Officer, he shall endorse on the envelope the date and time of its receipt and it shall be place, unopened, in a separate ballot box provided for the purpose and shall only be opened after the ballot has closed and the counting of votes has commenced.
- (e) The provisions of Rule 28(g) above shall apply mutatis mutandis to the opening and counting of postal votes.
- (f) The Returning Officer shall prepare a separate return showing the number of postal votes actually recorded.

30 - SCRUTINEERS

- (a) At the taking of any ballot, the Union and/or any candidate or any supporter of, or opponent to, any question or other matter to be balloted upon, may appoint a scrutineer who shall be a financial member of the Union; but the Union shall not incur any expense of such scrutineering unless he or they have been authorised or duly appointed by the Union.
- (b) Appointments of scrutineers shall be made by notice in writing addressed to the Returning Officer and signed by the person or authorised officer, as the case may be, entitled to make the appointment. The notice shall give the name, address and ticket number of the scrutineer appointed.
- (c) No more than one scrutineer shall be allowed to each candidate or each supporter, or opponent of, any questions or other matter to be balloted upon at each polling booth or other place where the ballot is being conducted or where a scrutiny of the votes cast in such ballot is taking place.
- (d) Subject to clause (e) hereunder, a scrutineer shall not be prevented from entering or leaving the polling booth or other place where the ballot is being conducted or the scrutiny of votes is taking place; and, during his absence, a relieving

scrutineer properly appointed may act in his place, but only one scrutineer for each candidate or supporter of, or opponent of, any question or other matter to be balloted upon shall be entitled to be present in the polling booth or place of scrutiny at any time.

- (e) A Scrutineer shall not interfere with, or attempt to influence, any voter within a polling booth or any other place where the ballot is being conducted, or communicate with any person in the polling booth except insofar as is necessary in the discharge of his functions. A scrutineer who, in the opinion of the Returning Officer or his Deputy, commits any breach of this provision, or misconducts himself, or fails to obey the directions of the Returning Officer or his Deputy shall, on the request of the Returning Officer or his Deputy, immediately leave the polling booth or other place where the ballot is being conducted or the scrutiny of votes is taking place.

31 - GENERAL

- (a) All ballots for the election of officers of the Union, for which an election is necessary, shall, except where otherwise provided, be held on one day in the week commencing the first Monday of December, and ballots of membership on any other matter or question shall be held at such times as may be determined by the Committee.
- (b) 14 days' clear notice of the holding of any ballot shall be given to the members and such notification shall indicate the candidates standing for election and the hours during which and places at which voting shall occur.
- (c) All ballots for the election of officers, shall be strictly secret. Every financial member shall be entitled to vote and to vote freely, independently and without interference to all such elections or ballots.
- (d) In all ballots voting shall be compulsory for all financial members. Members failing to record their votes without reasonable excuse shall be liable to a fine in respect of each such failure. (Reasonable excuse includes sickness or absence from port during the taking of the ballot).
- (e) The names of the candidates seeking election, or the terms of the question or other matter to be submitted to ballot, shall be legibly printed on numbered ballot slips together with clear directions for voting. The method of voting in all such ballots shall be by a cross (x) opposite the name of the candidate for whom it is desired to vote, or in the case of question or other matter submitted, by placing a cross opposite the word "Yes" or "No", indicating whether the voter is for or against the question or the matter submitted.
- (f) In any ballot, the Returning Officer shall count the votes and record the same, supplying separate returns for special and postal votes, and compile lists of names of members voting and members failing to vote. He shall determine the candidates elected, or the decision on the question submitted, and declare the result of the ballot as soon as practicable at a Special summons meeting called for the purpose when he shall submit a report containing the information already referred to and all other information relevant to the ballot. All ballot materials shall be placed in the custody of the Secretary and shall be preserved for at least 12 months after the conclusion of the ballot. A copy of the Returning Officer's declaration and report on the ballot shall be forwarded to the Union.

