# THE CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION OF WORKERS

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RULES
of
THE CONSTRUCTION, FORESTRY, MINING
AND ENERGY UNION OF WORKERS

GENERAL

1 - NAME

The Union is an organisation of employees which shall be known as "The Construction, Forestry, Mining and Energy Union of Workers" ("the Union").

2 - REGISTERED OFFICE

(1) The registered office of the Union, at which place the business of the Union shall be conducted, shall be at Trades Hall, 80 Beaufort Street, Perth, or such other place as may be determined by the Executive.

(2) When in accordance with subrule (1) of this Rule the Executive determines that the address of the registered office shall be changed, the Secretary shall notify the Registrar of the Western Australian Industrial Relations Commission in writing of the change within fourteen (14) days of the date of the change.

3 - OBJECTS

The objects for which the Union is established are, by the provision and distribution of funds, and by all other lawful means:-

(1) To uphold the right of organisation of labour, to improve, protect and foster the best interests of its members, and to regulate the hours of labour.

(2) To propagate the principles of industrial unionism, and to secure the establishment of same.

(3) To promote industrial peace by all amicable means including but not necessarily limited to conciliation, arbitration, collective and enterprise bargaining (including acting as bargaining agent).
(4) To assist in the movement for the socialisation of the means of production, distribution and exchange.

(5) To obtain and maintain just wages and conditions.

(6) To assist by federation or otherwise in upholding the rights and privileges of workers.

(7) To promote education and training in industry.

(8) To promote the rehabilitation and retraining of injured members.

(9) To promote education and training in relation to the retraining and redeployment of members affected by redeployment, redundancy or restructuring in industry.

(10) To manage and maintain a Union library.

(11) To promote equal opportunities for all workers.

(12) To promote consultation and co-operation between all representative and consultative bodies within the Union.

(13) To provide legal assistance in support of and in defence of members.

(14) To establish and maintain a newspaper and any other publication which might assist the Union.

(15) To assist members who are in distress through sickness, accident, unemployment or any other cause over which they have no control.

(16) To subscribe to testimonials or otherwise recognise services rendered to the Union.

(17) To make gifts to other labour organisations for bona fide charitable purposes.

(18) To affiliate with, amalgamate with, co-operate with, or assist any person or body which has any object similar to any of the objects of the Union, including obtaining certificates or entering into agreements pursuant to section 71 of the Industrial Relations Act (WA) 1979 as amended or like provisions, making applications pursuant to the provisions of section 72A of the Industrial Relations Act (WA) 1979 as amended or like provisions and entering into agreements with organisations registered pursuant to Commonwealth Industrial Relations legislation.

(19) To establish, where practicable, sub-branches or sections throughout Western Australia.

(20) To register the Union under any Commonwealth or State Trade Union, Industrial Arbitration, Co-operative or like Act.
(21) To exercise all available powers privileges and advantages provided under any Commonwealth or State Trade Union, Industrial Arbitration, Co-operative, Real Property or like Act.

(22) To purchase, take on lease, hold, sell, mortgage, borrow, exchange, invest, obtain interest on capital and donations, and otherwise acquire, own, possess and deal with any real or personal property including moneys.

(23) To raise funds from members by entrance fees, contributions, levies, other fees or fines.

(24) To secure the provision of reduced cost or free goods and services for members by way of marketing services or any other lawful means.

(25) To enrol in the Union all persons eligible to become members.

(26) To do all such other acts and things which are incidental to or which in any way relate to the carrying out of the above objects.

MEMBERSHIP

4 - ELIGIBILITY FOR MEMBERSHIP

(1) The Union shall consist of an unlimited number of persons who are:

(a) over the age of 16 years and who are employed or usually employed as builders' labourers on or about any building or assisting any bricklayer, mason, plasterer, carpenter, plumber or any trades person engaged in building operations or employed on any making or contracting job in wood, stone, brick, concrete, iron or steel or combination of those or other materials incidental to building construction, and any labourer engaged in the construction, repair, demolition or removal of buildings or as scaffold, rigger, gear hand, gantry hand or crane hand, or as dogman, or as drainer on all building contracts, and any labourer excavating ground for foundations and basements of buildings, or levelling ground on a proposed building site, or doing concrete work, tar paving or asphalt work, or mortar or concrete mixing in connection with or incidental to the foregoing operations;

(b) provided that no person employed in any of the vocations or callings mentioned in subrule (1)(a) of this Rule shall be eligible for membership if he or she is eligible to be a member of the Australasian Society of Engineers, Industrial Union of Workers, Western Australian Branch, the Electrical Trades Union of Workers of Australia Western Australian Branch Perth, the Amalgamated Engineering Union Workers, Perth Branch, or the Amalgamated Engineering Union of Workers, Kalgoorlie Branch.
In addition to the foregoing, the Union shall consist of an unlimited number of persons who are employed, or who are usually employed in the painting and decorating industry applying paint or its substitutes, or any preparation, by any means, the purpose of which is of a decorative or protective character for residential, commercial or industrial purposes (excluding the application of bitumen or like substance to roads and like surfaces), which industry shall be deemed to include the painting of buildings and structures (residential, commercial and industrial), aircraft, machinery, ships and small vessels of every description (including prefabricated work on any of the aforementioned, wholly or in part) and general painting, together with plastic relief workers, paper hangers, wall coverers, decorators, grainers, marblers, varnishers, enamellers, gilders, lacquerers, spray workers, sign, profile, scenic, mural and pictorial artists, or persons engaged in the removing of paints and/or their substitutes and the preparation of all work and materials used in the painting trade and branches thereof, including paint mixers together with glaziers, vitrolite cutters and fixers, ticket writers, cycle enamellers, liners, writers, and sprayers, and shall include foremen and sub-foremen in the industry.

And in addition to the foregoing the Union shall consist of an unlimited number of persons who are employed, or who are usually employed as:

(a) Plasterers - the work of a plasterer shall mean and be deemed to be, all internal and external plastering, and cementing, including rendering with all forms of plaster, asbestos fibre, finishing all kinds of plaster and plastic acoustic work, waterproofing work in cement, plaster or patent materials, by manual or mechanical means, including wood lathing and metal lathing, or any similar substitute that may be used as a ground for plaster work, such as sackett board; the affixing of plain and ornamental tiles on walls and floors, the fixing of fibrous plaster or any other kind of plaster required to be finished off with plastered joints; the top dressing of all concrete work finished in cement also cement floors, walls and ceilings, rough cast; and fixing plaster, cement, or patent plaster ornaments; and in the use of materials appertaining to the trade or calling of plasterers;

(b) Wall and Floor Tilers;

(c) Wall and Ceiling Fixers;

(d) Fibrous Plaster Workers - Persons engaged in:

(i) Architectural modelling;

(ii) The manufacture of architectural ornaments of plaster and fibrous plaster;

(iii) The manufacture of fibrous plaster goods;

(iv) The fixing of manufactured plaster goods and fibrous plaster columns and acoustic tiles and the fixing of fibrous plaster on the walls and/or ceilings of buildings;
(v) The preparation of designs and ground work and the making of models and/or moulds whether of gelatine, plaster, wax, rubber or cement, subject to the making of such models and/or moulds being incidental to the fibrous plaster industry;

(vi) Any phase or phases of item (i) to (v) inclusive;

(e) Manufactured Cement Goods Workers - Persons engaged in-

(i) Architectural modelling;

(vii) the manufacture of architectural ornaments of cement;

(viii) except as provided for in subrule (8) of this Rule, the manufacture of portable articles of reinforced cement or concrete, cement pressed work, baths, washtubs, troughs, sinks, pillars, ornaments and other miscellaneous goods, including floor beams, partition blocks, lintels, cornices and balusters, subject to and without limiting the generality of subrule (1) and (2) of this Rule, excluding the manufacture of cement bricks, pipes and/or building blocks, except where such work is performed in the establishment of manufacturers of fibrous plaster, plaster and/or cement goods, and excluding workers employed by the Fremantle Harbour Trust and the Minister controlling Harbours and Rivers.

