RULES

of

THE COAL MINERS' INDUSTRIAL UNION OF WORKERS
OF WESTERN AUSTRALIA

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RULES

of

THE COAL MINERS' INDUSTRIAL UNION OF WORKERS
OF WESTERN AUSTRALIA

1 - NAME AND REGISTERED OFFICE

The Society (hereinafter termed the Union) shall be called "THE COAL MINERS' INDUSTRIAL UNION OF WORKERS OF WESTERN AUSTRALIA, COLLIE" and the registered office shall be the Mine Workers' Institute Collie, where the business of the Union shall be conducted. Any change of office shall be forthwith notified to the Registrar of Industrial Unions and registered.

2A - OBJECTS

(i) To combine in one body all workers qualified to become members of the Union in order that their interests may be protected, their status raised and their conditions improved.

(ii) To further and to protect the interests of its members.

2B - POWERS

(i) To buy, purchase, rent, lease or otherwise acquire land and/or buildings and to erect buildings upon such land for offices, club rooms and for other purposes; to furnish same and to sell, mortgage, lease and transfer the same and to purchase other land or buildings for the same or similar purpose.

(ii) To fix and to provide for the payment to the Union of entrance fees by persons desiring to become members of the Union.

(iii) To fix and provide for the payment to the Union of contributions by members.

(iv) To raise funds by the imposition on members of levies or by such other lawful means as the Delegate Board may from time to time decide.

(v) To impose in the manner and extent as authorised by these Rules fines upon members.

(vi) To use and employ all lawful means to further or achieve the objects of the Union.
3 - MEMBERS QUALIFICATIONS

(a) The union shall be composed of miners, mine timber cutters and mine timber truck drivers employed as hereunder in or about the mines in the State of Western Australia who shall be congregated in Lodges already established and others which may be established by the authority of the Delegate Board. No person shall be a member of this union, except in the capacity of a life honorary member, who is not a worker within the meaning of the Industrial Arbitration Act, 1912-1961, and every member shall be employed in the industry with which the union is connected, vis. that of a miner, mine timber cutter or mine timber truck driver as defined in Rule 3(b).

(b) The term "Miner" shall, in connection with this union denote any worker directly employed in or about a mine, and shall include a District Officer of the union while he holds such office. A "Mine" for the purpose of this rule shall mean a coal mine and a "Mine Timber Cutter" and "Mine Timber Truck Driver" shall mean a worker employed in cutting or carting timber intended solely for use in a coal mine.

(c) No person who is eligible to be a member of the Transport Workers' Union of Australia, Industrial Union of Workers, Western Australian Branch, registered under the provisions of the Industrial Arbitration Act, 1912-1961, shall be eligible for or admitted to membership of the union.

4 - LIFE HONORARY MEMBER

Life Honorary Members may be appointed by any Special or Quarterly Delegate Board Meeting. They shall not be allowed to vote, or hold office or receive any benefit from the funds of the Union.

5 - ADMISSION TO MEMBERSHIP

Candidates for membership shall make application to the Secretary of the Lodge organised on the mine or place of work in or at which he is then employed and provided such candidate is of good character and tenders a clearance from the Union covering his previous employment and otherwise qualified to become a member he shall be admitted to membership and the lodge Secretary shall thereupon in writing notify the District Secretary and shall supply to the District Secretary such information relative to such member as the District Secretary shall require.

In the event of there being no Lodge organised on the mine or place of work in or at which such candidate is employed then he shall make application direct to the District Secretary and provided such candidate is of good character and otherwise qualified to become a member he shall be admitted to membership.

6 - CONTRIBUTIONS

(a) The contributions to the General Fund shall be:-

(i) For adult members five shillings (5/-) per fortnight per member or any such other sum as may be fixed by the Delegate Board, and -

(ii) For junior members one-half of the amount payable by an adult member.

Contributions to all benefit Funds shall be in accordance with the Rules of the Union or as fixed from time to time by resolution of the Delegate Board. For the purposes of this Rule a junior shall be a member who is in receipt of junior rates.
(b) A member losing his employment in the Coal Mining Industry for one month or more for any reason whatsoever, other than rightful dismissal, or voluntary termination by him of his contract of service, shall while so out of employment be marked as an "out-of-work" member and shall not be liable for any levies or contributions (other than funeral and medical levies). Such members shall be allowed to attend and speak at all Union Meetings, but shall be not allowed to vote.

(c) A member still in employment but who during the preceding pay fortnight has earned or received less than the Basic Wage (including sick pay) shall not be liable for any levies or contributions (other than funeral and medical levies). Such members shall be allowed to attend and speak at all Union meetings and shall be allowed to vote.

(d) A member claiming the benefit of either of the last preceding two rules shall do so by application in writing addressed to the District or Lodge Secretary and therein state the reason for his losing employment and if by reason of sickness he must produce to the District Secretary a medical certificate and thereafter and for so long as he, in fact, obtains the benefit of the last preceding rule he must as and when demanded by the District Secretary produce further such medical certificates and such further and other evidence of his being so out of employment as the District Secretary may require.

(e) All contributions, fees or levies payable by members as herein provided shall be paid by them to their Lodge Treasurer to be accounted for by such Treasurer as hereinafter provided.

7 - LODGES

(a) Save as to the lodges in existence as at the 1st January, 1955, the authority to form a lodge shall be a resolution of the Delegate Board.

(b) Each member of the Union shall belong to a lodge.

(c) A lodge shall consist of not less than twenty-five (25) members (including junior members) employed at any mine, provided that whenever and so long as there are less than twenty-five (25) members employed at any mine the Delegate Board may attach such members to any existing lodge or lodges.

(d) In the event of the numbers of members in any lodge falling below twenty-five (25) the lodge shall be disbanded and the District Secretary shall take into custody all the books of and records of the lodge and strike its name from the Register and the Delegate Board may thereupon attach the former members thereof to some other lodge or lodges.

(e) The District Secretary shall keep a Register of lodges.

(f) Lodges shall be autonomous with respect to matters concerning and restricted to the employment of its members in the particular mine on which it is organised and shall have control of its own business, provided that in the event of any conflict (as to a particular matter or general policy) between a lodge and the Delegate Board or the Convention of Members or the decision of the members of the Union given at an aggregate meeting or by ballot, then the decision of the Delegate Board or of the Convention of Members or of the members as the case may be shall prevail.

