

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 54 both inclusive contain a true and correct copy of the registered rules of the Construction, Forestry, Maritime, Mining and Energy Union, The Maritime Union of Australia Division.

DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

Rules of the CFMMEU, The Maritime Union of Australia Division

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THE MARITIME UNION OF AUSTRALIA DIVISION RULES

1 - NAME

The name of the Division shall be “The Maritime Union of Australia Division” known as the MUA Division.

2 - DELETED

3 - ELIGIBILITY FOR DIVISION

Every member who is a member of the Union by virtue of Rule 2(S) (Eligibility) of the National Rules shall belong to this Division.

4 - OBJECTS

The objects of the Division shall include those listed below and all monies expended for any of the objects shall be deemed to be part of the ordinary expenditure of the Division within the meaning of the RO Act.

- (a) To regulate and protect the wages and conditions under which all members or other persons entitled to become members of the Division may be employed, to control the supply of labour, to take such steps as may be necessary for the efficient operation of the industries in or in connection with the maritime industry, to regulate relations between the members and their employers and between the members and other employees in or in connection with the maritime industry and to foster the best interests of the members of the Division.
- (b) To improve industrial relations in the industry and undertakings where members are employed and to exercise all the powers, privileges and advantages of employees under RO Act and any legislation replacing that Act and under any Commonwealth or State legislation, or any other legislation in any way relating to the maritime industry either directly or indirectly affecting the members.
- (c) To provide legal assistance to the Division and its members.
- (d) To secure preference of employment for members.
- (e) To protect members from any infringement of their rights.
- (f) To secure or assist in securing legislation for safety in or in connection with the maritime industry and for the general and material well being of members.
- (g) To establish funeral, sick, accident, unemployment or other insurance or assurance funds or benefits for the assistance of members.
- (h) To establish Divisional Branches and Port, Ship and Area Committees throughout Australia and its Territories.
- (i) To effect unity between the Divisional Branches and other bodies of a similar character.

5 - NATIONAL OFFICE OF THE DIVISION

- (j) To work as far as is lawful in harmony with other labour unions.
- (k) To establish and maintain a Divisional journal or journals for the publication of matters directly or indirectly relating to the affairs of the Division or its members, and where approved by Divisional National Council to assist to establish or maintain labour and trade union journals, radio and television broadcasting stations and other means of mass communication, information or education.
- (l) To promote the interchange of membership between the Division and other maritime unions throughout the world.
- (m) To assist members by loan or otherwise.
- (n) To constitute, conduct, carry on and manage clubs for the benefits of members.
- (o) To amalgamate with, join, absorb, affiliate to, or co-operate or otherwise combine with any trade or industrial union or association or associations of trade unions and to be represented on other bodies and trade union organisations.
- (p) To render financial assistance to Divisional Branches or other union or labor organisations for any charitable purpose.
- (q) To take part in any or all questions of matters affecting or involving the wages and conditions of labour.
- (r) To grant assistance to members who are shipwrecked.
- (s) To establish and/or support co-operative ventures generally and to do such other things which may be deemed necessary in connection therewith.
- (t) To hold, purchase, lease, transfer, rent, sell, mortgage or otherwise deal in property and to enter into contracts and agreements in connection with same and to do all such other things as may be deemed necessary in connection therewith provided that where such property is in the care, custody and control of the Division, it shall be subject to governance in accordance with the Divisional Rules and the National Rules.
- (u) To raise funds for the furtherance of the aforesaid objects.
- (v) To do all such other acts and things as are incidental or in any way related to the carrying out of the above objects.

5 - NATIONAL OFFICE OF THE DIVISION

- (a) The National Office of the Division shall be at 365-375 Sussex Street, Sydney in the State of New South Wales or such other place as Divisional National Council may from time to time determine consistent with Rule 32(b).
- (b) The office of each of the Divisional Branches shall be located at the place set out in the Divisional Rules or at such other place as Divisional National Council may from time to time determine.

6 - ADMISSION TO MEMBERSHIP

- (a) Any person whose usual occupation is one of those covered by National Rule 2(S) (Eligibility) may apply for membership of the Division by completing and signing an application for membership.
- (b) An applicant shall be informed by the Divisional National Secretary or the Divisional National Secretary's nominee, in writing, of the financial obligations arising from membership and the circumstances, and manner in which a member may resign from the Division as provided for at Rule 11 herein.
- (c) Applications for membership shall be made to the Divisional Branch Secretary.
- (d) The Divisional Branch Secretary or the Divisional Branch Secretary's nominee shall immediately forward to the Divisional National Secretary or the Divisional National Secretary's nominee a copy of the applicant's completed application for membership and such applicant shall become a member of the Division upon acceptance of the application by the Divisional National Secretary and upon payment of membership contributions as determined pursuant to the Divisional Rules. A former member shall not be readmitted to membership until all contributions, levies and/or fines outstanding to the Division have been paid.

6A – ADMISSION TO ASSOCIATE MEMBERSHIP

- (a) An associate member is a person who may apply for membership as an associate member of the Division who is otherwise not eligible to be a member pursuant to Rule 6.
- (b) An associate member is not entitled to hold Office; attend or vote at meetings; take part in elections; or participate in any business of the Division.
- (c) An associate member shall be a non – financial member who does not have the rights of a financial member of the Division.
- (d) Membership contributions per annum shall be determined by Divisional National Council.
- (e) Any associate member that seeks to bring the Union into disrepute or is involved in actions that seek to injure, vilify or reduce the standing of the Union in any fashion will have their membership cancelled without appeal.

7 - MEMBERSHIP OF DIVISIONAL BRANCHES

- (a) A member shall be a member of the Divisional Branch which embraces the area in which the member resides.
- (b) Deleted.
- (c) Deleted.
- (d) The Divisional National Secretary shall be responsible for ensuring that members are members of the appropriate Divisional Branch in accordance with the Divisional Rules.
- (e) Members shall be able to transfer from Divisional Branch to Divisional Branch provided that written approval has been obtained:

- (i) From the Divisional Branch Secretary of the Divisional Branch from which the member wishes to transfer; and
- (ii) from the Divisional Branch Secretary of the Divisional Branch to which the member wishes to transfer; and
- (iii) from the Divisional National Secretary.

8 - MEMBERSHIP BOOK/CARD

- (a) On becoming a member of the Division each member shall be issued with a Membership Book/Card.
- (b) A Membership Book/Card shall be produced to an Officer of the Division or any person appointed by the Division upon reasonable notice to a member.
- (c) Any member losing a Membership Book/Card shall be issued with a new Membership Book/Card on payment of replacement costs if any.
- (d) The Membership Book/Card together with all coupon receipts contained therein shall at all times remain the sole property of the Division.

9 - REGISTER OF MEMBERS

- (a) There shall be a Register of Members of the Division to be kept by the Divisional National Secretary at the National Office of the Division which shall record each member's:-
 - (i) name
 - (ii) date of birth
 - (iii) postal address
 - (iv) date of joining the Division
 - (v) Divisional Branch
 - (vi) membership record
 - (vii) financial status
 - (viii) rating or classification
 - (ix) Deleted
 - (x) Deleted
- (b) A member shall notify the Division of changes to the member's records and details including:
 - (i) Name
 - (ii) Residential Address
 - (iii) Postal Address
 - (iv) Divisional Branch
 - (v) Rating or Classification
 - (vi) Employer
 - (vii) Worksite or Vessel

- (c) Any member who is required to pay contributions or levies in conformity with Rule 10 and who has not paid that amount for a continuous period of 24 months since that amount became payable shall have their name and postal address removed from the register of Members of the Division within 12 months after the expiration of the 24 month period.

10 - FINANCIAL OBLIGATIONS TO MEMBERSHIP

Membership Contributions

- (a) Membership contributions per annum or per week shall be set by Divisional National Council but at no time shall exceed 5% of a members' annual or weekly classification rate of pay respectively.
- (b) Divisional National Council may set contributions at different levels for different groups of the membership.
- (c) Subject to sub-rule (i) hereof contributions shall be paid in advance and may be paid fortnightly, monthly, quarterly, half-yearly or yearly.
- (d) Deleted
- (e) Subject to sub-rule (i) hereof a new member shall commence paying contributions by paying four weeks in advance.

Levies

- (f) Divisional National Council may from time to time impose a levy or levies on all members of the Division or any group of the membership. Any such levy shall be due on the date or dates specified in the resolution of Divisional National Council imposing the levy.

Provided that a member shall not be required to pay in any financial year a total amount in levies exceeding one-half of the amount of membership contributions per annum applicable to the member.

Payment of Contributions

- (g) All contributions and levies shall be paid to the Divisional Branch Secretary unless otherwise determined by Divisional National Council.
- (h) Payment of contributions by payroll deduction or by deduction from an account in the members' name in a financial institution may be made where a member has authorised an employer or a financial institution to deduct the contribution from the member's wage or account and the employer or financial institution has agreed to make such deduction and regularly submit the contribution to the Divisional Branch Secretary or the Division's account. Subject to sub-rule (j) and (i) hereof a member who elects to pay contributions in accordance with this Sub-Rule shall be deemed financial from the date of authorising such deduction provided the member owed no arrears in contributions prior to authorising the deduction.