(ix) the manufacture of cast stone and terrazzo where such work is performed in the establishments of manufacturers of fibrous plaster, plaster/or cement goods.

(x) any phase or phases of items (i) to (iv) inclusive;

(f) plaster mill workers - persons engaged in the manufacture of plaster of paris.

(4) The Union shall also consist of all workers employed in timberyards, sawmills, box factories, plywood and veneer mills, particle board factories, timber fibre board factories, turnery and joinery establishments and saw servicing establishments or in the timber industry generally.

Provided that no worker:

(a) who is eligible to be a member of any of the following industrial unions of workers as constituted at the date of the registration of the constitution of the United Timber Yards, Sawmills and Woodworkers Employees' Union of Western Australia, that is to say of:

(i) The United Furniture Trades Industrial Union of Workers WA;

(ii) Electrical Trades Union of Workers of Australia (Western Australian
Branch), Perth

(iii) The Western Australian Shop Assistants and Warehouse Employees' Industrial Union of Workers, Perth;

(iv) Federated Clerks' Union of Australia Industrial Union of Workers, WA Branch; or

(b) who is employed in box factories, plywood and veneer mills, saw serving establishments and eligible to join the Transport Workers' Union of Australia, Industrial Union of Workers, Western Australia Branch; or

(c) who is employed in the South West Land Division of the State of Western Australia to within a radius of forty five (45) kilometres from the GPO Perth shall be eligible for or shall be admitted to membership of this Union by reason of anything contained in this subrule 4.4.

(5) The Union shall also consist of an unlimited number of persons employed, or usually employed in the State of Western Australia as carpenters and/or joiners (including ships' carpenters and joiners, carpenters employed on jetties, and wharves, dams and bridges) and joinery assemblers and roof tile fixers and bricklayers, stoneworkers, stonemasons, marble masons, stone, marble or slate polishers, stone marble or slate machinists and stone, marble or slate sawyers and labourers in the industry of monumental masonry and foreman, subforemen, or apprentices to or in any of the foregoing trades provided that no foreman tradesman or subforeman tradesman (except acting foremen tradesmen or acting sub-foremen tradesmen) who is eligible for membership of The Foremen (Government) Industrial Union of Workers, WA as at the 11th Day of December 1986 shall be eligible for membership of the Union.

(6) The Union shall also admit to membership any person who is employed, or usually employed in the State of Western Australia including all islands bounding the whole coastline of the State in any of the following capacities:

Engine drivers, steam boiler and gas producer firemen, trimmers or fuelmen or tour guides in power houses, engine cleaners, greasers, boiler cleaners, crane drivers, dynamo attendants in power houses, stationary motor drivers, electric power substation attendants, power house switchboard attendants, electric locomotive drivers, railway shunters, locomotive observers, railway car and wagon examiners (not being tradesmen) and railway messengers. Provided that, in respect of the vocations referred to in this subrule 4.6, employees of the Western Australian Government Railways Commission and persons eligible for membership of the Coal Miners Industrial Union of Workers of Western Australia employed in the coal mining industry within the State of Western Australia shall not be eligible for membership of the Union.

(7) The Union may admit to membership all other persons whether employees in the foregoing callings or vocations or not as have been appointed or elected officers of the Union, provided that no person shall be a member who is not an employee within the meaning of the Industrial Relations Act (WA) 1979 as amended.
The Union may admit to membership employees who are engaged in the manufacture of:

(a) bricks and who are employed by:
   (i) Boral Bricks Western Australia Pty Ltd trading as Midland Brick;
   (ii) BGC (Australia) Pty Ltd trading as Brikmakers;
   (iii) Austral Bricks (WA) Pty Ltd trading as Austral Bricks; and
   (iv) Geraldton Brickworks Pty Ltd trading as Geraldton Brick Co;

(b) cement roof tiles and who are employed by:
   (i) Austral Bricks (WA) Pty Ltd trading as Bristile Roofing; and
   (ii) Monier Prime Pty Ltd trading as Monier Prime Roofing.

5 - REGISTERED ADDRESS

(1) At the time of joining, members must register a postal address with the Union. Any changes to this address must be notified within twenty-one (21) days.

(2) Subject to these Rules, anything required by or permitted to be posted to a member shall be deemed to have been received by the member in the ordinary course of the post if sent by pre-paid post to such member at that member's registered address.

6 - REGISTER OF MEMBERS

A Register of Members shall be kept by the Secretary. The Register shall show the names and addresses of all members, the date of joining the Union and of resignation or demise, or the date when he or she otherwise ceased to be a member of the Union, and all entrance fees, contributions, levies and fines and all other fees paid into and benefits received from the funds of the Union by all members. The Register shall be purged on not less than four occasions in each year by striking off the names of members whose membership has ended under Rule 8 of these rules.

7 - MEMBERS STRUCK OFF

Any member having been struck off the books and wishing to again become a member of the Union shall pay an entrance fee equal to the amount of the arrears of contribution, levies, fines and fees standing against him or her when so struck off.

8 - TERMINATION OF MEMBERSHIP

(1) Termination of membership of the Union shall be effected by the giving of written notice of intention to resign. The notice of resignation shall be delivered in person or by certified mail to the Union office. The resignation takes effect from the day on
which it is received by the Union or on such later date 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.

(2) 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.

(3) Notice of resignation does not relieve a member from liability for any fees, contributions, levies or fines which may become payable during the notice period.

9 - CLEARANCES

Any member working in another industry or leaving the Union, upon payment of all contributions, fines, levies or fees owing to the Union in accordance with these Rules, shall on request be given a clearance card signed by the Secretary.

FINANCE

10 - ENTRANCE FEES AND CONTRIBUTIONS

(1) A candidate for membership of the Union shall forward or cause to be forwarded to the Secretary of the Union the entrance fee together with an application on the form prescribed for that purpose in the Schedule hereto stating the full name and address of the candidate and bearing the signature of the candidate and that of a witness to the candidate's signature.

(2) The entrance fee to the Union payable by all applicants shall be not less than twenty dollars ($20.00) or such other sum as determined by the Executive.

(3) Subject to subrule (4) of this Rule, upon receipt by the Secretary of the application and entrance fee he or she shall sign and date the application and the candidate shall be deemed to be a member of the Union as from the date of receipt of such application and entrance fee by the Secretary and shall be liable from that date for payment of the contributions, levies, fines and fees payable by members of the Union (subject to the exceptions contained in these Rules).

(4) Notwithstanding anything contained in these Rules the Secretary shall have, and is hereby given, the power to refer any application for membership to the Executive for consideration and decision, in which case the candidate shall not become a member until notified to that effect in writing by the Secretary.

(5) Should the Executive decide against the admission of the candidate the candidate shall have the right of appeal to the following General Meeting of the Union which shall have the power to grant or reject the application or to defer it until the next succeeding General Meeting for final decision. The date of such decision of the General Meeting,
where favourable to the candidate, shall be deemed to be the date of his or her admission to membership of the Union.