(g) Each lodge shall be governed by a committee consisting of a Chairman, Vice-Chairman, Secretary and Treasurer who shall be the officers of the lodge together with not less than six (6) other members of the lodge. All members of
the committee shall be over the age of eighteen (18) years. The members of the lodge shall, from time to time, elect any one of its members to be a delegate to the Delegate Board. Four (4) members of the Committee shall form a quorum. Each lodge shall nominate and elect its Committee once every six (6) months by secret ballot. All members of the Committee shall have an equal voting power and in the event of equal voting at any meeting thereof the Chairman shall have a casting vote. The Provisions of Rule 13 shall apply to Lodge Officers save that the words "Delegate Board" shall be read "Lodge Committee" and the word "Union" shall be read "Lodge." All casual vacancies in Lodge Offices shall be filled by ballot conducted at a meeting of the members of the Lodge called for that purpose. Any Lodge Officer wishing to contest such casual vacancy must first resign his position.

(h) Notwithstanding anything else contained in these rules and with effect on and from the 1st day of July 1991 and thereafter the term of office of all lodge officers of the union shall be 1 year and each election to an office to take effect on or after the first day of July 1991 shall be for a term of 1 year.

8 - MANAGEMENT OF UNION

The business of the Union shall be conducted by the Delegate Board which shall comprise the District President, District Vice-President, District Secretary and District Treasurer (which named officers are hereinafter collectively referred to as "the District Officers") together with one delegate from each lodge. Two-thirds of the total number of the members of the Delegate Board shall form a quorum. Each member of the Delegate Board shall have one vote only and where voting is equal the District President, or in his absence the District Vice-President, shall have the right of the casting vote.

District officers in Committee shall have power to engage servants and to deal with all Union matters arising between the holding of Delegate Board meetings and all members shall abide by the decisions of the officer or (s) and all decisions so made (not being of a routine nature) shall be confirmed at the next meeting of the Delegate Board. All disputes between members as to any industrial matter shall be decided by the Delegate Board and its decision shall be final.

9 - CONTROL OF DELEGATE BOARD OR COMMITTEE OF MANAGEMENT BY LODGES

(a) The text of every resolution passed at any meeting of the Delegate Board shall as soon thereafter as possible be forwarded by the District Secretary to the Secretary of each of the Lodges.

(b) Each lodge shall on receipt of the text of each such resolution consider the same and shall by resolution of its members, either:-

(i) Affirm the resolution of the Delegate Board, or -

(ii) Dissent from the resolution of the Delegate Board, or -

(iii) Dissent from the resolution of the Delegate Board and itself resolve that the matter so resolved by the Delegate Board be submitted either to the vote of all the members of the Union expressed by secret ballot, or to the vote of all members of the Union expressed at an Aggregate Meeting; a resolution for a secret ballot shall take precedence.

(c) Each lodge shall within ten (10) days from the receipt by it of the text of each resolution of the Delegate Board make report to the District Secretary of the
resolution (being one of the resolutions referred to in the preceding rule) passed by it with respect to each such resolution of the Delegate Board.

(d) In the event of any lodge dissenting from a resolution of the Delegate Board and resolving in either of the ways mentioned in Rule 9 (iii) hereof, then the resolution of the Delegate Board shall be put to the vote of members, the decision arrived at by secret ballot shall be binding on all members and the decision so arrived at shall not be reversed or modified in any way whatsoever for a period of six (6) months as from that date.

(e) In the event of a majority of the lodges not dissenting from the resolution of the Delegate Board and in the further event of no lodge resolving in either of the ways mentioned in rule 9 (iii) hereof, then the resolution of the Delegate Board shall be binding upon all members as from the date upon which it was passed.

(f) Where there is less than five Lodges in the District the Management of the Union shall be vested in a Committee of Management elected as follows:

(i) One Delegate from each Lodge in the District and one Delegate from each of the Griffin and Western Group of mines. The Delegates, in addition to the District Officers, shall comprise the Committee of Management.

(ii) Wherein these Rules prescribe "Delegate Board" substitute in lieu thereof "Board of Management."

10 - AGGREGATE MEETINGS

All Aggregate Meetings shall be called by the District Secretary by giving at least twenty-four (24) hours notice in writing posted at each mine or by an advertisement in a newspaper circulating in the district in which the registered office is situated. Each member attending an aggregate meeting shall be handed a card under the seal of the Union, at the conclusion of the meeting. It shall be the responsibility of the Member to ensure he obtains a card. On the following payday or at a time determined by his lodge or District Executive, as the case may be, each member shall hand such card to his lodge secretary or if he is not a member of a lodge then to the District Secretary, as the case may be, he shall thereupon record the name of such member. Any member who does not return such card and have his name recorded shall be deemed to have been absent from such meeting and unless he gives an explanation in writing to the satisfaction of the Delegate Board or the Board of Management, as the case may be, he shall be fined five dollars ($5). Any member failing to return a card or lodge an explanation in the terms of this clause prior to the payday following the holding of the Aggregate Meeting, shall be fined five dollars ($5). All members shall pay their fines to the District Secretary. Any member may appeal direct to the Delegate Board or the Board of Management as the case may be, against the fine imposed, provided:--1. The fine has been paid prior to his appeal being heard, and 2. The appeal is lodged with the District Secretary within one month from the date when the Aggregate Meeting was held. Fifty per cent (50p.c.) and one of the Members of the Union shall constitute a quorum at an Aggregate Meeting and failing a quorum the Aggregate Meeting may then be held at a time and place to be fixed by the Delegate Board, or Board of Management, as the case may be. All Lodge Secretaries be issued with copies of the six (6) monthly Balance Sheets and an Aggregate Meeting be held annually to discuss and adopt the six (6) monthly and Annual Balance Sheets and to discuss Finance and Union Policy.

11 - CONVENTION OF MEMBERS
(a) The Delegate Board shall on the request of any lodge, and may at any time on its own initiative, summon a Convention of Members to which each lodge shall send five (5) representatives who, together with the Delegate Board, shall consider Union policy and any other matter in the interest of members. Fifty per cent (50 p.c.) of the possible total of representatives shall constitute a quorum.