Unfinanciality

- (i) Any member who has failed to pay membership contributions within 12 weeks after the day upon which they became due shall be unfinancial until all such contributions have been paid.

Notwithstanding the foregoing, where a member arranges in accordance with this Rule to pay contributions to the Division and payments fail to be submitted in accordance with the arrangement, the member shall be deemed financial. The Divisional National Secretary may notify the member in writing of the failure and that unless the member pays contributions due in accordance with Sub-Rules (e), (f) and (h) of this Rule within 60 days of the date of the notice, the member shall be unfinancial from the expiration of that period until all contributions due in accordance with the Rules have been paid. Once so notified, any deeming provisions shall expire after 60 days from the date of notification.

- (j) A member who has failed to pay a levy within 12 weeks of the date upon which it is due shall be unfinancial until it has been paid.

Consequences of Unfinanciality

- (k) A member who is unfinancial shall not be entitled to take part in the Division's affairs or claim any of the privileges of membership until all arrears, including any late payment fines, have been paid up, except as otherwise specifically provided by the Rules. An unfinancial member shall not be included as a member for the purposes of assessing members for any quorum, requisition, nomination or election.

A member who remains unfinancial for a continuous period in excess of 6 months and who has not complied with a Payment in Arrears Notice issued by the Division, may have his/her membership cancelled in accordance with Sub-Rule 12 (d) of these Rules.

- (l) Deleted

- (m) Deleted

Exemptions

- (n) Divisional National Council may in any case in which it appears appropriate, exempt any member wholly or partially and for such period as it may specify, having regard to the circumstances of the particular case, from payment of the contributions, levies that only apply to any unpaid period.

11 - RESIGNATION FROM MEMBERSHIP

- (a) A member of the Division may resign from membership by electronic communication or written notice addressed and delivered to the Divisional Branch Secretary.
- (b) Such notice of resignation from membership of the Division takes effect:
 - (i) where the member ceases to be eligible to become a member of the Division-
 - (1) on the day on which the notice is received by the Division; or
 - (2) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;whichever is later; or
 - (ii) in any other case:
 - (1) at the end of two weeks after the notice is received by the Division; or
 - (2) on the day specified in the notice;whichever is later.
- (c) A notice delivered to the Divisional Branch Secretary shall be taken to have been received by the Division when it was delivered.
- (d) A notice of resignation that has been received by the Division is not invalid because it was not addressed and delivered in accordance with Sub-Rule (a).
- (e) A resignation from membership is valid even if it is not effected in accordance with this Rule if the member is informed in writing by or on behalf of the Division that the resignation has been accepted.
- (f) Upon receipt of a notice of resignation the Divisional Branch Secretary shall forward a copy of it to the Divisional National Secretary.
- (g) Any dues payable but not paid by a former member of the Division, in relation to a period before the member's resignation from the Division took effect, may be sued for and recovered in the name of the Division, in a court of competent jurisdiction as a debt due to the Division.

12 - MEMBERS SEEKING LEAVE FROM OCCUPATION

- (a)
 - (i) The Membership Book/Card of a member engaging in any occupation not covered by the Eligibility Rule shall be forwarded by the member to the Divisional Branch Secretary.
 - (ii) If all contributions, levies and/or fines which are then due by the member to the Division have been paid the member shall be given a clearance from the Division and the member's membership shall be suspended.

- (b)
 - (i) The Membership Book/Card of a member wishing to take a break from being engaged in an occupation covered by National Rule 2(S) (Eligibility) (other than for annual or long service leave) may be impounded with the Divisional Branch Secretary for a period not exceeding one year provided that the member has provided notice in writing or by electronic communication to the Divisional Branch Secretary of his/her desire to take a break.
 - (ii) During the break the member shall be exempt from payment of contributions and levies and shall take no part in any meeting in the Division or be entitled to nominate for any Office in the Division or vote in any election in the Division.
 - (iii) At the time of impounding the Membership Book/Card the member shall leave an address to which mail may be sent and if necessary the postal address of the member in the Register of Members shall be changed.
- (iv) If after the year has expired the member has not returned to being engaged in or seeking to be engaged in an occupation covered by the Eligibility Rule then the member's membership may be cancelled.
- (c)
 - (i) The membership of a physically fit member (whose Membership Book/Card has not been impounded) shall be cancelled where the member has not for a continuous period of nine months engaged or attempted to engage in an occupation covered by the Eligibility Rule.
 - (ii) Members who have had their membership cancelled in accordance with this Rule may apply for Associate Membership. In the event that such associate member finds further work in the maritime industry in accordance with National Rule 2(S) Eligibility, his or her membership will be reinstated subject to meeting payment of membership contributions as determined pursuant to the Divisional Rule and continuity of service for the purposes of life membership will be maintained including recognition of the period such member has been an associate member.
 - (iii) In the event that a member does not become an associate member following cancellation of membership in accordance with this Rule, the member will lose continuity of service for the purposes of life membership.
- (d)
 - (i) Cancellation of membership under Sub-Rule (b) or (c) herein or as a consequence of Sub-Rule 10 (k) of these Rules shall only take effect where the member is sent a Notice of Intention to Cancel Membership which states:
 - (1) that the Division proposes to cancel the member's membership 30 days after the date appearing on the Notice;
 - (2) the reason for the proposed cancellation; and
 - (3) that membership shall not be cancelled if the member provides satisfactory evidence that the reason for the proposed cancellation does not apply;
 - (ii) The Notice of Intention to Cancel Membership shall be sent to the postal address of the member in the Register of Members.

- (iii) The Notice of Intention to Cancel Membership may be sent by the Divisional National Secretary who shall provide a copy to the Divisional Branch Secretary or by the Divisional Branch Secretary who shall provide a copy to the Divisional National Secretary.

13 - LIFE MEMBERSHIP

- (a) Life membership may be conferred upon any member by Divisional National Council provided that the member:-
 - (i) has twenty years unbroken service in the maritime industry (provided that Divisional National Council may determine that due to special and extenuating circumstances life membership may be conferred without twenty years of such service);
 - (ii) has an unblemished Divisional record;
 - (iii) has retired from the maritime industry and has not accepted other employment covered by National Rule 2(S) (Eligibility); and
 - (iv) is recommended for life membership by a Divisional Branch of the Division.
- (b) A life member shall be relieved from payment of membership contributions and levies and may attend meetings and functions but shall have no voting rights in the Division nor shall be eligible to participate in debate at Divisional meetings or be eligible to hold any Office or position in the Division.
- (c) Upon the granting of life membership the member shall be issued with a life membership medal and card.

14 - PRIOR MEMBERSHIP IN OTHER UNIONS

The period of membership of a member of the Division in another union whilst employed by a maritime or stevedoring employer prior to becoming a member of the Division shall be counted as a period of membership of the Division for all purposes of the Divisional Rules.

15 - GOVERNMENT OF THE DIVISION

- (a) The Division shall be governed by the members of the Division in Annual General Meetings of members of the Division and Special Meetings of members of the Division.
- (b) There shall be a Divisional National Council which shall govern, manage and exercise general supervision over the affairs of the Division between Annual General Meetings and Special Meetings of the members of the Division.
- (c) Subject to Sub-Rule (b) of this Rule, Divisional National Council shall have the full control, care, superintendence, management and administration in all respects of the affairs, business, funds and property of the Division and its Divisional Branches and without limiting the generality thereof the Divisional National Council shall have full power to carry out the objects of the Division which powers shall, in addition to powers conferred elsewhere in these Divisional Rules, include the power to:

- (i) secure the observance of the Divisional Rules;
- (ii) safeguard the interest of the members of the Division;
- (iii) decide questions on which the Divisional Rules are silent or doubtful;
- (iv) direct an inquiry into differences between Divisional Branches or between Divisional Branches and members or between members;
- (v) decide questions of difference between the Division and any other union;
- (vi) enter into any Industrial Agreement or Contract relating to wages or conditions of employment of members attached to the Division;
- (vii) settle differences between Divisional Branches or between Divisional Branches and members or between the Division and any other union or between the Division and other Divisions or between the Division and employers;
- (viii) make inquiries as to the management of the affairs of any Divisional Branch and to make any recommendation or take any action or give any direction such inquiry may warrant;
- (ix) call a General or Special Meeting of Divisional National Council or the Divisional National Executive or of the members allocated to a Divisional Branch or Divisional Branches or part thereof;
- (x) submit to members a report on the work of the Division since the previous report was submitted;
- (xi) cause to be made an audit of the books and accounts of any Divisional Branch and for that purpose to require delivery of and take possession of all books of account, documents and other writing from any Divisional Branch or Officer or employee of any Divisional Branch; and
- (xii) direct any Divisional Branch Executive to carry out a decision of Divisional National Council or to veto or set aside or rescind any resolution, act, matter or thing carried or done by any Divisional Branch Executive.
- (xiii) demand, sue for and recover unpaid contributions, fines or levies from the members and/or Divisional Branches.