(6) Every member shall pay such contributions, fines, fees and levies as may be prescribed by the Rules for the time being of the Union.

(7) Upon payment of the contributions, fees and any fines or levies that have been imposed a member shall receive a half-yearly ticket. A new member shall receive a copy of these Rules on request.

(8) Any member losing his or her ticket shall, upon application to the Secretary and on payment of five dollars ($5.00) be granted a duplicate ticket.

(9) (a) Contributions shall be payable half-yearly in advance in March and September of each year. The Executive shall decide as at the date of the amalgamation the amount of contributions to be paid until July of the next year, and thereafter the Executive shall decide each year in the month of July the amount of Union contributions to be paid for the following twelve months. Total annual contributions shall be based on one percent (1%) of the All Industry Groups (Adult Males) Average Weekly Earnings as shown in the Australian Bureau of Statistics, Earnings Indexes or like indicator for June in the preceding year;

(b) Each new member of the Union shall be liable to contribute immediately on admission to membership, his or her contributions, (in addition to the entrance fee) for the unexpired portion of the half-year in which his or her application for membership is made and thereafter shall pay in the same way as existing members PROVIDED THAT any person admitted to membership during the last six weeks of any half-year ending on 31 March or 30 September may at the discretion of the Secretary of the Union be relieved of his or her liability to pay contributions for that half-year;

(c) Any member of the Union not making his or her payment in accordance with this Rule shall be deemed unfinancial and shall lose all privileges of membership and shall be liable to be sued for his or her arrears without notice. He or she shall not again become a financial member entitled to any privilege of membership until all arrears have been paid. Any member is entitled, if he or she so desires, to pay for two half-years' contributions at the same time. Notwithstanding any provision of this Rule, every member of the Branch who is financial on the day the Returning officer calls for nominations shall be eligible to vote;

(d) All contributions, fines, fees or levies shall be paid by any member to any of the authorised collectors of the Union, (including authorised workplace delegates) or to the Secretary of Union, but to no other person or member. No receipt shall be valid unless given in or on the form prescribed by the Union.

(10) The Executive shall have power, upon the case being properly presented to it, to cancel the whole or any part of a member's contributions or arrears caused by unavoidable distress or sickness.
11 - LEVIES AND FINES

(1) The Union at any Special General Meeting called for the purpose shall have power to strike a levy on all members provided that a resolution to strike such levy shall be carried by a majority of the members present. Such meeting shall be summoned by the Secretary, giving to the members at least seven (7) days notice of such meeting by advertising such meeting by placing a notice thereof in at least one daily newspaper circulating widely in the State.

(2) All fines, levies, contributions, fees and moneys owing to the Union shall be deducted from and be a first claim on a member's payment into the funds of the Union. Any fine imposed on a member shall not exceed twenty dollars ($20.00).

12 - PROPERTY AND FUNDS OF THE UNION

Subject to the control of the Union by General Meeting the funds and property of the Union shall be under the control of the Trustees. They shall be invested in the name of the Union by way of current account or on fixed deposit in the Commonwealth Savings or Trading Bank or such other bank, Building Society, Credit Union or other financial institution, or Government issued securities, or by way of investment in other securities or equities as the Executive may determine and notify to the Secretary.

13 - FINANCIAL YEAR

The financial year shall commence on and from 1 April each year and end on 31 March of each following year. Provided however that a retrospective transitional period shall apply from 1 January 2017 to 31 March 2017. For each year thereafter, the financial year for the Union shall, commence on and from 1 April each year and end on 31 March of each following year.

14 - AUDITOR

(1) A certified auditor shall be appointed annually by an Ordinary General Meeting held in February to audit the books of the Union and to submit a report thereon

(a) to an Ordinary General Meeting held in June; and

(b) to the Secretary from time to time for submission to a General Meeting and Executive.

(2) All officers shall provide the Auditor with full and complete access to all the books and documents of the Union and provide the Auditor with any information or explanation that the Auditor wants.
15 - FINANCIAL REPORT

At a General Meeting of the Union, within a reasonable time after the receipt of the Auditor's report, a financial report including the Union's balance sheet and the Auditor's report for the preceding year shall be presented by the Secretary.

STRUCTURE

16 - EXECUTIVE AND ORGANISERS

(1) The Executive shall consist of the President, the Senior Vice President, Vice President, the Secretary, two (2) Assistant Secretaries, the Treasurer, three (3) Trustees and five (5) Ordinary Executive Members.

(2) NOTE: Until the Returning Officer declares the result of the election as prescribed in Rule 23 the provisions of Rule 39 replace those of subrules 16.1, 16.2, 16.3 and 16.6.

(3) The officers of the Union shall consist of the President, the Senior Vice President, the Vice President, Secretary, two (2) Assistant Secretaries, three (3) Trustees, the Treasurer and Ordinary Executive Members, together with such number of Organisers as the Executive from time to time determines.

(4) The Secretary, two (2) Assistant Secretaries, the President and Organisers shall be paid such salary as shall be fixed from time to time by a General Meeting. The Secretary shall be the Principal Officer of the Union. In the event that an Organiser also holds a position on the Executive he or she shall only be entitled to one salary being the higher salary of the two positions.

(4A) Each office in the Union may, from such time as the Executive may determine, be held by the person who, in accordance with the rules of the Construction and General Division, Western Australian Divisional Branch of the Construction, Forestry, Mining and Energy Union, holds the corresponding office;

(5) (a) The Executive shall meet at least once each month; and

(b) A quorum for any meeting shall be a majority of the members of the Executive who actually hold a position at the time of the commencement of the meeting or ten (10) members of the Executive, whichever is the lesser.

(6) A report of the Executive shall be submitted to each General Meeting of the Union.

(7) In all matters that shall arise between General Meetings of the Union and subject to the control of General Meetings of the Union the Executive shall have the control and conduct of the business of the Union and shall act on its behalf in all matters. It shall have the daily management of the business of the Union. It shall be bound to observe the decisions of General Meetings of the Union.
No power shall be delegated to the Executive to cancel any meeting authorised by the members, or to expend any portion of the Union funds other than for administrative expenses and current wages, or to dispose of any property of the Union unless the approval of the Union has been sought and obtained at a General Meeting of the Union.

In regard to the expenditure of money or the disposal of property other than for administrative expenses and current wages, a simple majority of financial members voting at a General Meeting of the Union is necessary, but at least fourteen (14) days' notice of such General Meeting shall be given and the notice shall state the reason for and the nature of the expenditure of money or disposal of property.

The Executive shall have power to call for and examine the books and vouchers of the Union at any time.

17 - FURTHER ORGANISERS

The Executive may at any time appoint a special Organiser or Organisers for such period or periods and on such terms and conditions as it thinks fit.

18 - SUB-COMMITTEES

(1) Executive may establish, abolish, or alter sub-committees.

(2) Sub-committees may either be standing committees or ad hoc committees.

(3) Members of such sub-committees shall be appointed by Executive and may be dismissed by Executive.

(4) Sub-committees shall act as advisory bodies to Executive but may exercise such other functions as Executive defines.

19 - DELEGATES TO AFFILIATED BODIES

(1) Subject to subrule (2) of this Rule Unions WA Council delegates or delegates to any affiliated body shall be appointed by the Executive.

(2) The Secretary shall automatically be a delegate to the Unions WA Council and to any affiliated body but may nominate a member of the union to attend meetings as his or her representative and exercise any powers or rights as directed by the Secretary.
20 - HEALTH AND SAFETY DELEGATES

(1) For the convenience of members and subject to the approval of the Executive, members' health and safety delegates may be appointed by the Secretary in any place or area where members are employed.