(b) The resolutions of the Convention of Members shall be sent to each of the lodges and such resolutions shall be put to the vote at the next Delegate Board meeting and if there carried shall thereafter be dealt with as a resolution of the Delegate Board.

12 - DISTRICT OFFICERS

(a) The District Officers shall (subject as hereinafter provided) hold office for a term of two (2) years and shall be eligible for re-election. The District President and District Treasurer shall be elected on alternate years to the District Secretary and District Vice-President.

(b) The District President, Vice President, Treasurer and Secretary shall not hold the position of President, Vice President, Treasurer or Secretary in any of the lodges.

(c) A District Officer cannot hold two or more of the offices referred to in 12(b) above at the same time. A person upon being elected to a District Office shall resign from any other District Office held by him as from the date on which he takes up that District Office. The office from which he resigns shall then become a casual vacancy and be filled under the provisions of Rule 14.

(d) Notwithstanding anything else contained in these rules and with effect on and from the 1st day of July 1992 and thereafter the term of office of all District Officers and Lodge Delegates to the Board of Management of the union shall be 4 years and each election to an office (except in respect of a casual vacancy) to take effect on or after the 1st day of July 1992 shall be for a term of 4 years.

13 - DISTRICT OFFICERS - CASUAL VACANCIES

Any District Officer shall during his elected term cease to hold office and a casual vacancy shall thereupon be created upon the happening of any one of the following events, that is to say:-

(a) Upon his death.

(b) At the discretion of the Delegate Board upon his becoming an "out-of-work" member.

(c) Upon his resigning and giving written notice thereof to the Delegate Board.

(d) Upon the passing of the resolution by the majority of the members of the Union such resolution to be passed by secret ballot and to be of the effect that the named District Officer shall be removed from office.

(e) Upon he or his wife becoming or being financially interested in any Coal Mining Company or Syndicate.

14 - DISTRICT OFFICE - FILLING OF CASUAL VACANCIES

(a) Should any vacancy occur in the office of District President, then the District Vice-President for the time being shall thereupon become the District President.
(b) Should any vacancy occur in the office of District President or District Vice-President, District Secretary or District Treasurer, then the same shall, in the first instance, be filled by resolution of the Delegate Board. In the event of the then unexpired portion of the term of such office being less than two (2) months, then the member so appointed shall hold office for the then unexpired portion of the term for which the outgoing District Officer was elected, but in the event of the then unexpired portion of such term being more than two (2) months then such vacancy shall be filled by secret ballot to be conducted within two (2) weeks of the vacancy occurring and otherwise in accordance with the provisions as hereinafter contained. The person so appointed or elected to fill a casual vacancy, shall hold office for the unexpired portion of the term for which the outgoing District Officer was elected.

15 - DUTIES OF DISTRICT PRESIDENT

The District President, or in his absence, the District Vice-President, shall preside at all Union meetings and shall co-operate with the District Officers in carrying out the objects of the Union. He shall, as far as possible, observe that the Rules of the Union are being carried out by the Lodges. He shall initial all accounts passed for payment and shall sign all documents requiring his signature as head of the Union.

16 - DUTIES OF DISTRICT VICE-PRESIDENT

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

17 - DUTIES OF DISTRICT SECRETARY

The District Secretary shall be the Full Time Industrial Officer of the Union and shall have control of all Industrial matters concerning members.

The District Secretary shall convene and attend all meetings of the Union and take the minutes of same. He shall keep a correct account of all moneys received and expended. He shall attend to all correspondence. He shall keep an account of all moneys and chattels sent to any Lodge. He shall at the expense of the Union find security for one hundred pounds (£100) to be approved of by the Delegate Board. He shall not retain more than two hundred pounds (£200) in hand for more than forty-eight (48) hours and shall pay all moneys received by him on behalf of the Union into the Union's banking account and shall forward to the District Treasurer the duplicate bank slip for all moneys banked and in addition he shall:

(a) Sign every resolution appointing or removing the Treasurer or Trustees of the Union and in the case of an appointment shall cause such resolution to be signed by the appointee and shall within sixty (60) days from the passing thereof send a copy to the Registrar.

(b) He shall once in every half year cause the accounts of the Union to be properly audited by a duly qualified public accountant and he shall within one calendar month after the completion of the yearly audit of the accounts of the Union deliver to the Registrar a duly audited balance sheet of the assets and liabilities of the Union made up to the date of closing the accounts and also a duly audited statement of the receipts and expenditure of the Union during the year the subject of such audit.
(c) He shall within three (3) months after the date of the registration of these rules file with the Registrar a copy of the register of members as at the quarter day next preceding the date on which the copy is filed and during the month next following each quarter day commencing with the quarter day next following the date on which the copy register was filed he shall file with the Registrar a statement giving in respect of the period of three months ending on that quarter day particulars of the alterations made in the register.

(d) He shall file with the Registrar once in each year at such time as may be prescribed a copy of the records required to be kept under sub-paragraphs (1), (2), (3) and (4) hereof and shall by Statutory Declaration certify such copy to be a correct statement of the information contained therein.

(e) He shall file with the Registrar notification of changes in the holding of offices.

(f) He shall at all times during which a person is a member of the Union keep a record of the receipt or other documents acknowledging or certifying that such person is a member of the Union or has paid any dues or other moneys payable in respect of his membership or in respect of the renewal of his membership and such receipt or other documents shall show the member's name and usual postal address.

(g) He shall prepare the agenda for each meeting of the Delegate Board and place thereon, inter alia, all such matter for discussion and/or resolution of which he may have received notice from any Lodge pursuant to rule 9 hereof.

And he shall keep the following records:-

1. A register of Union members, showing the name and postal address of each member and the Lodge to which he belongs.

2. A list of the names, postal addresses and occupations of the persons holding offices in the Union;

3. An account, in proper form, of the receipts, payments, funds and effects of the Union;

4. Such other records as may from time to time be prescribed under the provisions of the Industrial Arbitration Act, 1912-1952 and -

5. A register of lodges.

18 - DISTRICT TREASURER

The District Treasurer's duty shall be to co-operate with the other officers in carrying out the objects of the Union. He shall be empowered to draw a sum of money on the authority of the Delegate Board to meet current expenses in connection with the management of the Union. He shall find security for the sum of One hundred pounds (100) to be approved of by the Union. He shall be held accountable for all moneys entrusted to his care, and shall show receipts for all expenditure made by him, balance his cash account, supply the District Secretary with a duplicate thereof and allow the officers and auditor to inspect his accounts at all reasonable hours. His salary shall be fixed every twelve months and paid quarterly. He shall also, when required by the Delegate Board and sanctioned by a majority of members of the Union, pay over all moneys remaining in his hands, assign and deliver all securities and effects, books, papers and property of the Union, to such person or persons as they may direct.