16 - DIVISIONAL NATIONAL COUNCIL – COMPOSITION

Divisional National Council shall be comprised of the following Officers:-

Divisional National Secretary

Divisional Deputy National Secretary

Divisional Assistant National Secretary/s

Queensland Divisional Branch Secretary

Queensland Divisional Deputy Branch Secretary

Newcastle Divisional Branch Secretary
Newcastle Divisional Deputy Branch Secretary
Sydney Divisional Branch Secretary
Sydney Divisional Deputy Branch Secretary
Southern New South Wales Divisional Branch Secretary
Southern New South Wales Divisional Deputy Branch Secretary
Victorian Divisional Branch Secretary
Victorian Divisional Deputy Branch Secretary
South Australian Divisional Branch Secretary
South Australian Divisional Deputy Branch Secretary
Western Australian Divisional Branch Secretary
Western Australian Divisional Deputy Branch Secretary
Tasmanian Divisional Branch Secretary
Tasmanian Divisional Deputy Branch Secretary
Northern Territory Divisional Branch Secretary
Northern Territory Divisional Deputy Branch Secretary
Divisional National Women's Representative

17 - DIVISIONAL NATIONAL COUNCIL - MEETINGS

- (a) The Divisional National Council will meet at least once each year in the months of October or November and at such other time as determined by Divisional National Council or Divisional National Executive or when requested by members in accordance with the Divisional Rules.
- (b) Special Meeting
- A Special Meeting of Divisional National Council shall be called by the Divisional National Executive Officers or on requisition signed by a majority of members of the Divisional National Council or on requisition signed by a majority of Divisional Branches or on requisition signed by 10% of the financial members of the Division. All such requisitions shall contain the nature of the business to be transacted at the meeting and no further business shall be transacted.
- (c) Summoning Meetings
- Meetings of Divisional National Council shall be summoned by the Divisional National Secretary or the Divisional National Presiding Officer by sending to each Council member a notice of the date of the holding of such meeting by post, facsimile or other electronic means in sufficient time to enable the Council member to reach the place at which the meeting is to be held.

(d) Voting

- (i) The voting on business at meetings of Divisional National Council shall be by show of hands.
- (ii) Decisions of Divisional National Council shall be by a simple majority of those present and each Council member (including the Presiding Officer) shall have one vote.

(e) Resolutions in Writing

- (i) A resolution in writing may be submitted to all members of Divisional National Council by the Divisional National Secretary and if signed by a majority of them shall be a valid and effective resolution of Divisional National Council.
- (ii) In any case where, in the opinion of the Divisional National Secretary, an important subject matter arises or it is desirable that the opinion of Divisional National Council should be obtained on any question when the Council is not sitting, such subject matter or question shall be communicated by the Divisional National Secretary to the members of the Council. A member of Divisional National Council, on the receipt of same and after due consideration, shall immediately advise the Divisional National Secretary of such member's vote or opinion on the matter or question submitted to the members of Council. A decision of a simple majority of such members thereon shall be as effective for all purposes as though it had been made by resolution at a meeting of Divisional National Council.

(f) Electronic/Telephonic Conference

Divisional National Council may meet by electronic or telephone conference at which the Council members are able to communicate with one another and decisions taken at such meetings shall be valid and effective decisions of the Council.

(g) Agenda

The agenda for Divisional National Council Meetings shall be forwarded by the Divisional National Secretary to each Council member at least seven days before a meeting is to take place.

All resolutions by Divisional Branches intended for the agenda paper for the annual meeting of Divisional National Council shall be forwarded to the Divisional National Secretary not later than thirty days before such meeting.

(h) Quorum

A quorum of Divisional National Council shall be 50% plus one of the members.

18 - DIVISIONAL NATIONAL EXECUTIVE

- (a) There shall be a Divisional National Executive comprising:-
- Divisional National Secretary
 - Divisional Deputy National Secretary
 - Divisional Assistant National Secretary/s
 - Divisional National Presiding Officer
 - Divisional Deputy National Presiding Officer
- 2 other members elected by and from Divisional National Council in accordance with the provisions of Divisional Rule 48 both of whom shall be the Divisional National Vice Presiding Officers.
- (b) Divisional National Executive shall consider and advise Divisional National Council on matters referred to it by Divisional National Council or the Divisional National Secretary.
- (c) Meetings of Divisional National Executive shall be called by the Divisional National Secretary as and when required.
- (d) The Divisional National Executive Officers shall be the Divisional National Secretary and the Divisional National Presiding Officer.

19 - ANNUAL GENERAL MEETING OF MEMBERS OF THE DIVISION

- (a) An Annual General Meeting of the members of the Division shall be held in the month of November each year or at such other time as near as practicable thereto as may be decided on by Divisional National Council.
- (b) Notice of the times and places of the Annual General Meeting shall be given to members of the Division and posted in the office of each Divisional Branch at least 30 days prior to the date of such meeting.
- (c) The business dealt with at the Annual General Meeting shall be confined to the business on the agenda which shall provide for the following:
- (i) The General Yearly Report of Divisional National Council.
 - (ii) The Annual Financial Statement of the Division.
 - (iii) Motions by members notice of which has been given in writing to the Divisional National Secretary at least fourteen days prior to the date of such meeting.
- (d) Quorum
- The number of financial members required to form a quorum shall be in the aggregate 10 percent of the financial members of the Division.

21 - CONDUCT OF ANNUAL GENERAL AND SPECIAL MEETINGS OF MEMBERS OF THE DIVISION

20 - SPECIAL MEETING OF MEMBERS OF THE DIVISION

- (a) A Special Meeting of members of the Division may be called by:-
- (i) the Divisional National Executive Officers;
 - (ii) on requisition signed by a majority of members of Divisional National Council;
 - (iii) on requisition signed by 10% of the financial members of the Division.
- (b) A requisition shall contain the nature of the business to be transacted at the Special Meeting and no further business shall be transacted.
- (c) Special Meetings shall be held at such times and places as determined by the Divisional National Executive Officers.
- (d) Notice of the times and places and the business to be transacted shall be inserted in a daily newspaper circulating in each port where a meeting is to be held at least three days before the date of the meeting and shall be posted in the office of each Divisional Branch
- (e) Quorum
- The number of financial members required to form a quorum shall be in the aggregate 10 percent of the financial members of the Division.

21 - CONDUCT OF ANNUAL GENERAL AND SPECIAL MEETINGS OF MEMBERS OF THE DIVISION

The Annual General and Special Meetings of members of the Division shall be conducted as follows:-

- (a) Meetings of members shall be held at each of the ports listed below and such other ports as determined by the Divisional National Executive Officers and the quorum for each such meeting shall be as set out below:-
- | | | | |
|-----------|-----|---------------|----|
| Melbourne | 100 | Port Kembla | 40 |
| Brisbane | 60 | Devonport | 30 |
| Newcastle | 40 | Port Adelaide | 60 |
| Sydney | 100 | Fremantle | 80 |
- (b) (i) At the meeting the items on the agenda shall be submitted to the vote of the members present by way of motion.
- (ii) The results of the voting shall be forwarded by the Divisional Branch Secretary within whose Divisional Branch the port is located to the Divisional National Secretary, for the purpose of aggregating the votes and a motion shall be carried if it receives a majority of the votes cast provided that in each of a majority of Divisional Branches the motion also receives a majority of the votes cast.

- (c) All financial members of the Division shall have the right to speak and take part in and to cast one vote upon any motion.
- (d) The Divisional National Secretary, Divisional Deputy National Secretary, Divisional National Assistant Secretary/s and Divisional National Organiser/s shall have the right to attend and take part in and vote on any motion.
- (e) The financial members attending shall have power to appoint from amongst themselves a Chairperson to conduct the business of the meeting.
- (f) All members of the Division at the time of the meeting shall be expected to attend and remain until the termination of the meeting.

22 - MONTHLY DIVISIONAL BRANCH GENERAL MEETINGS OF MEMBERS OF THE DIVISION

- (a) There shall be a Monthly Divisional Branch General Meeting of members of the Division on the last Tuesday in each month commencing between the hours of 8am to 12 noon to be held for the purpose of assisting the Divisional Branch Officers in carrying out the Objects of the Division and the Divisional Rules and the business and affairs of the membership of the Divisional Branch. Such meeting shall close within four hours of commencing.
- (b) The financial members attending shall have power to appoint from amongst themselves a chairperson to conduct the business of the meeting.
- (c) The Divisional National Secretary, Divisional Deputy National Secretary and Divisional Assistant National Secretary/s shall have the right to attend and take part in and vote on any motion.

23 - SPECIAL MEETINGS OF DIVISIONAL BRANCH MEMBERS

- (a) A Special Meeting of Divisional Branch members may be convened by Divisional National Council, the Divisional National Secretary, the Divisional Branch Executive or by requisition signed by 15% of the financial members of the Divisional Branch.
- (b) Requisitions for Special Meetings of Divisional Branch members shall be handed to the Secretary of the Divisional Branch who shall immediately take steps to convene such meeting at the time stated in the requisition.
- (c) On receipt of the requisition the Divisional Branch Secretary shall forward a copy of it to the Divisional National Secretary.
- (d) Requisitions shall state the time and date of the meeting and the business for which the meeting is being called and contain the nature of the business to be transacted at the meeting and no further business shall be transacted.