(2) Subject to these Rules it shall be the duty of the health and safety delegate to promote and develop measures to ensure the health and safety at work of members, to monitor the effectiveness of such measures and to perform such functions as are determined by Executive.

21 - WORKPLACE DELEGATES

(1) For the convenience of members and subject to the approval of the Executive, workplace delegates shall be appointed by the members in any place or area where members are employed. The duties of the workplace delegate shall be to receive all members' entrance fees, contributions, fines, levies and other fees on behalf of the Union. Such moneys in all cases shall be paid to the Union within seven (7) days, without any deduction from the moneys collected. The workplace delegates shall also give a prompt written report as to:

(a) the names of all persons employed at the place or area who are covered by Rule 4 of these Rules but are not members of the Union;
(b) the names of members who have suffered any accident or sickness at work or on the way to or from work;
(c) any unguarded or dangerous machinery or working conditions;
(d) any matter which concerns the Union or its members.

(2) The workplace delegates shall act as the Union representatives in the place or area and distribute to all members concerned notices, summonses, papers and other documents that may be sent to them by the Union. It shall be the duty of each workplace delegate to notify all members concerned at the place or area of the time, place and purpose for which a Special General Meeting of the Union concerning any member is called. A member may be appointed to act as a workplace delegate in respect of more than one place or area. As far as possible, workplace delegates should be appointed in numbers sufficient to establish reasonable contact between them and the members of the Union. The workplace delegate shall immediately notify the Secretary of his or her appointment. Each workplace delegate may be paid for his or her services an amount up to ten per centum (10%) of all contributions collected by him or her as determined by the Executive PROVIDED THAT such moneys are forwarded to the Union office within seven (7) days of receipt by the workplace delegate.
22 - MEMBERS TO ASSIST

Every member shall inform the workplace delegate in the place or area where he or she is employed of:

(a) the names of members who have suffered any accident or sickness at work or on the way to or from work;

(b) any instance of a breach of any Award, Industrial Agreement, Workplace Agreement, Employer/Employee Agreement, Enterprise Agreement or any Agreement, or of any Act or Regulation;

(c) any unguarded or dangerous machinery or working conditions;

(d) any matter which concerns the Union or its members; and

(e) where work is to be obtained.

ELECTIONS

23 - ELECTION OF EXECUTIVE AND ORGANISERS

(1) All candidates for election to any office shall be financial members of the Union continuously for one year immediately preceding the next closing date for nominations.

(2) No member shall be eligible to hold more than one office on the Executive.

(3) No member shall be eligible to nominate for more than one office on the Executive at any periodical election.

(4) 2004 and every fourth year thereafter shall be known in these Rules as the "election year".

(5) The Executive shall not later than 31 May in each election year, appoint a Returning Officer (who shall not be the holder of any office in, and not be an employee of the Union but who shall have the qualifications for nomination required by subrule (1) of this Rule) for the purpose of conducting the election in accordance with these Rules.

(6) The Returning Officer shall call for nominations by advertising in at least one daily newspaper circulating widely within the State no later than 31 July of each election year.

(7) The date of commencement of the period for lodging nominations shall be 21 August in each election year. The closing date for nominations shall be at a time and place or in a manner fixed by the Returning Officer and mentioned in the advertisement but the closing date shall be 4 September in each election year.
(8) The Returning Officer shall obtain from the Secretary a list of the persons eligible to vote.

(9) The Returning Officer shall check the list with records at the Union office and shall compile a roll of members eligible to vote, containing the names, addresses and membership number of all such members.

(10) Every member of the Union who is financial on the day on which the Returning Officer calls for nominations shall be eligible to vote.

(11) Nominations must be in writing, signed by the candidate and endorsed by at least two financial members and must be made at the time, place and in the manner mentioned in the advertisement.

(12) The Returning Officer shall have the power in accordance with these Rules to accept or reject such nominations; provided that if the Returning Officer rejects any nomination the following provisions shall have effect:

(a) The Returning Officer shall notify the person concerned of the defect in the nomination; and

(b) The Returning Officer shall where it is practicable to do so, give the person concerned the opportunity if possible of remedying the defect within not less than seven (7) days of notification; and

(c) If the person concerned within such period is able to and does in fact remedy the defect in the nomination in accordance with these Rules, the Returning Officer shall thereupon accept such nomination.

(13) Where after the closing of nominations there is only one valid nomination for a single office or only sufficient valid nominations for multiple offices, the Returning Officer shall declare such nominee or nominees duly elected to the office or offices concerned at the General Meeting referred to in subrule (36) of this Rule.

(14) Where after the closing of nominations there is no valid nomination for a single office or insufficient valid nominations for multiple offices, the Returning Officer shall report the fact to the Union which shall declare that an extraordinary vacancy or vacancies exist in that office or offices and shall treat such vacancy or vacancies as a casual vacancy or vacancies pursuant to Rule 24 of these Rules.

(15) Where after the closing of nominations there are more candidates than the number required for any office, the Returning Officer shall place the candidates' names on the ballot paper. The order in which names are to appear on the ballot paper shall be drawn by the Returning Officer in the presence of two (2) Trustees of the Union.
The Returning Officer shall order the printing of sufficient ballot papers for the purpose of the election, and if practicable, shall be present during the printing of all such ballot papers. Ballot papers shall be printed showing the full names of the Candidates for the respective offices and such ballot papers shall contain voting instructions.

The Returning Officer shall obtain all such ballot papers with a certified statement of the number of ballot papers printed. Each ballot paper shall be initialled by the Returning Officer before distribution. All ballot papers shall be printed on watermark paper and the Returning Officer shall be responsible for ensuring that every ballot paper is properly watermarked before being forwarded to the member. On a count of ballot papers, only those which bear the watermark and the initials of the Returning Officer shall be counted.

The Returning Officer shall fix dates when the ballot shall open and close. The period between the opening and closing date of the ballot shall not be less than twenty-one (21) days nor more than twenty-eight (28) days and the count of ballot papers shall be completed not later than 30 October in each election year.

The Returning Officer shall forward by pre-paid post to each financial member so as to reach such member not less than fourteen (14) days before the closing of the ballot, a ballot paper and other ballot material in a sealed envelope and provide for the return of the ballot paper without expense to the member.

Any member who during the period allowed for voting expects to be absent from the State or to be in some remote area of the State so as to prevent such member from casting a vote, may, after the close of nominations, but before the opening date of the ballot, apply in writing to the Returning Officer for an absentee vote;

Upon receipt of such application, the Returning Officer, upon being satisfied it is bona fide, shall issue such member with a ballot paper and other ballot material in a sealed envelope and provide for the return of the ballot paper without expense to the member, and shall, subject to these Rules, include any vote thereby cast in the ballot.

The ballot paper shall be returned in such envelope addressed to a post office box rented in the name of the Union and the key of such box shall, before the ballot papers are sent out, be placed in the hands of the Returning Officer.

The Returning Officer shall as soon as practicable after the closing of the ballot, collect the ballot box and convey the ballot box to an office selected by the Returning Officer, open the box, collect the ballot papers and proceed to count the ballot papers until the ballot is finished.