19 - TRUSTEES
The Trustees shall be the District Executive Officers of the Union for the time being, and all money belonging to the General Fund of the Union shall be banked or invested to the credit of the Union in their names as Trustees. They shall, under the direction of the members, have control of the property of the Union.

All cheques drawn shall be signed by any two Trustees and countersigned by the District Secretary and shall be impressed with the Seal of the Union.

**20 - AUDITOR**

The Board of Management shall appoint a duly qualified accountant to be the auditor of the Union and he shall hold office at the pleasure of the Board of Management. The auditor shall at least once in every year in the month of January and when otherwise instructed by the Board of management;

a) Audit the accounts of the Union and of each lodge.
b) Audit a balance sheet of assets and liabilities of the Union and of each lodge.
c) Audit a statement of receipts and expenditure of the Union and of each lodge.

**21 - DUTIES OF LODGE CHAIRMAN**

The Lodge Chairman or in his absence the Lodge Vice-Chairman shall preside at all Lodge meetings. He shall initial all accounts passed for payment and shall sign all documents requiring his signature as Chairman of the Lodge.

**22 - DUTIES OF LODGE VICE-CHAIRMAN**

The duties of the Lodge Vice-Chairman shall be to assist the Lodge Chairman at all meetings of the Lodge and in the absence of the Lodge Chairman to take the chair and to conduct the business. He shall in the absence of the Lodge Chairman carry out all the duties of the Lodge Chairman.

**23 - DUTIES OF LODGE SECRETARY**

The Lodge Secretary shall convene and attend all meetings of the Lodge and take the minutes of the same. He shall be the channel of communication between the Lodge and the District Secretary. He shall keep a correct account of all moneys received and expended by the Lodge and he shall attend to all Lodge correspondence all of which shall be despatched under the seal of the Lodge. He shall obtain from the District Secretary all books and accounts required by him to keep the records of the Lodge and he shall keep a register of the names of the members of the Lodge with an account of all moneys paid by way of contributions, fines or levies to him by each such member and he shall keep all such books and accounts in a manner as directed by the District Secretary from time to time. He shall when required by the District Secretary produce all Lodge books and books of account for inspection by him or by the auditor of the Union.

**24 - DUTIES OF LODGE TREASURER**

All contributions to the General Fund shall, in the first instance, be paid by members to the Lodge Treasurer and the Lodge Treasurer shall receive all such contributions and all other monies coming to his hands on behalf of the Union and shall within twenty-four (24) hours from the date of such receipt hand the same to the District Secretary and shall
obtain a receipt therefor. He shall at the expense of the Union find security for Twenty-five pounds (£25) to be approved of by the Delegate Board. The Lodge Treasurer shall be responsible for all moneys which come into his hands on behalf of the Lodge and he shall as and when called upon by the auditor or by the Lodge Committee or by the Delegate Board bring such moneys to account and upon failure to do so within fourteen (14) days of such demand he shall automatically cease to hold office and the amount not then accounted for shall be deemed a debt owing by him to the Union and may be sued for in any competent Court.

25 - ELECTION OF OFFICERS: SECRET BALLOT

(1) In the interpretation of this Rule the word "office" means the office of District President, District Vice-President, District Secretary and District Treasurer.

(2) The office of Chairman, Vice-Chairman, Secretary and Treasurer of each Lodge.

(3) The office of a member of the Committee of any Lodge.

(4) The office of a person holding whether as Trustee or otherwise property of the Union or property in which the Union has any beneficial interest;

and shall include:-

(5) Offices by whatever name called the whole or part of the function of which may be declared by the Court to be those of an office in the Union;

the word "officer" means:-

A person who carries out or whose duty is or includes the carrying out of the whole or part of the functions of an office of the Union.

(a) All officers of the Union shall be elected by secret ballot of the financial members.

(b) All officers of any Lodge shall be elected by secret ballot of the financial members being members of that Lodge.

(c) Every financial member of the Union or of the Lodge as the case may be shall be entitled to vote and shall be given an opportunity to vote without interference of any kind at all elections or ballots.

(6) Notwithstanding anything elsewhere contained in these rules each office in this Union may, from such time as the Board of Management may determine, be held by the person who, in accordance with the rules of this Union counterpart Federal body, holds the corresponding office in that body.

26 - DISTRICT RETURNING OFFICERS

The Delegate Board shall each year appoint a Returning Officer and such Deputy Officers as may be necessary and such Returning Officer and Deputy Returning Officers shall be known as District Returning Officer and District Deputy Returning Officer.
No returning officer or deputy returning officer appointed by the Delegate Board or by a Lodge shall be an employee of, or the holder of any other office in, the union. It shall be the duty of the District Returning Officer:-

(a) To accept or reject nominations for offices lodges in pursuance of Rule 27 provided that if the returning officer finds a nomination to be defective, he shall before rejecting the nomination, notify the person concerned of the defect, and where it is practicable to do so, give him the opportunity of remedying the defect within 7 days after his being so notified.

(b) 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 be numbered consecutively and to contain voting instructions.

(c) To establish by lot and in the presence of the District President and District Secretary of the Union the order in which the names are to appear on the ballot paper.

(d) To obtain from the person supplying ballot papers a certificate of the number supplied in respect of each office.

(e) To initial all ballot papers handed or posted to members entitled to vote.

(f) To be responsible for all ballot boxes used and see that they are locked and sealed until such time as the ballot is to be counted.

(g) To determine the date, time and place where the ballot is to be counted and notify all scrutineers accordingly.

(h) To count the votes on the preferential system and declare in writing to the Delegate Board the result of the ballot. Such report shall show the number of votes cast for each candidate, the number of informal votes and the number of ballot papers issued but not returned up to the time the ballot closed.