- (e) In the event of the Divisional Branch Secretary refusing to convene a Special Meeting of Divisional Branch members at the time stated in the requisition the members signing such requisition shall have the power to delegate the duties of providing a meeting place and making any arrangements which may be necessary for the convening of the meeting to any member or members so signing such requisition.
- (f) The financial members attending any Special Meeting of Divisional Branch members of a Divisional Branch shall have power to appoint from amongst themselves a Chairperson to conduct the business of the meeting.
- (g) Quorum

The number of financial members required to form a quorum for a Special Meeting of Divisional Branch members shall be 10% of the financial members of the Divisional Branch.

24 - DIVISIONAL NATIONAL CONFERENCE

- (a) A Divisional National Conference of delegates elected by and from ports, ships and other areas together with the members of Divisional National Council shall be held once in each four years at a time determined by Divisional National Council.
- (b) The composition of the Divisional National Conference and the election of Divisional National Conference Delegates shall be as determined by Divisional National Council taking into account the number and/or sections of members in the various ports, ships or other areas or sections thereof and for greater equity ports, ships or other areas or sections thereof may be grouped together to achieve a more balanced representation of the membership.
- (c) The Divisional National Conference shall submit to Divisional National Council any matter or question for its endorsement or rejection or otherwise.
- (d) The Divisional National Conference shall be the supreme policy-making body of the Division and its resolutions subject to Sub-Rule (c) hereof, when ratified by a majority of the Divisional Branches and members at special meetings shall be binding on the Council, all Divisional Branches, Officers and members of the Division.
- (e)
 - (i) The agenda for Divisional National Conference meetings shall be forwarded by the Divisional National Secretary to each Conference member at least twenty eight (28) days before a meeting is to take place.
 - (ii) All resolutions by Divisional Branches and Conference members intended for the agenda paper for meetings of Divisional National Conference shall be forwarded to the Divisional National Secretary no later than forty two (42) days before such meeting.

25 - DIVISIONAL BRANCHES - GOVERNMENT

Each Divisional Branch shall be governed by the members in Special Meetings of Divisional Branch members.

26 - DIVISIONAL BRANCHES - EXECUTIVE

The Divisional Branch Officers shall comprise the Divisional Branch Executive and subject to the Rules the Divisional Branch Executive shall, in addition to powers specified elsewhere in the Rules, have the general supervision of the affairs of the Divisional Branch in the area embraced by the Divisional Branch.

27 - DIVISIONAL BRANCHES - AREAS

- (a) Divisional National Council shall be empowered to establish or disband Divisional Branches or alter geographic areas embraced by Divisional Branches subject to approval by the members in Annual General or Special Meetings of the members of the Division.
- (b) The membership shall be allocated into Divisional Branches and the following shall be the Divisional Branch names and the geographic areas embraced by each of them until as may otherwise be determined by Divisional National Council:-

<u>DIVISIONAL BRANCH OFFICE</u>	<u>NAME</u>	<u>AREA</u>
Brisbane	Queensland Divisional Branch	The State of Queensland
Newcastle	Newcastle Divisional Branch	From and including Newcastle to the Queensland border
Sydney	Sydney Divisional Branch	South of Newcastle to North of Port Kembla
Port Kembla	Southern New South Wales Divisional Branch	From and including Port Kembla to the Victorian border
Melbourne	Victorian Divisional Branch	The State of Victoria
Devonport	Tasmanian Divisional Branch	The State of Tasmania
Port Adelaide	South Australian Divisional Branch	The State of South Australia
Fremantle	Western Australian Divisional Branch	The State of Western Australia

Darwin

Northern Territory Divisional
Branch

Northern Territory

28 - DIVISIONAL BRANCH COMMITTEES

- (a) There shall be a committee in each Divisional Branch to be known as the Divisional Branch Committee comprised of representatives elected by and from the members of the Divisional Branch and or sections of the members of the Divisional Branch.
- (b) The elections for Divisional Branch Committee members shall not be part of and shall be conducted separately from the Quadrennial Elections conducted to fill Offices of the Division provided that any person elected to a Divisional Branch Committee shall not hold office for greater than 4 years. The Divisional Branch Executive shall appoint a returning officer who will conduct the election of Divisional Branch Committee members.
- (c) The Divisional Branch Committee shall assist the Divisional Branch Officers in carrying out the Objects of the Division and the Divisional Rules and the business and affairs of the membership of the Division.
- (d) The costs of the operation of a Divisional Branch Committee incurred with prior approval of the Divisional Branch Executive shall be paid by the Divisional Branch Executive out of the Divisional Branch funds.
- (e) After consideration of any proposals prepared by the Divisional Branch Committee in consultation with the Divisional Branch Executive:-
 - (i) the number of members of the Divisional Branch Committee and their titles,
 - (ii) the method of election of the Divisional Branch Committee members, and
 - (iii) by-laws as to the practices and procedures of the Divisional Branch Committee,shall be as approved by Divisional National Council, taking into account the number and/or sections of members in the various port, ship and other areas in the Divisional Branch and for greater equity ports, ships or other areas or sections thereof may be grouped together to achieve a more balanced representation of the membership.
- (f)
 - (i) The Presiding Officer shall convene and preside at all meetings of the Divisional Branch Committee and shall appoint a substitute from amongst the other members of the Divisional Branch Committee to so act when the Presiding Officer is absent.
 - (ii) The Minute Secretary shall keep all minutes of meetings of the Divisional Branch Committee, shall forward a copy of all minutes to the Divisional Branch Secretary and shall appoint a substitute from amongst the members of the Committee to so act when the Minute Secretary is absent.
- (g) Divisional Branch Committees shall meet once annually or at any other time as determined by the Divisional Branch Executive. Meetings will be held at the Divisional Branch Office.

29 - PORT, SHIP AND OTHER AREA COMMITTEES

- (a) One or more Port, Ship or other Area Committees may be established by the membership of a port, ship or other area.
- (b) The members in each port, ship or other area where a Committee has been established shall select Delegates to assist the Divisional National Officers and the Divisional Branch Officers to carry out the Objects of the Division and the Divisional Rules and the business and affairs of the membership in the port, ship or other area.
- (c) The name of each Committee shall include the name of the Division.
- (d) The number and titles of Committee Delegates, the procedure for their selection and the practices and procedures of the Committees shall be as agreed by the membership of the port, ship or other area.

30 - WOMEN'S COMMITTEE AND DIVISIONAL NATIONAL WOMEN'S REPRESENTATIVE

- (a) One or more Women's Committees may be established by the membership of a port, ship or other area. The Women's Committee shall represent the best interests of all Divisional women members.
- (b) The members in each port, ship or other area where a Women's Committee has been established shall select Delegates (women) to assist the Divisional National Officers and the Divisional Branch Officers to carry out the objects of the Division and these Divisional Rules and the business and affairs of the membership in the port, ship or other area and to assist and promote issues of importance and relevance to women.
- (c) The name of each Women's Committee shall include the name of the Division.
- (d) The number and titles of the Women's Committee delegates, the procedure for their selection and the practices and procedures of the Committee shall be as agreed by the membership on the Women's Committee in conjunction with Divisional National Council.
- (e) A Divisional National Women's Co-ordinating Committee may be established by and from delegates elected to Women's Committees.
- (f) A Divisional National Women's Representative shall be elected in accordance with Rule 43 to represent, in particular, the interests of all women members at meetings of Divisional National Council.

31 - OFFICERS OF THE DIVISION

The Officers of the Division shall be the Divisional National Officers and the Divisional Branch Officers.

Divisional National Officers

- (a) The Divisional National Officers of the Division shall be the:-

Divisional National Secretary

Divisional National Deputy Secretary

Divisional National Assistant Secretary/s

and the following members of Divisional National Council elected by and from Divisional National Council in accordance with the Rules:-

Divisional National Presiding Officer

Divisional National Deputy Presiding Officer

Divisional National Vice-Presiding Officer

- (b) Provided that the number of Divisional National Assistant Secretary/s shall be determined by Divisional National Council prior to January 31 in the year of a Quadrennial Election and the Divisional National Secretary shall as soon as practicable advise the members of the Division and the Divisional National Returning Officer accordingly.

Divisional Branch Officers

- (c) The Divisional Branch Officers shall be the:-

Divisional Branch Secretary

Divisional Branch Deputy Secretary

Divisional Branch Assistant Secretary/s

and the Divisional Branch Presiding Officer elected by and from the Divisional Branch Executive in accordance with the Divisional Rules.

- (d) Provided that the number of Divisional Branch Officer/s (other than Divisional Branch Secretary) shall be determined by Divisional National Council prior to January 31 in the year of a Quadrennial Election and the Divisional National Secretary shall as soon as practicable advise the members of the Divisional Branch and the Divisional National Returning Officer accordingly.

Wages of Officers of the Division

- (e) The remuneration of all Officers of the Division shall be as determined by Divisional National Council.
- (f) Each member of Divisional National Council, Divisional National Executive and a Divisional Branch Executive shall have a duty to regularly attend its meetings.