The election shall be by means of a secret postal vote using the first past the post system.
Any candidate in any ballot may nominate in writing to the Returning Officer at the time of the candidate's nomination one scrutineer to represent that candidate. Candidates may at any time, by notice in writing given to the Returning Officer, change the scrutineer representing them. A scrutineer shall not be eligible to act for two or more candidates who are standing for the same position in any ballot. The scrutineer shall be entitled to represent the candidate at all stages of the ballot. The duties of the scrutineer shall be to represent the interests of the candidate who nominated that scrutineer, to attend at any stage of the ballot as requested by the candidate and to report to the Returning Officer any irregularity in or in connection with the conduct of the ballot which has come to the scrutineer's notice.

The Returning Officer shall give every facility to the scrutineers to examine the count and to attend and represent at every stage of the ballot the interests of the candidates who nominated them.

Each candidate's scrutineer shall possess the same qualifications as are required for a Returning Officer in these Rules.

In the case of an equality of vote for any two or more candidates the Returning Officer shall determine by a casting vote which of the candidates is elected.

In the event of any objection being entered against a candidate or in respect of any matter or thing done or omitted to be done in connection with the ballot, the voting and/or the counting of the votes shall continue and the objection shall be made the subject of an enquiry after the count has concluded and before the Returning Officer has declared the result of the ballot.

The Returning Officer shall have power to uphold or dismiss the objection, and in the event of the objection being upheld the Returning Officer shall have power to do all things necessary to act on that objection including ordering a new ballot to be taken and thereupon a new ballot shall be taken in accordance with the provisions of these Rules which shall apply mutatis mutandis.

Subject to the provisions of the Industrial Relations Act (WA) 1979 and the Industrial Arbitration (Union Election) Regulations, 1980 the decision of the Returning Officer shall be final.

The Returning Officer shall be empowered to appoint such assistants to assist in the conduct of the election in accordance with these Rules as the Returning Officer may reasonably require; but such assistants, shall possess the same qualifications as are required for a Returning Officer in these Rules.

The Executive may provide an honorarium for and for the payment of expenses of the Returning Officer and any assistants appointed by the Returning Officer, in amounts that shall be determined from time to time by the Executive.

No candidate, member of Executive or organiser shall assist in any way with the conduct of the election.
(34) The Returning Officer shall notify all candidates of the dates upon which the ballot papers are available, such notice to be by registered post to their last known address seven (7) days before the beginning of the week on which the ballot papers are so available.

(35) Except in so far as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office shall hold office notwithstanding anything else in these Rules and notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot and every member of the Union shall be bound to recognise the member as validly holding such office.

(36) The Returning Officer shall declare the result of the election at a General Meeting of the Union to be called not more than twenty-one (21) days after the count is completed. At the General Meeting the Returning Officer shall provide a report of the election to the General Meeting and 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 until the time the ballot closed.

(37) The members of Executive and organisers declared elected unopposed by the Returning Officer, or declared elected pursuant to subrule (13) of this Rule, shall assume office on the first day after the declaration of the result of the election.

24 - CASUAL VACANCIES IN OFFICE

(1) Whenever the office of a member of the Executive or of an organiser is or becomes vacant or is required to be filled between the date of periodical elections the provisions of this Rule shall apply.

(2) Where such an office is or becomes vacant or is required to be filled a casual vacancy shall exist for the purposes of these Rules whether or not the term "casual vacancy" or some other term is used elsewhere in these Rules to describe the same situation.

(3) Only members of the Union who have been continuously financial for one (1) year immediately preceding the day the office becomes vacant shall be eligible for election or appointment to fill a casual vacancy.

(4) The holder of an office on the Executive shall be eligible for election or appointment to fill a casual vacancy in an office on the Executive and, if elected, or appointed shall vacate his or her existing office on Executive.

(5) No proceedings of the Executive shall be affected or rendered void by reason only that one or more casual vacancies have occurred in the offices of the Executive which have not been filled provided that a quorum is present.
(6) Casual vacancies other than those provided for in subrule (7) of this Rule shall be filled by election in the following manner:

(a) The Returning Officer shall call for nominations by advertising in at least one daily newspaper circulating widely within the State not less than fourteen (14) days before the date fixed by the Returning Officer for the close of nominations.

(b) The Executive shall appoint a Returning Officer who shall possess the same qualifications as are required for a Returning Officer appointed under Rule 23 of these Rules.

(c) The Returning Officer shall have the conduct of an election in accordance with these Rules.

(d) The closing date for nominations shall be at a time and place and in a manner fixed by the Returning Officer and mentioned in the advertisement.

(e) Where after the closing of nominations there are more candidates than the number required for any office, the Returning Officer shall place the candidates names on the ballot paper in alphabetical order.

(f) The Returning Officer shall fix dates when the ballot shall open and close. The period between the opening and closing date of the ballot shall not be less than twenty-one (21) days nor more than twenty-eight (28) and the count of the ballot paper shall be completed as soon as practicable.

(g) The Returning Officer shall forward by pre-paid post to each financial member so as to reach such member not less than fourteen (14) days before the closing of the ballot, a ballot paper and other ballot material in a sealed envelope and provide for the return of the ballot paper without expense to the member.

(h) In all other respects the provisions of Rule 23 of these Rules shall apply mutatis mutandis.

(7) Any casual vacancy occurring within the term of an office where the unexpired part of the term of such office does not exceed:

(a) twelve (12) months; or

(b) three quarters of the term of office, whichever (if any) is the greater may be filled in the manner hereinafter provided:

(i) the appointee to a casual vacancy shall hold office for the balance of the term of the vacator;
(ii) President and Vice Presidents
A casual vacancy in the office of President shall be filled by the Senior Vice President;

(iii) A casual vacancy in the office of Senior Vice President shall be filled by the Vice President;

(iv) A casual vacancy in the office of Vice President shall be filled by an ordinary member of the Executive appointed by the Executive;

(v) Secretary and Assistant Secretaries
A casual vacancy in the office of Secretary shall be filled by a member of the Executive appointed by the Executive;

(vi) A casual vacancy in an office of Assistant Secretary shall be filled by a member of the Executive appointed by the Executive;

(vii) Treasurer
A casual vacancy in the office of Treasurer shall be filled by a member of the Executive appointed by the Executive;

(viii) Other Executive Members
A casual vacancy in the office of Trustee, Guardian or Ordinary Executive Member shall be filled by appointment by the Executive of a Union member eligible for such appointment in accordance with subrule (3) of this Rule.

OFFICERS OF THE UNION

25 - DUTIES OF EXECUTIVE AND ORGANISERS

(1) President and Vice-Presidents

(a) The President shall preside at all meetings conducted under the auspices of the Union and shall preserve good order so that the business may be conducted properly.

(b) He or she shall see that the minutes of the meeting are read and confirmed and upon such reading and confirmation shall sign them, and endorse all accounts marked for payment.

(c) He or she shall have a deliberative vote only.
(d) In the absence of the President, his or her duties shall be performed by the Senior Vice President. In the absence of both the President and the Senior Vice President the Vice President shall perform the duties of the President. In the simultaneous absence of the President, Senior Vice President and Vice President, the Executive may appoint a member to carry out the duties of the President.

(2) Secretary
The Secretary, who shall be the Principal Officer of the Union, shall:

(a) attend all meetings of the Union and prepare documents for Union and executive meetings and for the Auditor and Trustees;

(b) conduct and file all correspondence and summon members to all meetings;

(c) issue all summonses and keep all documents and accounts, books and papers belonging to the Union;

(d) submit to the President any urgent information he or she may officially receive and the President, together with the Secretary, shall decide on the best course to be pursued until the next meeting of the Executive;

(e) keep a register of the names and addresses of the officers and members of the Union;

(f) in conjunction with any one of the Trustees sign all cheques;

(g) the Secretary may sue or be sued on behalf of the Union;

(h) the Secretary shall be the principal spokesperson for the Union.