(i) Retain in his possession for a period of twelve months after the declaration of the ballot the following documents:-

(i) All nomination papers;

(ii) All applications for absentee votes;

(iii) The certificate mentioned in part (d) of this Rule;

(iv) All unused ballot papers in connection with the election;

(v) A copy of his declaration of the result of the ballot.

(j) Each Lodge of the Union shall each year appoint a Returning Officer and such Deputy Returning Officers as may be necessary and such Returning Officer and Deputy Returning Officers shall be known as Lodge Returning Officer and Lodge Deputy Returning Officers respectively.

The Lodge Returning Officer shall carry out for all lodge elections the duties hereinbefore set out with respect to the District Returning Officer, save that the words "Delegate Board" appearing in Rule 26 (h) are to be read as "Lodge Committee."

(k) To supply to the branches a list showing the persons who voted at each particular Branch.

27 - NOMINATION FOR DISTRICT OFFICE
(a) The Delegate Board on or before the 1st day of October in each year shall call for nominations for the various offices then falling vacant. The District Secretary shall advise each Lodge of such vacancies and shall cause notice of the same to be posted at the registered office of the Union. Such notification and notice shall state the date, time and place of the meeting at which the election is to be held.

(b) Each Lodge may nominate one candidate being a financial member of the Union for each office to be filled and such nomination shall be posted by it to the Returning Officer at the registered office of the Union so as to be in his hands not later than fourteen (14) days prior to the date fixed for the election.

(c) If only sufficient nominations are received to fill any vacancy the Returning Officer shall thereupon declare the person so nominated to be elected, but in the event of there being more candidates than required to fill any particular office, then an election by secret ballot shall be conducted as hereinafter provided.

28 - NOMINATION FOR LODGE OFFICE

(a) Each Lodge Committee not less than fourteen (14) days prior to the date of the meeting at which the election is to be held shall call for nominations for the various offices then falling vacant. The Lodge Secretary shall cause notice of the same to be posted in a conspicuous place on the mine on which the Lodge is organised. Such notice shall state the date, time and place of the meeting at which the election is to be held.

(b) Nominations shall be taken verbally at the meeting. Only financial members shall be eligible to nominate for office in the Lodge.

(c) If only sufficient nominations are received to fill any vacancies the Lodge Returning Officer shall thereupon declare the person so nominating elected, but in the event of there being more candidates than required to fill any particular office, then an election by secret ballot shall be conducted as hereinafter provided.

29 - CONDUCT OF BALLOT FOR DISTRICT OFFICE

(a) For the purposes of the ballot the books of the Union shall be deemed to have been closed fourteen (14) days prior to the date fixed for the election. Only members who are financial as at that date shall be entitled to vote. The District Secretary shall supply the District Returning Officer with a nominal roll of the members of each lodge of the Union.

(b) Each member who is a member of a lodge shall vote at the mine or place of work on or at which such lodge is organised. All members not attached to a lodge shall vote at the office of the Union or other place (if any) appointed by the District Returning Officer.

(c) Each Lodge shall when the District Returning Officer or District Deputy Returning Officer and Scrutineers are in attendance conduct the ballot.

(d) The District Returning Officer or District Deputy Returning Officers as the case may be shall see that all members who enter the place where the ballot is being conducted and are entitled to vote receive a ballot paper on which shall be placed the names of the candidates. Such ballot paper shall be initialled by the District Returning Officer or District Deputy Returning Officer upon its being handed to the member about to vote and the District Returning Officer or the District Deputy Returning Officer shall keep a record on the roll of those to whom ballot papers have been issued and each member handed a ballot paper shall be marked
off the roll by the District Returning Officer or District Deputy Returning Officer.

(e) At the conclusion of the ballot the ballot boxes shall be signed and sealed by a scrutineer and by the Lodge Secretary and shall thereupon be retained by the District Returning Officer or if then in the possession of a District Deputy Returning Officer shall be handed by him to the District Returning Officer.

(f) The District Returning Officer in conjunction with two District Scrutineers shall count the ballot as provided in rule 32 hereof and shall declare the result of the ballot at the next succeeding Delegate Board meeting.

29A - SECRET POSTAL BALLOT

Notwithstanding anything else contained in these rules all elections by a direct voting system for an office within the union shall be conducted by secret postal ballot and the returning officer shall make all necessary arrangements for the preparation, dispatch and return of the ballot papers in such a ballot.

30 - ABSENT VOTING

Any member who, due to absence from the district or ill health, or who resides beyond a radius of five miles from the registered office, desires to record his vote by post, shall apply in writing to the District Returning Officer at the registered office of the Union for a ballot paper and he shall return such ballot paper to the District Returning Officer at such address in time to reach him on or before the time fixed for the taking of the ballot. Such ballot paper shall be returned in a sealed envelope endorsed "vote" and all such envelopes shall be retained by the District Returning Officer until the opening of the ballot, whereupon they shall be placed in the ballot box. The District Returning Officer shall keep a record on the sheet supplied by the District Secretary of those members voting by post and such records shall correspond with the number of ballot papers so given out. The District Secretary shall notify each member of the date, time and place for the holding of the ballot, and in sufficient time to enable them to vote.

31 - SCRUTINEERS

Each candidate in any election may appoint in writing any financial member of the union (not himself being a candidate) to act as a scrutineer to represent that candidate at the ballot. The scrutineer shall be entitled to be present at the counting of the ballot and may inspect any ballot paper in the presence of the returning officer but shall not touch any ballot paper and shall otherwise comply with all directions given to him by the returning officer. The scrutineer may make representations to the returning officer as to the manner in which any ballot papers counted or credited as the case may be.

32 - COUNTING OF THE BALLOT

The Returning Officer shall count and report the result of the ballot in the manner prescribed in Rule 29.

When the voting is equal in any election conducted under these Rules then in the event of one only of the candidates being the retiring office holder then such candidate shall be declared elected. In other cases in which a tie occurs the matter shall be decided by the drawing of lots.
Any omission or error in the carrying out or observance of these Rules shall not invalidate an election unless such omission or error is shown to have affected the result of the election.