32 - DIVISIONAL NATIONAL SECRETARY - POWERS AND DUTIES

There shall be a Divisional National Secretary who shall:

- (a) be the Senior Executive Officer of the Division and shall be a full-time Officer of the Division;
- (b) upon election to Office, reside within reasonable travel distance of the National Office of the Division which shall be based in Sydney in the State of New South Wales;
- (c) carry out all decisions of Divisional National Council and of the members and when the Divisional National Council is not sitting shall conduct the business of the Division;
- (d) attend, as far as practicable, all meetings of Divisional National Council, Divisional National Conference and any other meetings of Divisional bodies and ensure correct minutes are kept of the proceedings of such meetings;
- (e) receive and conduct all correspondence of the National Office of the Division, and shall keep a copy of all letters written and received and, if called upon by Divisional National Council, submit such correspondence for its perusal;
- (f) keep the Register of Members;
- (g) be the Officer to sue and prosecute and be sued and prosecuted on behalf of the Division;
- (h) be the treasurer of the Division;
- (i) pay all moneys received by the Divisional National Secretary for and on behalf of the Division into the bank or other financial institution authorised by the Divisional National Council within 48 hours of receipt of such moneys;
- (j) direct that all moneys expended by the Division be drawn by cheque signed in accordance with the Divisional Rules;
- (k) cause to be kept accurate accounts of all moneys received and expended by the Division and submit all books, vouchers, papers, etc, in connection with the financial affairs of the Division to Divisional National Council and to the Auditors when called upon;
- (l) prepare an Annual Report, including financial statements, showing the operations of the whole of the Division, the progress and other material matters, reporting at the same time all Divisional Branches which have failed to make the necessary returns, or reports necessary for the preparation of the Annual Report;
- (m) supply all information required under the RO Act and any other Commonwealth or State legislation and sign all necessary papers and documents relating to such legislation;
- (n) compare the Divisional Branch balance sheets with their monthly reports, and investigate any irregularity;
- (o) prepare an Annual Financial Statement and Balance Sheet for the financial year which together with the resolutions of Divisional National Council relating to such accounts in accordance with the RO Act shall be printed and provided free of charge to the Divisional Branches and members;

35 - DIVISIONAL NATIONAL PRESIDING OFFICER - POWERS AND DUTIES

- (p) keep all the records required to be kept by the Division under the RO Act and other Commonwealth or State legislation; and
- (q) work in conjunction with Divisional National Council and subject to its direction be responsible for the drafting, or directing the drafting, of any log of claims that may be submitted on behalf of the Division to the Fair Work Commission or to the representatives of the employers.

33 - DIVISIONAL DEPUTY NATIONAL SECRETARY - POWERS AND DUTIES

There shall be a Divisional Deputy National Secretary who shall:

- (a) be a full-time Officer of the Division and be subject to the supervision and direction of the Divisional National Secretary;
- (b) give all reasonable assistance to the Divisional National Secretary as and when required; and
- (c) in the absence of the Divisional National Secretary through annual or long service leave, overseas travel or illness or other reason approved by Divisional National Council act in place of the Divisional National Secretary and while so acting have the powers and duties of the Divisional National Secretary.

34 - DIVISIONAL ASSISTANT NATIONAL SECRETARY/S - POWERS AND DUTIES

- (a) The Divisional Assistant National Secretary/s shall:
 - (i) be full-time Officers and shall be subject to the supervision and direction of the Divisional National Secretary; and
 - (ii) give all reasonable assistance to the Divisional National Secretary as and when required.
- (b) Should the Divisional Deputy National Secretary be absent at the same time as the Divisional National Secretary, Divisional National Council shall appoint a Divisional Assistant National Secretary to act in place of the Divisional National Secretary until such time as the Divisional National Secretary or Divisional Deputy National Secretary returns to duty and whilst so appointed the Divisional Assistant National Secretary appointed shall have the powers and duties of the Divisional National Secretary.

35 - DIVISIONAL NATIONAL PRESIDING OFFICER - POWERS AND DUTIES

There shall be a Divisional National Presiding Officer who shall:

- (a) preside at all meetings of Divisional National Council, Divisional National Executive and Divisional National Conference;
- (b) maintain order and decorum and shall see that the Divisional Rules are at all times observed at such meetings;

- (c) give impartial decisions on all questions;
- (d) when speaking on any question other than a point of order shall vacate the chair; and
- (e) have a deliberative vote only.

36 - DIVISIONAL DEPUTY NATIONAL PRESIDING OFFICER

There shall be a Divisional Deputy National Presiding Officer who shall:

- (a) assist the Divisional National Presiding Officer on maintenance of order during meetings; and
- (b) in the absence of the Divisional National Presiding Officer shall carry out the duties of the Divisional National Presiding Officer.

37 - DIVISIONAL NATIONAL VICE-PRESIDING OFFICERS

- (a) There shall be two Divisional National Vice-Presiding Officers who shall assist the Divisional National Presiding Officer and Divisional Deputy National Presiding Officer in the maintenance of order during meetings.
- (b) In the absence of the Divisional National Presiding Officer and the Divisional Deputy National Presiding Officer, Divisional National Council, Divisional National Executive or Divisional National Conference as the case may be shall appoint one of the Divisional National Vice-Presiding Officers to act in place of the Divisional National Presiding Officer.

38 - DIVISIONAL BRANCH SECRETARY - POWERS AND DUTIES

There shall be a Divisional Branch Secretary who shall:

- (a) be the Senior Executive Officer of the Divisional Branch, summon all meetings of the Divisional Branch Executive, attend all meetings of the Divisional Branch, cause all minutes to be recorded and without delay carry out all decisions of Special Meetings of members of the Divisional Branch;
- (b) receive and conduct all correspondence of the Divisional Branch, and shall keep a copy of all letters written and received;
- (c) sign all orders for payment, and at the end of each financial year produce to the Division's Auditor all books of accounts, vouchers, receipts, documents together with a balance sheet correctly stating the financial operations of the Divisional Branch;
- (d) receive all monies due to the Division from members of the Divisional Branch or otherwise paid through the Divisional Branch and deposit such monies within 48 hours to the credit of the Division in such bank, banks or such other financial institutions as may be authorised by Divisional National Council;

- (e) visit or cause other Divisional Branch Officers to visit the shipping office, vessels in port, terminals, wharves, ports, ships and other areas and look after the business and affairs of the Divisional Branch generally;
- (f) make out all returns necessary to comply with the law in the State where the Divisional Branch is located;
- (g) make remittances as instructed by decisions of Special Meetings of Divisional Branch members;
- (h) within 14 days of the end of each month forward to the Divisional National Secretary a just and true account of all moneys received and paid, and the balance then remaining;
- (i) when required by the Divisional National Secretary or Divisional National Council, hand over to the Divisional National Secretary or to Divisional National Council all books, papers, documents, instruments, securities, receipts and property of the Division.

39 - DIVISIONAL DEPUTY BRANCH SECRETARY - POWERS AND DUTIES

A Divisional Deputy Branch Secretary shall:

- (a) be subject to the supervision and direction of the Divisional Branch Secretary;
- (b) give all reasonable assistance to the Divisional Branch Secretary as and when required; and
- (c) in the absence of the Divisional Branch Secretary through annual or long service leave, overseas travel or illness or other reason approved by Divisional National Council act in place of the Divisional Branch Secretary and while so acting have the powers and duties of the Divisional Branch Secretary.

40 - DIVISIONAL ASSISTANT BRANCH SECRETARY - POWERS AND DUTIES

(a) A Divisional Assistant Branch Secretary shall:

- (i) be subject to the supervision and direction of the Divisional Branch Secretary; and
 - (ii) give all reasonable assistance to the Divisional Branch Secretary as and when required.
- (b) In the absence of the Divisional Branch Secretary and Divisional Deputy Branch Secretary a Divisional Assistant Branch Secretary nominated in writing by the Divisional Branch Secretary shall act in place of the Divisional Branch Secretary and when so acting shall have the same powers and duties as the Divisional Branch Secretary.

41 - DIVISIONAL BRANCH PRESIDING OFFICER - POWERS AND DUTIES

A Divisional Branch Presiding Officer shall:

- (a) preside at all meetings of the Divisional Branch Executive;
- (b) maintain order and decorum and shall see that the Divisional Rules are at all times observed at such meetings;
- (c) give impartial decisions on all questions;
- (d) when speaking on any question other than a point of order shall vacate the chair; and
- (e) have a deliberative vote only.

42 - CASUAL VACANCIES

- (a) Where a casual vacancy occurs in any elected Office the vacancy may be filled by Divisional National Council by appointment of a person eligible to nominate for the Office in accordance with the Divisional Rules.
- (b) The person so appointed shall hold Office for so much of the unexpired part of the term of the Office as does not exceed -
 - (i) 12 months, or
 - (ii) three quarters of the term of the Office,whichever is the greater.
- (c) Where the unexpired term of the Office exceeds that specified by Sub-Rule (b) of this Rule, the vacancy shall be filled by an election conducted as far as practicable as an ordinary election in accordance with the Rules and Sub-Rule (d) of this Rule.
- (d) Members shall be notified of the election to be held to fill the casual vacancy and of the times of opening and closing of nominations and of voting which shall be as set out below:-
 - (i) nominations shall open on the last Tuesday in the month following notification of the election and shall remain open up to and including the last Monday in the following month when they shall close at 5 pm.
 - (ii) financial members shall post their ballot papers not later than the last Tuesday in the month following the closing of nominations.
- (e) The Divisional National Returning Officer shall be responsible for the conduct of elections held pursuant to this Rule and the Rules dealing with the Returning Officer's conduct of ordinary elections shall apply with the necessary changes.