(3) Treasurer
The Treasurer shall:

(a) draw up a report and balance sheet for submission to members in the months of January and July and submit his or her books and accounts to the Auditor half-yearly;

(b) receive all moneys and pay the them into the bank account of the Union immediately, with the exception of petty cash not exceeding five hundred dollars ($500.00) at any one time;

(c) keep a distinct and intelligible account of all moneys received and expended, with vouchers detailed therefore;

(d) submit a statement of his or her receipts and expenditure every three months to the members of the Union attending a General Meeting;
(e) not make any payment, other than for his or her own travelling and accommodation expenses incurred whilst on Union business, exceeding twenty dollars ($20.00) except by cheque;

(4) Organisers

(a) The Organisers shall assist the Secretary in organising, collecting Union fees, and all general Union business;

(b) The Organisers shall be under the direct supervision of the Secretary, who shall be subject to the direction of the Executive, and the Organisers shall carry out such duties as are allotted to them.

(5) Trustees
Any one of the Trustees shall sign all cheques in conjunction with the Secretary.

(6) Assistant Secretaries
The Assistant Secretaries shall, subject to direction from the Secretary, assist the Secretary in the performance of his or her duties.

MEETINGS

26 - GENERAL MEETINGS

(1) The Union shall hold General Meetings for the transaction of business on the second Wednesday of each calendar month at such time and place as the Executive or the Secretary may fix. The days on which such General Meetings are held may be varied by the Executive or the Secretary, provided that the Union shall hold a General Meeting at least once each calendar month. Where such variation is made a notice of the time and place of the meeting shall be given. Members may be notified of the varied time of the General Meeting by notice given:-

(a) In any newspaper circulated widely in the State;

(b) In any journal issued by the Union;

(c) To workplace delegates at addresses for notices kept at the office of the Union;

(d) By letter, circular, telegram or written notice to the members;

(e) By telephone; or

(f) By any one or more of the above means.

(2) Every meeting shall be deemed to be valid notwithstanding any informality in the notice provided that the substance is fairly given and notwithstanding that not every workplace delegate is notified or that not all members concerned are notified, provided there is substantial compliance with this Rule.
All questions are to be decided by a majority of the members present, except where otherwise provided for. The Executive shall fix the hours of business, provided however that such meetings shall be of two hours' duration only and that no new business shall be conducted after the expiration of the two hour period and provided that the time of the meeting may be extended an extra fifteen minutes by a majority of the members voting for the purpose of finalising the business before the Chairperson.

Notice of such extension shall be given before the expiration of the two hour period. Notice need not be given at ordinary meetings held at a regular meeting place at a regular time if the Executive has fixed such time and place and notified members of such time and place.

Special General Meetings of the Union may be convened on requisition delivered to the Secretary by at least fifty financial members of the Union or by resolution of the Executive. Notice of the time and place of the meeting and of the purpose for which the meeting is summoned shall be given. Members may be notified by notice given:

(a) In any newspaper circulated widely in the State;
(b) In any journal issued by the Union;
(c) To job delegates at addresses for notices kept at the office of the Union;
(d) By letter, circular, telegram or written notice to the members;
(e) By telephone; or
(f) By any one or more of the above means.

Every meeting shall be deemed to be valid notwithstanding any informality in the notice, provided that the substance is fairly given and notwithstanding that not every workplace delegate is notified or that not all members concerned are notified, provided there is substantial compliance with this Rule.

A Quorum for any Special General or Ordinary General Meeting of the Union shall be thirty (30) members.

In these Rules the term "General Meeting" includes reference to any Special General or Ordinary General Meeting of the Union.

27 - PROCEDURE AT GENERAL MEETINGS

Order of Business
The Business at General Meetings of the Union shall, unless otherwise determined by the meeting in accordance with subrule (2) of this Rule, be conducted in the following order, namely:-
(a) Reading of the minutes of the previous General Meeting and their confirmation or disposal of in some manner;

(b) Executive reports for consideration and adoption;

(c) Notices of motion;

(d) Reception of delegates (if any);

(e) Financial report (if any);

(f) Reading, reception and consideration of General correspondence;

(g) Auditor's report (if any);

(h) Adjourned business;

(i) General reports for consideration and adoption;

(j) Questions and replies (no discussion thereon)

(k) Deputations; and

(l) General Business.

(2) Suspension of the Order of Business
It shall be competent by a vote of two thirds (2/3rds) of the members present for the meeting to suspend the Order of Business PROVIDED that the minutes of the previous meeting have been read and dealt with and PROVIDED that the effect of such suspension shall not be the rescission of any resolution previously adopted by the Union or the Executive.

(3) Notice of Motion to take Precedence
Any notice of motion shall take precedence in the order in which it stands in the Minute Book in relation to other similar notices, unless otherwise agreed to by the meeting in accordance with subrules (2) and (4) of this Rule and will lapse if the member who moved the motion or some member on his or her behalf be not present when the order of the day for such notice is read.

(4) Motion for Adjournment Cannot be Abrogated
When a motion for the adjournment of a debate to any stated night or time has been carried, such motion shall not in any way be abrogated unless with the consent of the mover of the motion for adjournment.

(5) Notices of Motion: How Given
Any member may, at any meeting of the Union or Executive, give notice of motion of a resolution to be discussed at a future meeting by handing the copy thereof to the President, who shall at once read it to the meeting.
(6) Adjournment of a Meeting
When a motion for the adjournment of a meeting has been carried, or the meeting adjourns through effluxion of time, the business then undisposed of shall have precedence at the next ordinary meeting after Executive reports have been dealt with unless otherwise agreed to in accordance with subrules (2) and (4) of this Rule.

(7) No Member to Obtain a Discussion, etc.

(a) No member shall be allowed to obtain a discussion on any subject through the medium of personal correspondence. All correspondence having reference to any matter that has been remitted to the Executive for consideration and report shall, for the time being, be deemed to be the property of the Executive as the case may be.

(b) Such correspondence shall, however, be read in open meeting at the time the report is presented, if any member so desire.

(8) Rules of Debate

Member Rising to Speak

(a) Any member desiring to speak shall rise in his or her place and address the Chairperson. If two or more members rise at the same time the Chairperson shall call upon the member who, in his or her opinion, first rose to speak.

Member to Resume his or her Seat

(b) Any member speaking shall at once resume his or her seat-

(i) If the Chairperson rises to speak; or

(ii) If a point of order be raised and shall not resume his or her speech until the point of order be decided.

Member to Speak only Once

(c) A member may speak only once upon any question before the meeting except-

(i) In reply to an original motion;

(ii) In explanation of or correction to some matter during the debate;

(iii) Upon a point of order raised during the debate; or

(iv) Upon a resolution being carried that "he/she be now heard".
Motions May be Amended

(d) A motion may be amended at any time during debate thereon by:

(i) Striking out certain words;

(ii) Adding certain words; or

(iii) Striking out certain words and inserting others in their place.

Amendment Becomes the Motion

(e) Upon an amendment being carried it shall take the place of the original motion and may be further amended until a decision is arrived at.

Motions May be Superseded

(f) A motion may be superseded at any time:

(i) By another motion that it be discharged from the notice paper; or

(ii) By a motion that the next business be proceeded with is resolved in the affirmative.

No More Than Two Members to Speak

(g) Not more than two members shall speak in succession either for or against any question before the meeting and if at the conclusion of the second speaker's remarks no member rises to speak on the other side, the Motion or amendment shall be at once put to the meeting.