### 33 - Conduct of Ballot for Lodge Office

All ballots for lodge office shall be conducted in the same manner as ballots conducted for District office and to such ballots the foregoing Rules being Rules 25, 26, 28, 29, 30, 31 and 32 shall apply with the following modifications, that is to say:-

The words "District Returning Officer" and "District Deputy Returning Officer" wherever therein appearing shall for this purpose be read as "Lodge Returning Officer" and "Lodge Deputy Returning Officer" respectively.

The words "District Secretary" shall be read as "Lodge Secretary" and the expression "Delegate Board" shall be read as "Lodge Committee" and further for the purpose of Lodge ballots the following provisions shall be read as if appearing at the end of Rule 30 that is to say:-

"It shall be the duty of the Lodge Returning Officer to attend at the Union Office for the purpose of collecting and dealing with correspondence arising under this Rule."

### 34 - Meetings and Quorum

(a) Delegate Board meetings shall be held fortnightly. The first meeting held after the quarterly cavil shall be a quarterly meeting. Two-thirds of the total number of members shall constitute a quorum.

(b) Special Delegate Board meetings shall be convened by the District Secretary:-

   (1) on instructions from the Delegate Board, and -

   (2) when instructed to do so by a resolution passed by a majority of members of any Lodge at a meeting specially held for that purpose.

(c) Lodge Committee meetings shall be held at least fortnightly.

(d) Special Lodge Committee meetings shall be called by the Lodge Secretary when requested so to do by the Lodge Committee, or when requested so to do by any ten (10) financial members of the Lodge. Such a requisition must state the business for which the meeting is to be held and no other business shall be conducted at any such meeting.

(e) Meetings of Lodge members shall be held at least fortnightly.

### 35 - Absence from Delegate Board Meetings

Any Officer or Delegate absenting himself from any meeting, of which he has been notified without giving a satisfactory explanation or neglecting his duty when attending any meeting shall be fined the sum of five shillings (5/-). All delegates must vote either for or against every motion put to the meeting. Penalty for not voting, two shillings and sixpence (2/6).

### 36 - Delegate Board Business Initiated by Lodge
Any Lodge desiring a matter to be discussed by and/or resolved by the Delegate Board shall give notice thereof to the District Secretary who shall thereupon place such matter on the agenda for the next Delegate Board meeting and the matter shall there and then be dealt with. All correspondence to be signed by the Lodge Secretary and be impressed with the Branch seal.

37 - INVESTMENT OF FUNDS

The surplus funds of the Union shall be invested in such incorporated Bank or in such other investment as shall be decided by a majority present at a Quarterly Delegate Board Meeting subject to the approval of the majority of the Union provided that no funds shall be invested on personal security.

38 - DEPUTATIONS

All deputations representing the Union at places outside the Collie River Coal Mining District shall unless otherwise decided by a majority of the members at a General Meeting, consist of the District Officers.

39 - PAYMENTS OF OFFICERS AND DELEGATES

All officers and Delegates shall be paid out of the District Fund such remuneration as may be determined from time to time by the Delegate Board or by resolution carried at an Aggregate Meeting.

40 - MEMBERS IN ARREARS

Any member allowing his arrears to exceed four (4) weeks contributions or other dues, levies or fines shall not be allowed to take part in, or vote on any business, nor be entitled to any benefits of the Union until he has paid all his arrears and until such time he shall be deemed an unfinancial member.

41 - PURGING THE REGISTER

The register of the Union is to be purged on not less than 4 occasions in each year by striking off the names of members whose membership has ended in accordance with the Rules.

42 - SUSPENDING MEMBERS

The Committee of any Lodge, with the concurrence of the members of such Lodge shall have the power to suspend the claim for benefit of any member or fine any member whose conduct has been or is inconsistent with the Rules of the Union but any such member shall have the right of appeal to the Delegate Board. All appeals shall be sent by the Lodge Secretaries to the District Secretary and when a fine has been inflicted such fine shall be paid before the appeal is heard; provided further that the member so charged shall be notified in writing to attend such meetings of the Committee or Delegate Board, previous to holding of such meetings, and any member who has been found guilty of misappropriating Union funds shall be debarred from holding any office in the Union, either District or Lodge.
43 - SEAL

The seal of the Union shall be oval in shape containing the words "COAL MINERS' INDUSTRIAL UNION OF WORKERS OF W.A." around the circumference and the word "COLLIE" in the centre. The District Secretary shall have custody of the seal. It shall in no case be used except by an order signed by the District President, or the District Vice-President. Such seal may be renewed by a resolution passed by an Aggregate Meeting of the members.

44 - MEMBERS DISCHARGED

In the event of any member of this Union being discharged from his employment, he may report the same to the Committee of his Lodge, which shall investigate the case and should it be proved that he has not violated any award, industrial agreement, the Coal Mines Regulation Act or the Special Rules of a Coal Company the Committee shall request that he be reinstated in his employment, and if refused the matter shall be referred for investigation to the Union Officers, who shall report to the Delegate Board. If the Delegate Board should consider that the member has been wrongfully dismissed or victimised, he shall be paid from the District Fund at his daily rate of wage, pending decision of appropriate authority.

45 - OBSTRUCTING BUSINESS

No member of this Union shall be permitted to obstruct the business of any meeting, nor will such language or anything that will interrupt the harmony of the meeting be allowed. Any person thus offending shall be fined One Pound (1), the Chairman to impose the fine.

46 - PRIVATE AGREEMENTS

(a) No member of any Lodge of this Union will be permitted to enter into any agreement with his employer without first submitting such agreement to the Committee of the Lodge of which he is a member and no Lodge will be permitted to enter into any local agreement without first submitting such agreement to the Delegate Board for its approval or otherwise. The fine for violation of this Rule shall be: by a member, One Pound (£1) and by a Lodge: Ten Pounds (£10).

(b) Any mutual agreements made in conformity with the Award shall be reported to the Lodge Officials. Any member failing to report any such agreement shall be fined One Pound (£1).

47 - FINES

Fines may be imposed on members and upon Lodges for violation of these Rules. All fines imposed shall be paid into the funds of the Lodge of which the person concerned is a member. All fines imposed on Lodges shall be paid into the District Fund of the Union. All fees, fines, levies and dues payable by members under these Rules may be sued for and recovered in any Court of competent jurisdiction by the District President.