- (f) In this Rule:
- (i) "ordinary election" means a Quadrennial Election held in accordance with the Divisional Rules; and
 - (ii) "term", in relation to an Office, means the total period for which the last person elected to the Office by an ordinary election (other than an election to fill a casual vacancy in the Office) was entitled by virtue of that election to hold the Office without being re-elected.

43 - QUADRENNIAL ELECTIONS

- (a) On and from the Quadrennial Election to be held in 2015, Elections for each of the Offices listed in Sub-Rule (b) of this Rule shall be held every four years in accordance with the Rules.
- (b) Electorates
- (i) All members of the Division eligible to vote in accordance with the Rules shall elect persons to fill the Offices listed below:-

Divisional National Secretary
Divisional National Deputy Secretary
Divisional National Assistant Secretary/s (subject to Rule 31 (b))
Divisional National Women's Representative
 - (ii) In each Divisional Branch the members allocated to it and eligible to vote in accordance with the Rules shall elect persons to fill the Offices listed below:-

Divisional Branch Secretary
Divisional Branch Deputy Secretary (subject to Rule 31 (d))
Divisional Branch Assistant Secretary/s (subject to Rule 31 (d))
- (c) Taking Office
- All persons declared elected shall take Office from July 1 in the year of the Quadrennial Election.
- (d) If a date for taking any step in an election falls on a Saturday, Sunday or public holiday, the date for taking the step shall be the next ensuing working week day.

44 - RETURNING OFFICERS

- (a) A Divisional National Returning Officer and Divisional Deputy National Returning Officers shall be appointed at the second meeting of Divisional National Council following each Quadrennial Election.

- (b) Subject to the provisions of the RO Act the Divisional National Returning Officer and Divisional Deputy National Returning Officers shall have responsibility for the conduct of all ballots in the Division in accordance with the Divisional Rules.
- (c) Subject to the provisions of the RO Act the Divisional National Returning Officer shall have the final authority over all elections.
- (d) No holder of any Office in the Union, Division or a Divisional Branch nor any employee of the Union, Division or a Divisional Branch shall be appointed as the Divisional National Returning Officer or as a Divisional Deputy National Returning Officer.
- (e) In the event of a vacancy occurring in the position of Divisional National Returning Officer and/or of a Divisional Deputy National Returning Officer, Divisional National Council shall appoint a replacement.

45 - NOMINATIONS

- (a) Nominations for Offices to be filled at a Quadrennial Election of the Division shall open on February 25 and close at 5pm on March 25 in the year of the election.
- (b) All nominations papers containing the nominee's name as contained on the Roll or as abbreviated, derived or consistently used, shall be signed by the nominee and two members of the Division who are financial as at the close of nominations.
- (c) All nomination papers shall be forwarded by mail or delivered addressed to the Divisional National Returning Officer at a post office box under the control of the Returning Officer. Where the nomination papers are forwarded by mail the nominee shall retain verification of the date and means of postage.
- (d) A nomination once received by the Divisional National Returning Officer may not be withdrawn.
- (e) If the Divisional National Returning Officer finds a nomination to be defective the Divisional National Returning Officer shall before rejecting the nomination notify the member concerned of the defect and where practicable give the member not less than 7 days from the day of such notification to remedy the defect.

Eligibility to Nominate

- (f) Subject to the Rules nominations for all Offices shall be open to all members of the Division who are financial as at the close of nominations.
- (g) *A member shall be eligible to nominate if at the close of nominations the member is financial and has remained a member for at least one year immediately prior to the close of nominations and has been engaged or reasonably seeking to be engaged in an occupation covered by the Eligibility Rule for that year.*

Provided that for the purposes of this Sub-Rule a member:

- (i) *whilst holding an elected Office in the Division shall be deemed to have been engaged in an occupation covered by National Rule 2(S) (Eligibility); or*

- (ii) *who after becoming a member of the Division is employed by the Division to assist in the work of the Division shall be deemed to have been engaged in an occupation covered by National Rule 2(S) (Eligibility).*
- (h) No member shall be eligible to nominate for more than one Office of Officer of the Division. If a member nominates for more than one such Office each such nomination shall be void.
- (i) No Officer of the Division shall be eligible to nominate for a different Office of Officer of the Division at an election (including an election to fill a casual vacancy) unless such Officer has given written notice to the Divisional National Secretary of intention to do so.

An Officer of the Division who does not intend to nominate for election to any Office of Officer of the Division at an election shall give written notice to the Divisional National Secretary accordingly.

Notices under this Sub-Rule shall be irrevocable and shall be given at least 28 days before the opening of nominations. The Divisional National Secretary shall inform the membership of a notice as soon as possible.

Election Statement

- (j) A candidate in an election may forward with the candidate's nomination form a head and shoulder photograph and a 200 word statement for forwarding with ballot papers in accordance with Rule 47(c). The statement shall require the approval of the Divisional National Returning Officer and shall meet all requirements of the law. Scandalous or defamatory matter will not be forwarded. Words in excess of the 200 word limit will be deleted from the end of the statement.

46 - ROLL OF VOTERS

- (a) For all elections of Officers of the Division and for any other ballots a preliminary Roll of Voters showing each voters:-
 - (i) name,
 - (ii) postal address,
 - (iii) Division number, and
 - (iv) Divisional Branch

shall be prepared by the Divisional National Secretary at least 28 days before the date of the opening of nominations and a paper copy and electronic copy of the Roll shall be provided to the Divisional National Returning Officer at least 21 days before the date of the opening of nominations.

- (b) A final paper copy and electronic copy of the Roll of Voters shall be prepared by the Divisional National Secretary as at 10 days before the opening date of nominations comprising those persons whose names appeared on the preliminary Roll together with new members and members who became financial members of the Division since the

compilation of the preliminary roll, but not including those persons who have ceased to be financial members of the Division since the compilation of the preliminary roll.

- (c) Any member listed on the final Roll of Voters whose resignation takes effect in accordance with Rule 11 of these Rules, prior to the ballot being closed, or whose membership is cancelled in accordance with Sub Rule 12(d) by reason of ceasing to be a financial member of the Division as a consequence of Sub Rule 10(k) of these Rules, prior to the ballot being closed, shall not be eligible to vote.
- (d) Candidates for all Offices will be entitled to receive the final Roll of voters in paper and/or electronic form, provided that the Returning Officer is satisfied that the candidate has signed an appropriate undertaking regarding the use of the Roll, including applicable privacy legislation requirements and the right of Members to opt out of receiving communications from candidates.
- (e) The Returning Officer must report to the Divisional National Secretary any and all allegations of Candidates using the Roll other than in accordance with these Divisional Rules and/or applicable Privacy Legislation following which the Divisional National Secretary may take action including in accordance with these Rules and/or applicable Privacy Legislation.

47 - ELECTION PROCEDURES

One Candidate Only

- (a) In the event of only one candidate being nominated for an Office the Divisional National Returning Officer shall declare the candidate elected to the Office.
 - (i) In the case of Quadrennial Elections the candidate declared elected shall take Office on and from July 1 in the year of the election.
 - (ii) In the case of an election to fill a casual vacancy the candidate declared elected shall take Office on and from the declaration of the election by the Divisional National Returning Officer.

Two or More Candidates

- (b) In the event of two or more candidates being nominated for any Office a ballot shall be conducted and the Divisional National Returning Officer shall:
 - (i) seven days following the closure of nominations arrange for the printing of the ballot papers which shall contain the names of the candidates in alphabetical order; and
 - (ii) initial each ballot paper before despatching papers to voters. Provided that the Divisional National Returning Officer's initials may be affixed by facsimile or electronic imprint.

Issue and Return of Ballot Materials

- (c) The ballot shall be opened on April 28 by the Divisional National Returning Officer posting to each member listed on the Roll of Voters:-

- (i) voting instructions from the Divisional National Returning Officer
 - (ii) a ballot paper
 - (iii) a declaration envelope which complies with the form prescribed by the RO Regulations
 - (iv) a prepaid envelope which complies with the form prescribed by the RO Regulations addressed to the Divisional National Returning Officer
 - (v) all Election Statements approved by the Divisional National Returning Officer in accordance with Rule 45(j)
- (d) The instructions to each voter shall include instructions to take the following steps:-
- (i) place a cross or a tick next to the name of the candidate on the ballot paper the voter wishes to vote for
 - (ii) place the ballot paper in the declaration envelope and sign the declaration on the declaration envelope
 - (iii) place the sealed declaration envelope inside the prepaid envelope addressed to the Divisional National Returning Officer and seal it
 - (iv) post the prepaid envelope addressed to the Divisional National Returning Officer
- (e) In the case of Quadrennial Elections voters shall also be instructed that the ballot shall close on June 14 and that only ballot papers received by the Divisional National Returning Officer by that time shall be counted provided that a ballot paper contained in the prepaid envelope which is received by the Divisional National Returning Officer by no later than June 19 bearing a post mark dated not later than June 14 shall be counted.