Time Allowed for Speaking

(h) The mover of any original motion shall be allowed five minutes to introduce it and, notwithstanding the closure motion "that the question now be put" being carried, the member shall be allowed five minutes to reply. No member shall be allowed to speak for more than five minutes at any one time, unless a two-thirds majority of the members present (by resolution) agree to the time limit of any speaker being extended to such length as shall be specified in such resolution. The time limit for discussion on any one subject shall be half an hour.

Motions Cannot Again be Moved

(i) Any motion agreed to or rejected by the Union cannot again be dealt with unless a motion of recommittal is carried by a two-thirds majority of members present.
Motions: How Put

(j) The Chairperson shall put all questions in a distinct and audible voice to the meeting by asking the "Ayes" to vote first and afterwards the "Noes", and shall declare his or her opinion as to which has the majority. Any seven members rising may demand a division when the Chairman shall take the vote by asking the "Ayes" to go to the right and the "Noes" to the left.

Motion to Disagree with Chairperson's Ruling

(k) When a motion to disagree with a ruling of the Chairperson has been duly proposed and seconded, the Chairperson shall leave the Chair until the motion has been disposed of by the meeting.

No Member to Speak

(l) No member may speak to any question after it has been put by the Chairperson, nor during a division, except to a point of order.

No Member May Vote

(m) No member shall be allowed to vote who was not present when the question was first put.

Members Must Vote on Division

(n) Every member present during a division must vote and his or her vote will be counted with the side on which he or she is sitting.

Adjournment of Debate

(o) A motion for the adjournment of the meeting or for the adjournment of the debate may be proposed at any time during such debate and shall be at once put to the meeting by the Chairperson, unless time be mentioned. When time is mentioned in a resolution for adjournment of the debate, the discussion shall be strictly confined to the question of time, and any amendment in connection therewith.

Interrupting Business

(p) Should any member strike or threaten to strike another member, or make use of obscene language, or come into the room in a state of intoxication, he or she shall be fined not less than $2.00 and not more than $20.00. Should any member refuse to be silent upon the call to order by the Chairperson he or she shall be fined not less than $2.00 and not more than $20.00 and such fine shall be first call on that member's subscription. No member shall be admitted to any meeting until such fines are paid. The fines referred to in this Rule may be summarily imposed by the Chairperson.
MISCELLANEOUS

28 - REPRESENTATION AND INDUSTRIAL AGREEMENTS

The Union shall be represented in all proceedings before the Western Australian Industrial Appeal Court, the Western Australian Industrial Relations Commission, the Industrial Magistrate, or any other Court or Tribunal considered necessary by such person or persons as shall be duly appointed by the Executive. All Industrial Agreements, Deeds or Instruments made for and on behalf of the Union shall be made and executed under the seal of the Union by representatives appointed by the Executive. All Court, Tribunal and other proceedings shall be instituted under the Seal of the Union by the Secretary or by representative(s) appointed by the Secretary or by the Executive.

29 - RECOVERY OF FEES, FINES, LEVIES AND CONTRIBUTIONS

All fees, fines, levies and contributions payable by members under the Rules may be sued for and recovered in any Court of summary jurisdiction or other Court of competent jurisdiction by the Secretary, or any other person so authorised by the Executive.

30 - THE SEAL

The seal of this Union shall be oval-shaped, bearing the words "The Construction, Forestry, Mining and Energy Union of Workers". The Secretary shall have custody of the seal and it shall be used by him or her for all purposes of the Union for which it may be required. The seal may be altered from time to time as the Executive think fit. The affixing of the seal to any instrument shall be under the hand of the Secretary and such other members as the Executive may decide.

31 - RETURNS TO REGISTRAR

The Secretary shall annually furnish the Registrar of the Industrial Relations Commission with the duly audited statement of receipts and expenditure and balance sheet of the assets and liabilities of the Union, together with such other information required to be submitted to the Registrar, in accordance with the Industrial Relations Act (WA) 1979 as amended.

32 - RULE BOOKS

Each member shall be supplied with a Rule Book upon request to the Secretary.
33 - INSPECTION OF BOOKS

The Books and Register of Members of the Union shall be open for inspection at the registered office by any financial member of the Union at all reasonable times during business hours.

34 - SETTLEMENT OF DISPUTES

(1) All industrial disputes in which the Union or any of its members may be concerned shall, unless settled by mutual consent, be referred for settlement to any Industrial Relations Tribunal, Court or Body of competent jurisdiction.

(2) Any dispute that may arise between the Union and any member, or between any two or more members, regarding matters relating to the Union shall be referred for settlement to the Executive provided that the decision of the Executive shall be subject to appeal to a Special General Meeting or General Meeting of the Union.

35 - OFFENCES AND PENALTIES

(1) Any member who:

(a) Fails to observe the rules of the Union or any of them;

(b) Knowingly fails to observe any resolution of a General Meeting or of the Executive;

(c) Fails to carry out or acts in contravention of any award, order or agreement binding on such member whether by or under any law of the Commonwealth or of the State in respect of work within the industry with which the Union is registered;

(d) Obstructs any Special or Ordinary General Meeting or Executive meeting, or any other lawful committee of the Union in any way in the performance of any of its functions;

(e) Wrongfully holds out as occupying any office or position in the Union or as being entitled to represent the Union in any capacity (to which charge it shall be a defence that the member believed bona fide on reasonable grounds that she/he was entitled so to act);

(f) Behaves in a drunken, disorderly or offensive manner at any meeting held under the Rules of the Union or in the office of the Union;

(g) Aids or encourages any other member in any misconduct under this Rule;

(h) Misappropriates the funds of the Union;

(i) Who is grossly neglectful of duty under these Rules; is guilty of Misconduct.
If the Executive finds any member guilty of misconduct it may:

(a) Reprimand such member;
(b) Fine such member a sum not exceeding the sum of one year's subscriptions for that member;
(c) Suspend such member for a period not exceeding twelve (12) months, or
(d) Expel such member.

Any member of the Union may notify the Secretary that such member alleges another member is guilty of misconduct.

The Secretary may request a notifying member to give such particulars of the alleged misconduct as are reasonably necessary.

In the absence of notification from a member, the Secretary if he considers a member guilty of misconduct may act in accordance with this Rule.

The Secretary shall give a member charged with misconduct written notice of the charge or charges giving sufficient details to give such member a reasonable opportunity to answer such charge or charges.

The notice referred to in subrule (6) hereof shall be sent to the member at his registered address giving not less than twenty-one (21) days' notice of the meeting of the Executive at which such charge or charges will be heard.

Should the charge or charges have been notified by a member of the Executive, such Executive member shall not participate in the consideration nor vote on such charge or charges.

At the hearing, the Secretary shall prosecute and the member charged shall be given reasonable opportunity to answer the charge or charges.

If a member is not present at the meeting at which the decision is given, the Secretary shall forthwith send to the member at his or her registered address, notification of the outcome.

A member found guilty of a charge may appeal to a General Meeting from such finding or from any penalty imposed. Notice of appeal shall be given in writing to the Secretary within two (2) weeks of any decision being communicated to the member and shall set out in full all matters that the member desires to be considered.

Such appeal shall be heard at the next General Meeting after such notice has been given or such other General Meeting as the General Meeting may determine, but in any event the appeal shall be heard within three months of the receipt of the notice of the appeal.
(13) For the purposes of these Rules the principles known as the "rules of natural justice" or "procedural fairness" shall be at all times complied with as far as is practicable.