48 - EXPULSION AND RESIGNATION OF MEMBERS
1. Any member of the Union refusing to comply with a lawful decision of a majority of the members of a Lodge or of the Union may be suspended or expelled from membership by the Delegate Board, provided that seven days notice shall be given to such member of such intention to suspend or expel him and he shall be given notice of the time and place at which the matter is to be dealt with by the Delegate Board and he shall be given an opportunity to appear before the Delegate Board and to present his case. Any member so expelled or suspended before being readmitted to membership at any subsequent date, shall pay all arrears to the date of suspension or expulsion.

2. Termination of membership of the Union shall be effected by the giving of written notice or intention to resign. The notice of resignation shall be delivered in person or by certified mail to the Union office. The resignation takes effect from the day on which it is received by the Union or on such later date specified as may be specified in the notice but the member remains responsible for any subscriptions, fees, levies, or fines owing up to and including the date of termination of membership.

3. Where a member’s subscription has expired and has not been renewed, on expiration of a period of three months, the membership is terminated but the member shall be responsible for any subscriptions, fees, levies or fines owing up to and including the date of termination of membership.

49 - LODGE SEALS

Each Lodge shall have a Seal which shall be rectangular in shape and shall have written therein the name of the Union and the name of the Lodge. The Lodge Secretary shall have custody of the Seal.

50 - THE PERSON TO SUE

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

51 - DISSOLUTION OF THE UNION

The Union may be dissolved with the consent of four fifths of the members whose vote shall be taken in the presence of the District President and District Secretary of the Union.

52 - ALTERATIONS OF RULES

These Rules shall not be added to, amended, altered or rescinded otherwise than by resolution passed either by a majority of the members of the Union present in person at an Aggregate Meeting summoned for that purpose or by a majority of the members of the Union voting by secret ballot. No such additions, amendments, alterations or rescissions shall come into force until duly registered.

No such additions, amendments, alterations or rescissions shall come into force unless at least 7 days notice of the proposed additions, amendments, alterations or rescissions and the reasons therefore have been given to the members and they have been informed that they or any of them may object to the proposed additions, amendments, alterations
or rescissions or any of them or to the making of the application to register the same by forwarding a written objection to the Registrar of the Western Australian Industrial Relations Commission within 21 days of the giving of the notice.

53 - CHANGING LODGES

(a) Any member removing from one colliery to another shall procure from the Secretary of the Lodge he is leaving a Transfer with the seal of the Lodge impressed, showing that he is clear on the books such transfer to be given to the Secretary of the Lodge he removes to, on the first day after commencing work. Any person producing a clearance certificate from any recognised labour organisation, if such certificate does not date beyond a period of three months, shall be admitted as a Member of this Union on the same terms.

(b) Any Lodge Secretary acting in contravention of these Rules by receiving contributions, fines or levies from any person without first receiving from such person his Transfer or Certificate according to this Rule, except under the direction of his Committee, shall be fined the sum of five shillings (5/-) for each such offence.

(c) Lodge Secretaries shall notify the District Secretary of the names of members leaving and starting.

54 - COPY OF RULES

Lodge Secretaries shall inform any persons commencing work in the Coal Mining Industry of the existence of this Union and of any Industrial Agreement or Award operating in the industry, and shall also supply them with a copy of these rules and the Award on or before the first pay day after the commencement of work. The first copy of these rules and the Award shall be issued free of charge, but subsequent copies shall be charged for at the rate of one shilling (1/-) each.

55 - UPON DISSOLUTION

Upon dissolution of the Union in pursuance of Rule 51 the real and personal property of the Union shall be applied, firstly, to the payment of all just claims of members and persons other than in respect of relief or other benefits; secondly, to the payment of all just claims of members and persons claiming relief or other benefits from the Union; and thereafter shall be divisible amongst the members equally.

56 - APPLICATION OF FUNDS

No part of the funds or property of the Union shall be paid or applied for or in connection with or to aid or assist any person engaged in any strike or lockout in the State of Western Australia.

57 - SETTLEMENT OF DISPUTES

All industrial disputes in which the Union or any of its members may be concerned shall unless settled by mutual consent be referred to settlement pursuant to the Mining Act Amendment Act 1948 or to the Industrial Arbitration Act 1912-1952 or to such other
legislation providing for the settlement of industrial disputes or matters in the Coal Mining Industry as may be in force from time to time.

58 - INDUSTRIAL AGREEMENTS

All Industrial agreements entered into by the Union must be agreed to by the Delegate Board and all such agreements shall then be signed by the District President and District Secretary. The District President and District Secretary shall make and execute all deeds and instruments on behalf of the Union.

59 - DEATH BENEFIT FUND

(a) There shall be a Death Benefit Fund conducted in accordance with the provisions of these Rules and administered by the Delegate Board of the Union.

(b) The following amounts as death benefit or funeral benefit shall be payable from such funds:

(i) Subject to item (ii) hereof and paragraph (c) of this Rule, in the event of the death of a member who is financial on the books of the Union, the sum of one thousand five hundred dollars ($1500) shall be paid to his dependants for burial costs and the balance thereof to be used for the sustenance of the widow and children.

(ii) In the event of the death of the wife or housekeeper of a member who is financial on the books of the Union the sum of six hundred dollars ($600) shall be payable to the member to assist him to defray the cost of the burial of his wife or housekeeper as the case may be; but any such sum shall be a deduction from the sum of one thousand five hundred dollars ($1500) which may subsequently become payable in respect of the death of the said member under item (i) hereof.

(c) In the event of no dependant claiming the benefit referred to in item (i) of paragraph (b) within a period of twelve (12) months from the date of the death of the member, the balance of the benefit shall be used for the erection of a headstone and costs connected with such, only provided that exhaustive enquiries shall be made by the District Secretary for the purpose of endeavouring to trace any such dependants and provided also that all necessary expenses thus incurred shall be charged against the benefit payable under this Rule.

(d) In the case of a dispute as to who is entitled to any benefit payable under this Rule, the Delegate Board shall decide who is the dependant and shall direct to whom the benefit shall be payable providing that it shall not be in remuneration for looking after a deceased person.