Absentee Voting

- (f) A member entitled to vote may apply in writing to the Divisional National Returning Officer for an absentee vote in which case ballot materials may be given to the member personally or posted to an address nominated by the member. All such applications shall be made before 5pm on June 7 in the year of a Quadrennial Election.

Counting the Ballot

- (g) On June 15 the Divisional National Returning Officer and the Divisional Deputy National Returning Officers shall attend at a place nominated by and under the control of the Divisional National Returning Officer in order to count the ballot.
- (h) The Divisional National Returning Officer shall notify each candidate by post of the place and date of the count at least 7 days prior to the count.

- (i) The count shall be conducted as follows:
 - (i) The Divisional National Returning Officer shall in the presence of any scrutineers open the envelopes addressed to the Divisional National Returning Officer.
 - (ii) The declaration envelope shall be checked against the Roll of Voters to ensure that no votes are cast except by those entitled to vote and that no member votes more than once.
 - (iii) The Divisional National Returning Officer shall before removing the ballot paper from the declaration envelope first remove the flap or label on each declaration envelope and then shall open the declaration envelope and remove the ballot paper. The Divisional National Returning Officer shall ensure that no flap or label may be identified with a ballot paper.
 - (iv) Counting shall then be commenced.

Declaration of Election Result

- (j)
 - (i) On completion of the count the Divisional National Returning Officer shall forthwith declare elected the candidate receiving the most votes.
 - (ii) The Divisional National Returning Officer shall declare the result of the election in writing to the Divisional National Secretary and each Divisional Branch Secretary.
 - (iii) The Divisional National Secretary shall publish to the members of the Division the declaration of the result of the election.
 - (iv) All persons declared elected shall take Office from July 1 in the year of the Quadrennial Election.

Scrutineers

- (k) Each candidate shall have the right to appoint not more than two scrutineers being financial members of the Division who shall be entitled to be present at all stages of the count. The appointment of scrutineers shall be by notice in writing signed by the candidate to the Divisional National Returning Officer. The rights and duties of scrutineers shall be to represent the interest of their appointing candidate. They shall be entitled to be present at all stages of the ballot while the Returning Officer carries out the procedures under the Rules and to direct the attention of the Returning Officer to any irregularity concerning the carrying out of any step in the ballot. They shall do all things necessary so that the secrecy of the ballot shall be observed. They shall not obstruct the Returning Officer in the performance of the Returning Officer's duties nor interfere with the conduct of the ballot.

Protests

- (l) In the event of any protest being lodged against any candidate or against any part of the proceedings the counting of the ballot shall continue, and the protest shall be made the subject of inquiry after the declaration by the Divisional National Returning Officer.

48 - ELECTION OF DIVISIONAL NATIONAL PRESIDING OFFICERS

- (a) A Divisional National Presiding Officer and Divisional Deputy National Presiding Officer and the two Divisional National Vice-Presiding Officers shall be elected by secret ballot at the first meeting of Divisional National Council held after the Quadrennial Elections by and from the members of Divisional National Council in accordance with this Rule.

Nominations

- (b) The Divisional National Returning Officer shall call for nominations from among the members of Divisional National Council. Nominations shall be in writing and signed by the candidate. Any member absent from the meeting or the session at which nominations are called for shall be eligible to nominate provided such member's written and signed nomination has been forwarded to the Returning Officer.

If the Returning Officer finds a nomination to be defective the Returning Officer shall, before rejecting the nomination, notify the person concerned of the defect and where it is practicable to do so give the person the opportunity of remedying the defect within twenty-four hours.

- (c) If there is only the required number of candidates for any of the Offices the Divisional National Returning Officer shall declare that such candidate or candidates as the case may be are elected.
- (d) If there are more than the required number of candidates for any Office the Divisional National Returning Officer shall conduct an election by secret ballot of the members of Divisional National Council.

Scrutineers

- (e) Any candidate may appoint a scrutineer and the provisions of the Divisional Rules in relation to scrutineers shall apply with the necessary changes.

Conduct of Ballot

- (f) The Divisional National Returning Officer shall arrange for the preparation of the ballot papers on which the names of the candidates shall appear in alphabetical order.
- (g) The Divisional National Returning Officer shall notify each member of Divisional National Council of the opening and closing times of the ballot.
- (h) The Divisional National Returning Officer shall initial and hand to each member a ballot paper. Each member shall cast a vote by completing the ballot paper by placing a cross or a tick opposite the name of the candidate for whom it is desired to vote and placing the completed ballot paper in the ballot box in the control of the Returning Officer at the meeting.

Absentee Vote

- (i) Any member who will not be present at the meeting or session at which the ballot is to be held may lodge a request with the Divisional National Returning Officer for an absent vote together with an address where such member can receive communications and if any member has done so the Returning Officer shall not declare the result of the ballot until such member has been given reasonable opportunity to vote.

Declaration

- (j) The Divisional National Returning Officer shall declare the result in writing as soon as the count is completed to Divisional National Council and where Divisional National Council has risen to the Divisional National Secretary.
- (k) Those declared elected shall take Office upon the declaration by the Divisional National Returning Officer of the result of the election and each shall hold Office subject to the Divisional Rules until the declaration of the next election for the Office is made.

49 - ELECTION OF DIVISIONAL BRANCH PRESIDING OFFICER

- (a) Where Divisional National Council has determined that there shall be a Divisional Branch Presiding Officer the Divisional Branch Presiding Officer shall be elected by secret ballot at the first meeting of the Divisional Branch Executive held after the Quadrennial Elections by and from the members of the Divisional Branch Executive in accordance with this Rule.

Nominations

- (b) The Divisional National Returning Officer (or Divisional Deputy National Returning Officer so directed by the Divisional National Returning Officer) shall call for nominations from among the members of the Divisional Branch Executive. Nominations shall be in writing and signed by the candidate. Any member absent from the meeting at which nominations are called for shall be eligible to nominate provided such member's written and signed nomination has been forwarded to the Returning Officer.

If the Returning Officer finds a nomination to be defective the Returning Officer shall, before rejecting the nomination, notify the person concerned of the defect and where it is practicable to do so give the person the opportunity of remedying the defect within twenty-four hours.

- (c) If there is only one candidate for the Office the Returning Officer shall declare that candidate elected.
- (d) If there is more than one candidate the Returning Officer shall conduct an election by secret ballot of the members of Divisional Branch Executive for the Office.

Scrutineers

- (e) Any candidate may appoint a scrutineer and the provisions of the Divisional Rules in relation to scrutineers shall apply with the necessary changes.

Conduct of Ballot

- (f) The Returning Officer shall arrange for the preparation of the ballot paper on which the names of the candidates shall appear in alphabetical order.
- (g) The Returning Officer shall notify each member of the Divisional Branch Executive of the opening and closing times of the ballot.
- (h) The Returning Officer shall initial and hand to each member a ballot paper. Each member shall cast a vote by completing the ballot paper by placing a cross or a tick opposite the name of the candidate for whom it is desired to vote and placing the completed ballot paper in the ballot box in the control of the Returning Officer at the meeting.

Absentee Vote

- (i) Any member who will not be present at the meeting at which the ballot is to be held may lodge a request with the Returning Officer for an absent vote together with an address where such member can receive communications and if any member has done so the Returning Officer shall not declare the result of the ballot until such member has been given reasonable opportunity to vote.

Declaration

- (j) The Returning Officer shall declare the result in writing as soon as the count is completed to Divisional National Secretary and the Divisional Branch Executive or where the meeting has ended to the Divisional Branch Secretary.
- (k) The candidate declared elected shall take Office upon the declaration by the Returning Officer of the result of the election and each shall hold Office subject to the Divisional Rules until the declaration of the next election for the Office is made.

50 - FUNDS

- (a) The property and funds of the Division shall be used for the purposes connected with and incidental to the objects of the Division and shall be under the control of Divisional National Council.
- (b) All appeals for assistance made to the Division shall be attended to according to the instructions given by Divisional National Council.

- (c) A loan, grant or donation of an amount exceeding \$1,000.00 shall not be made by Divisional National Council or a Divisional Branch Executive unless Divisional National Council or the Divisional Branch Executive as the case may be -
 - (i) has satisfied itself -
 - (1) that the making of the loan, grant or donation would be in accordance with the Rules; and
 - (2) in relation to a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and
 - (ii) has approved the making of the grant or donation.

Divisional Funds

- (d) The Divisional Funds of the Division other than those invested in real property, interest earning deposits, bonds, shares or other securities shall be placed up to such sum as is required for the administration of the Division at current account in the Commonwealth Savings Bank or such other bank or financial institution as determined by Divisional National Council, and shall not be withdrawn except by cheque or by authorised and verifiable electronic funds transfer.
- (e) The Division shall develop and implement policies and procedures relating to the expenditure of the Divisional funds of the Division.
- (f) All payments in excess of \$1,000.00 shall be made by cheque or authorised and verifiable electronic funds transfer. The Divisional National Secretary may keep a petty cash and postage account but shall not keep in that account more than \$500.00 at any time.
- (g) No moneys shall be disbursed except for purposes incidental to the ordinary expenses set forth in and arising out of the operation of the Divisional Rules without the approval of Divisional National Council.
- (h) All cheques shall be signed by any two of the following:

Divisional National Secretary; Divisional Deputy National Secretary; Divisional Assistant National Secretary; or another Officer or an employee of the Division appointed by Divisional National Council for the purpose.