- (g) Subject to Clause (h) hereunder, in the event of any position becoming vacant because of death, resignation, or removal of the holder from office, a by-election shall be held to fill the position and the provisions of this part of these Rules shall apply.
- (h) In lieu of the holding of a by-election in accordance with Clause (g) hereof, the Committee may where the ordinary regular elections are imminent, appoint a Committee member to act in the vacant office until the next regular elections or direct the vacant position to be filled by a secret ballot conducted at a Special Summons meeting of which 14 days' notice is given to all members; provided that such appointment or direction is previously authorised at a Special Summons Meeting.
- (i) If, at any time, there are insufficient Delegates representing the Union on A.L.P. Councils, Trades and Labor Councils, or similar bodies, the Committee of Management shall call for nominations to fill the vacancy. Such nominations shall be endorsed, or otherwise, at the next Special Summons or General meeting of the Union.

32 - FUNDS

- (a) All funds of the Union, unless otherwise invested in accordance with these rules, shall be deposited in the name of the Union in the Commonwealth Bank of Australia.
- (b) The funds of the Union shall be used only for purposes connected with and incidental to the objects of the Union and the enforcement of these Rules; provided that 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.
- (c) The funds of the Union may be invested provided that such investment is made in the name of the Union and in such manner as a Special Summons meeting may from time to time determine.
- (d) All monies withdrawn from the Bank shall be withdrawn by cheque signed by any one (1) of the three (3) trustees, together with the Secretary.
- (e) The books and accounts of the Union shall be audited annually by a duly qualified public accountant appointed by and holding office at the pleasure of the Committee of Management. The Auditors shall produce and certify a Statement of Receipts and Expenditure, a Balance Sheet and a report which shall be placed before the Annual General Meeting of the Union.
- (f) No donation above the sum of \$10.00 may be made from Union funds unless agreed upon by a General or Special Summons Meeting of members.

33 - DISCIPLINE, OFFENCES AND PENALTIES

1. Every dispute between the Union and any of its members shall be decided by the Committee of Management after the member or members concerned have been heard.

2. The Committee of Management may censure and/or fine and/or suspend any member who has been guilty of an offence in that he has -
 - (a) without reasonable cause, failed to comply with or abide by or has contravened any of the rules;
 - (b) without reasonable cause, failed to carry out or perform any duty or obligation imposed on him by or under the rules;
 - (c) without reasonable cause, failed to carry out, comply with or observe any direction or order given in accordance with the rules by any officer, the Committee, or any other body constituted under or in accordance with the rules;
 - (d) without reasonable cause, failed to comply with, carry out or observe any resolution or decision of the Committee or of a General or Special Summons meeting of members or of any other body properly constituted under the rules;
 - (e) without reasonable cause, failed to attend any Special Summons meeting or any Committee or other meeting to which he has been duly summoned;
 - (f) failed to pay any contribution, fees, fines, levies or dues as and when they became payable under the rules;
 - (g) misconducted himself in or about any meeting, job, pick up or employment centre, amenity facilities, union office, hall or meeting place or in the course of his employment or in his relation with other members or other unionists;
 - (h) misapplied, misappropriated or improperly dealt with the funds, property or effects of the union or any facilities or amenities provided for the use of members or workers generally or damaged or attempted to damage any such property or facilities;
 - (i) assaulted, insulted, abused, libelled or slandered any Union Officer, job or gang delegate, member or employee of the Union or any fellow unionist;
 - (j) being an officer or committee member, absented himself from duty as such without reasonable excuse;
 - (k) made any frivolous, mischievous or vexatious charge against any member or officer;
 - (l) assisted, aided, abetted, connived at, or encouraged the commission of any of the above offences.

2. Except where otherwise provided in these Rules, the maximum fine which may be imposed under this Rule shall be fifty dollars (\$50) and the maximum period of suspension which may be imposed shall be twelve (12) months.