(e) For the purposes of financing the Death Benefit Fund, a levy of fifty cents (50¢) per week shall be payable by all members (except for retired members) to the Fund, provided that should circumstances arise at any time which in the opinion of the Delegate Board may require such levy to be increased such levy may be increased to a sum not exceeding sixty cents (60¢) per week per member as may be determined by the Delegate Board.

(f) A person who has been a member of the Funeral Fund for ten (10) years and leaves the Union to join another Union within the coal mining industry may continue to be a member of the Funeral Fund.

60 - BENEFITS TO RETIRED MINERS
Any member of the Union who has worked in the industry in respect of which this Union is registered for at least five years, and who through sickness or old age is compelled to cease work therein, and who does not engage in any other employment after such retirement he shall thereupon cease to be a member of the Union, but he may apply to be transferred to the Register of Retired Members. Such benefits as prescribed by Items (i) and (ii) of paragraph (b) of the next preceding Rule shall be paid on the death of such member to his wife or housekeeper as the case may be.

61 - DOMESTIC RULES

(a) Any member who by wilful act, statement or distribution of unsigned literature does anything which tends to cause disunity, discontent or discomfort among members may be fined Two Pounds (2) by the Delegate Board or be dealt with under the provision of Section 177 of the Industrial Arbitration Act 1912-1952.

(b) Any member convicted of procuring stores or explosives in the name of another member, by falsely pretending that he was that member or that he represented that member, shall be expelled from the Lodge upon such conviction. This Rule shall not preclude the right of the individual to any personal action against the offender.

(c) Any member wilfully entering the clean-clothes room with his pit clothes on shall be liable to a fine not exceeding five shillings (5/-).

(d) Any member convicted of unlawfully removing the property of any other member from the bath house shall upon conviction be expelled from the Lodge; but this Rule shall not preclude the right of the employers nor of the aggrieved member concerned from any legal action against the offender.

(e) Any member found guilty by the Committee of Management of removing the tools of another member without that other member's permission shall be expelled from the Lodge, unless he can satisfy the Committee that he intended to return such tools, or that he had sufficient reason to remove them. In the latter case he could be dealt with by the Committee under the next succeeding paragraph of these Rules.

(f) Any shiftman found guilty of using any miners tools without the consent of the miner or miners, shall be liable to a fine of ten shillings (10/-).

(g) Any member of a Lodge refusing to comply with the decision of a majority of the members of that Lodge shall be liable to a fine of Two Pounds (2) or shall be dealt with in accordance with Rule when such decision is consistent with the Rules, the Award and the Coal Mines Regulation Act.

62 - STANDING ORDERS FOR CONDUCTING BUSINESS

(i) Any matter placed on the business sheet at Delegate Board meetings may be discussed and determined by the Delegate Board notwithstanding that the Lodge submitted such business may not be represented at such Delegate Board Meeting.

(ii) At meetings of a Lodge no member shall speak more than once on the same subject, except by way of personal explanation, nor more than five minutes at one time, without the permission of the Chairman.

(iii) The proposer of a motion duly recorded only shall have the right to reply, after which the motion shall forthwith be put to the meeting.

(iv) Any motion not seconded shall not be further debated.
A motion that the question be put, duly seconded, shall be decided without discussion, and if the majority of members present at such meeting vote for the close, the mover of the motion under discussion shall have the right of replying, and the Chairman shall then proceed to take the vote.

The question being put, it shall be resolved in the affirmative or negative by a show of hands, unless a division be demanded by three (3) members of the Lodge or aggregate meeting.

A question having been proposed may be amended by leaving out, substituting or adding thereto, and such amendment shall be resolved by a majority of votes.

An amendment proposed and not seconded shall not be entertained.

Amendments may be proposed to any amendment becoming the motion.

When amendments have been lost the original question shall be put.

Each member of the Branch or Lodge shall be obedient to the ruling of the President and conduct himself in an orderly manner. Whenever the Chairman arises during a debate any member then speaking or offering to speak shall sit down so that the Chairman can be heard without interruption.

Any member desiring to propose a motion or amendment or discuss any matter under consideration shall rise and address the Chairman, and no member when speaking shall be interrupted unless called to order. After the point of order has been decided the discussion may be resumed, and preference shall be given to the speaker who was addressing the Chairman when the point of order was taken.

No member shall speak to any motion after the same has been put to the meeting and the voting has been given in either the affirmative or negative.

When two or more members rise to speak the Chairman shall call upon the member who in his opinion rose first in his place.

Any member may speak once to any motion before the meeting and to any amendment thereto.

Any member proposing or seconding a resolution shall be held to have spoken, and the mover shall have the right to reply, and no member shall speak for more than five minutes at one time without the permission of the Chairman. Any member seconding a motion pro forma shall not be held to have spoken.

Only one amendment on any motion shall be received at a time, and such amendment must be disposed of before any further amendment can be received.

No more than two members shall speak in succession on one side either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks no member on either side rises to speak, the motion or amendment shall at once be put to the meeting.
(xix) Any member having proposed a motion may withdraw it with the consent of the seconder before it is debated, but not afterwards without the consent of the President.

(xx) No member shall be allowed to propose more than one amendment on any question except with permission of the President.

(xxi) At any meeting of the Lodges or Branch, one member only shall speak at a time and he shall stand up and address the Chairman in a respectful manner, and he shall confine himself to the business before the meeting.

(xxii) Should any member make use of lewd conversation or profane language, or disturb the harmony of the Lodge or Branch meetings, or persist in speaking when requested by the Chairman to take his seat or leave the room, he shall be liable to a fine of One pound (£1) for each offence. After a member's first offence the Chairman may order his removal from the meeting.

(xxiii) For any and every breach of this rule the offending member shall be liable to a fine of five shillings (5/-) in respect of each offence, after being warned by the Chairman.

(xxiv) Should any member of the Union or Lodges insult any officer of the District or Lodge whilst the latter is in the execution of his office, in public or otherwise he shall be summoned before the local Committee and if necessary dealt with by the Delegate Board who may fine him Two Pounds (£2).

(xxv) It shall be competent by vote of the majority of members present for the meeting to suspend any Standing Order herein contained provided the object of such suspension shall not be the rescinding of any resolution previously adopted by the Union or Lodge.

(xxvi) When a motion for the adjournment of any meeting has been carried, the business then undisposed of shall have precedence at the next meeting.