36 - ALTERATION OF RULES

Subject to the provisions of the Industrial Relations Act (WA) 1979 or any Act relating to the alteration of these Rules the following provisions shall apply:

(1) The Rules of the Union may be amended, added to, varied, repealed or substituted by such proposed alteration(s) to rules being approved by a Special or Ordinary General Meeting, and by such meeting authorising the making of an application to the Western Australian Industrial Relations Commission to register the said alteration(s) to rules, provided such alterations(s) shall not be or become effective until the Registrar of the Western Australian Industrial Relations Commission has given to the Union a certificate that the alteration(s) has been registered.

(2) The Union shall forward a notice by either posting to each member of the Union at their registered address or publishing in a Union magazine (which shall be distributed to all members) providing the following information to members:

(a) The intention of the Union to apply for registration of the proposed alteration(s) of the Rules of the Union;

(b) The terms of the proposed alteration(s) of the Rules of the Union and the reasons therefore;

(c) That the members or any of them may object to the making of the application for the proposed alteration(s) and/or object to the proposed alteration(s) or any of them by forwarding a written objection to the Registrar of the Western Australian Industrial Relations Commission and that objections should reach the Registrar no later than twenty-one (21) days after the date of the receipt of the notice.

37 - AMALGAMATION

The Union may amalgamate with any other organisation of employees provided that the rules of the Union relating to alteration of the rules of the Union have been adhered to.

33 - DISSOLUTION

Should it be deemed expedient at any time to dissolve the Union, a two-thirds (2/3) majority of the members at a Special General Meeting called for that purpose may authorise the officers to apply for a cancellation of the registration of the Union. All funds may then be disposed of as the members may think fit; but all real and other property, other than cash funds, shall be handed over to some responsible organisation in trust for any future
Construction, Forestry, Mining and Energy Union of Workers that may be formed, after all debts of the Union have been liquidated.

**39 - TRANSITIONAL PERIOD**

(1) **Term and Application**
This Rule shall only apply until the Returning Officer declares the result of the election in 2004 prescribed in Rule 23. Unless otherwise provided in this Rule the Rules of the Union shall apply mutatis mutandis during the transitional period.

(2) **Definitions**

(a) "Transitional Period" means the time between the date of amalgamation and the date when the Returning Officer declares the result of the election in 2004 prescribed in Rule 23.

(b) "Amalgamated Union" means “The Construction, Forestry, Mining and Energy Union of Workers” as registered in the Western Australian Industrial Relations Commission at the date of amalgamation.

(c) "BLPPU” means “The Western Australian Builders’ Labourers, Painters and Plasterers Union of Workers” as registered in the Western Australian Industrial Relations Commission prior to the date of amalgamation.

(d) "CMETSWU" means “The Construction, Mining, Energy, Timberyards, Sawmills and Woodworkers Union of Australia – Western Australian Branch” as registered in the Western Australian Industrial Relations Commission prior to the date of amalgamation.

(e) "Amalgamation" means the amalgamation of the Western Australian Builders' Labourers, Painters and Plasterers Union of Workers and the Construction, Mining, Energy, Timberyards, Sawmills and Woodworkers Union of Australia - Western Australian Branch.

(f) "Amalgamating Unions" means the Unions referred to in subrule 39(2)(e).

(g) "Date of Amalgamation" means the date on which the amalgamation is authorised by the Full Bench of the Western Australian Industrial Relations Commission.

(3) **Executive and Organisers**
During the transitional period in lieu of subrules 16(1), (2), (3) and (4) the following shall apply:

(a) The Executive shall consist of the President, Senior Vice President, Vice President, Secretary, two (2) Assistant Secretaries, Treasurer, two (2) Trustees, and five (5) Ordinary Executive members.
(b) The Secretary, two (2) Assistant Secretaries, and President shall be paid such salary as shall be fixed by the Executive upon amalgamation.

(c) The Executive shall meet at least once a fortnight and a quorum shall consist in all cases of eight (8) members.

(d) There shall be eight (8) Organisers as follows:

<table>
<thead>
<tr>
<th>Name</th>
<th>Current Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mark Hudston</td>
<td>BLPPU Organiser and BLPPU Assistant Secretary</td>
</tr>
<tr>
<td>Graham Pallot</td>
<td>BLPPU Organiser</td>
</tr>
<tr>
<td>Jim Reid</td>
<td>BLPPU Organiser and BLPPU Vice President</td>
</tr>
<tr>
<td>Daron Smith</td>
<td>BLPPU Organiser and BLPPU Senior Vice President</td>
</tr>
<tr>
<td>Les Wellington</td>
<td>BLPPU Organiser</td>
</tr>
<tr>
<td>Robert Wade</td>
<td>BLPPU Organiser</td>
</tr>
<tr>
<td>Kevin Ennor</td>
<td>CMETWSU Vice President</td>
</tr>
<tr>
<td>Jim Murphy</td>
<td>CMETWSU Vice President</td>
</tr>
</tbody>
</table>

(e) Members of Executive

The Executive position in the left hand column below shall be filled by the person referred to in the centre column:

<table>
<thead>
<tr>
<th>Transitional Executive Position</th>
<th>Name</th>
<th>Current Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>President</td>
<td>Kevin McParland</td>
<td>BLPPU President</td>
</tr>
<tr>
<td>Senior Vice President</td>
<td>Gary Wood</td>
<td>CMETSWU President</td>
</tr>
<tr>
<td>Vice President</td>
<td>Daron Smith</td>
<td>BLPPU Senior Vice President and Organiser</td>
</tr>
<tr>
<td>Secretary</td>
<td>Kevin Reynolds</td>
<td>BLPPU Secretary</td>
</tr>
<tr>
<td>Assistant Secretary</td>
<td>Joseph McDonald</td>
<td>CMETSWU General Secretary</td>
</tr>
<tr>
<td>Secretaries (2)</td>
<td>KimYoung</td>
<td>BLPPU Assistant Secretary</td>
</tr>
<tr>
<td>Treasurer</td>
<td>Ian Hawkins</td>
<td>BLPPU Treasurer</td>
</tr>
<tr>
<td>Trustees (2)</td>
<td>Peter Ballard</td>
<td>BLPPU Trustee</td>
</tr>
<tr>
<td></td>
<td>David Simpson</td>
<td>CMETSWU Vice President</td>
</tr>
<tr>
<td>Ordinary Executive Members – five (5)</td>
<td>Mark Hudston</td>
<td>BLPPU Organiser and BLPPU Assistant Secretary</td>
</tr>
<tr>
<td></td>
<td>Bernie Musial</td>
<td>BLPPU Ordinary Executive Member</td>
</tr>
<tr>
<td></td>
<td>Graham Pallot</td>
<td>BLPPU Organiser</td>
</tr>
<tr>
<td></td>
<td>Jim Murphy</td>
<td>CMETSWU Vice President</td>
</tr>
<tr>
<td></td>
<td>Kevin Ennor</td>
<td>CMETSWU Vice President</td>
</tr>
</tbody>
</table>
THE SCHEDULE

APPLICATION BY CANDIDATE FOR MEMBERSHIP

I ..............................................................................................................................................

of ............................................................................................................................................

HEREBY APPLY to become a member of The Construction, Forestry, Mining and Energy Union of Workers, an Organisation of Employees registered under the Industrial Relations Act (WA) 1979.

DATED the ..... day of ................, 20……

Date of receipt by Secretary: the ..... day of ................, 20……

Signature of Secretary ......................................................................................................................

Signature of Applicant ......................................................................................................................

Signature of Witness ........................................................................................................................