Provided that one signatory shall be the Divisional National Secretary or where the Divisional National Secretary is absent the Divisional Deputy National Secretary or, in the absence of both, a Divisional Assistant National Secretary.

Divisional Branch Funds

- (i) The funds of the Divisional Branch shall be under the control of the Divisional Branch Executive subject to the overall control of Divisional National Council.

- (j) The Divisional Branch shall develop and implement policies and procedures relating to the expenditure of funds of the Divisional Branch.
- (k) The budgeted funds of each Divisional Branch for the administration of the Divisional Branch shall be placed in an account in the Commonwealth Savings Bank or such other bank or financial institution as determined by Divisional National Council, and shall not be withdrawn except by cheque or by authorised and verifiable electronic funds transfer.
- (l) All cheques shall be signed by any two of the Divisional Branch Secretary or Divisional Deputy Branch Secretary or Divisional Assistant Branch Secretary or another member of the Divisional Branch Executive or an employee appointed by the Divisional Branch Executive for the purpose.

Provided that one signatory shall be the Divisional Branch Secretary or where the Divisional Branch Secretary is absent the Divisional Deputy Branch Secretary or in the absence of both by the Divisional Assistant Branch Secretary or in the absence of all such Officers by an employee appointed by the Divisional Branch Executive for the purpose.

- (m) The Divisional Branch Secretary shall sign all cheques and do all things appertaining to the position of Treasurer. The Divisional Branch Secretary shall forward every month to the Divisional National Secretary a bank reconciliation statement, together with the bank statement; the Divisional Branch Secretary shall, when required to do so, render to the members of the Divisional Branch Executive, or to the members thereof, or to the members of the Divisional Branch, a just and true account of all moneys received and paid since the last like account was rendered and the balance, if any, then remaining in the hands of the Divisional Branch.
- (n) Each Divisional Branch shall within 7 days of the end of each quarter remit to the Divisional National Secretary all moneys collected by it, less the amount which it may retain for its use in the administration and operation of the Divisional Branch as determined by Divisional National Council from time to time.

Divisional Branch Budget

- (o) The Divisional National Secretary shall in consultation with each Divisional Branch submit to Divisional National Council a budget of items of expenditure for each financial year which shall be provided by the end of May in respect to the following financial year commencing on July 1.
- (p) Divisional National Council shall be empowered where necessary to provide funds to a Divisional Branch taking into account matters including the budget provided by the Divisional National Secretary.

51 - AUDITOR

- (a) An Auditor, being a competent person within the meaning of the RO Act shall be appointed by Divisional National Council.

- (b) The Auditor shall:
- (i) perform such functions and duties as are prescribed by the RO Act and such other functions and duties not inconsistent with the RO Act as are required by Divisional National Council;
 - (ii) have access to and examine if desired all books, papers, deeds, documents and accounts of the Division and/or any Divisional Branch and be empowered to question any Officer or employee of the Division or any Divisional Branch with regard to the same and to obtain from any bank or other institution at which the funds of the Division and/or any Divisional Branch are deposited or invested such information as may be required;
 - (iii) furnish a written statement that all documents and statements to which he certifies are in accordance with the law and the Rules or, if unable to certify to the correctness of any of them, report forthwith to Divisional National Council and the Divisional National Secretary the respect in which they are incorrect; and
 - (iv) have power to place before Divisional National Council and/or the Divisional National Secretary any suggestion concerning the financial affairs of the Division or its Divisional Branches.

52 - FINANCIAL STATEMENTS

Annual Financial Statements of the Division

- (a) The Divisional National Secretary shall in each year prepare or cause to be prepared an Annual Financial Statement of the Division which shall include:-
- (i) a consolidated income and expenditure statement for the year ending June 30;
 - (ii) a consolidated balance sheet for such period;
 - (iii) a reconciliation of Divisional Branch receipts with the books and accounts of Divisional National Council for that period; and
 - (iv) a reconciliation of Divisional Branch payments with the books and accounts of Divisional National Council for that period.
- (b) The Annual Financial Statement shall be signed by the Divisional National Secretary and, as required by the RO Act, audited by the Auditor and the statement of receipts and payments, and a statement of the funds and property of the Division and each Divisional Branch shall be filed by the Divisional National Secretary as required by the RO Act.

Annual Divisional Branch Financial Statements

- (d) Each Divisional Branch Secretary shall prepare or cause to be prepared in each financial year a Divisional Branch Financial Statement in such form as Divisional National Council may from time to time determine of the receipts and payments of the Divisional Branch for the period and of all its funds, property and effects for the period ending June 30.

Each such financial statement shall be signed by the Divisional Branch Secretary and be audited by the Division's Auditor and forwarded to the Divisional National Secretary with the Auditor's certificate and report for the financial year ending 30 June by the end of August each year.

53 - POWER OF DIVISIONAL NATIONAL SECRETARY TO REQUIRE DIVISIONAL BRANCH BOOKS

A Divisional Branch Secretary or any other Officer or employee of any Divisional Branch, in whose possession the books of the Divisional Branch, or any of them, may then be, shall hand such books over to the Divisional National Secretary on demand. The Divisional National Secretary shall issue to the Divisional Branch Secretary or to such other Officer or employee of the Divisional Branch a receipt and shall hand all such books back to the Divisional Branch Secretary immediately the purpose for which the demand has been made has been accomplished.

54 - DISCLOSURE OF OFFICER'S RELEVANT REMUNERATION AND NON CASH BENEFITS

- (a) Each Officer of the Division shall disclose to the Division, and in the case of an Officer of a Divisional Branch, to the Divisional Branch, any remuneration paid to the Officer:
 - (i) because the Officer is a member of a board, if:
 - (1) the Officer is a member of the board only because the Officer is an Officer of the Division, or a Divisional Branch of the Division; or
 - (2) the Officer was nominated for the position as a member of the board by the Division, a Divisional Branch of the Division; or a peak council; or
 - (ii) by any related part of the Division or a Divisional Branch of the Division in connection with the performance of the Officers' duties as an Officer.
- (b) The disclosure required by Rule 54(a) shall be made to the Division or the Divisional Branch:
 - (i) as soon as practicable after the remuneration is paid to the Officer; and
 - (ii) in writing.
- (c) The Division shall disclose to the members of the Division and Divisional Branches of the Division:
 - (i) the identity of the Officers of the Division who are the five highest paid in terms of relevant remuneration for the disclosure period, and

- (ii) for each of those Officers:
 - (1) the actual amount of the Officer's relevant remuneration for the disclosure period; and
 - (2) either the value of the Officer's relevant non cash benefits, or the form of the Officers' relevant non cash benefits, for the disclosure period.
- (d) A Divisional Branch of the Division shall disclose to the members of the Divisional Branch:
 - (i) the identity of the Officers who are the two highest paid Officers of the Divisional Branch in terms of relevant remuneration for the disclosure period; and
 - (ii) for each of those Officers:
 - (1) the actual amount of the Officer's relevant remuneration for the disclosure period; and
 - (2) either the value of the Officers relevant non cash benefits, or the form of the Officers relevant non cash benefits, for the disclosure period.
- (e) For the purposes of Rules 54(c) and (d), the disclosure shall be made:
 - (i) in relation to each financial year;
 - (ii) within six months after the end of the financial year; and
 - (iii) in writing.

55 - DISCLOSURE OF OFFICER'S MATERIAL PERSONAL INTERESTS

- (a) Each Officer of the Division shall disclose to the Division, and in the case of an Officer of a Divisional Branch, to the Divisional Branch, any material personal interest in a matter that:
 - (i) the Officer has or acquires; or
 - (ii) a relative of the Officer has or acquires;that relates to the affairs of the Division or a Divisional Branch of the Division.
- (b) The disclosure required by Rule 55(a) shall be made to the Division or the Divisional Branch:
 - (i) as soon as practicable after the interest is acquired; and
 - (ii) in writing.
- (c) The Division shall disclose to the members of the Division and its Divisional Branches any interests disclosed to the Division pursuant to Rule 55(a).

- (d) The Divisional Branch shall disclose to the members of the Divisional Branch any interests disclosed to the Divisional Branch pursuant to Rule 55(a).
- (e) For the purposes of Rule 55(c) and (d), the disclosures shall be made:
 - (i) in relation to each financial year;
 - (ii) within six months after the end of the financial year; and
 - (iii) in writing.

56 - DISCLOSURE OF CERTAIN PAYMENTS

- (a) The Division shall disclose to the members of the Division and the Divisional Branches of the Division either:
 - (i) Each payment made by the Division, during the disclosure period:
 - (1) to a related party of the Division, or of a Divisional Branch of the Division; or
 - (2) to a declared person, or body of the Division, or a Divisional Branch of the Division; or
 - (ii) the total of the payments made by the Division, or a Divisional Branch of the Division during the disclosure period:
 - (1) to each related party of the Division or a Divisional Branch of the Division; or
 - (2) to each declared person or body of the Division or a Divisional Branch of the Division.
- (b) The Divisional Branches of the Division shall disclose to the members of the Divisional Branch either:
 - (i) each payment made by the Divisional Branch, during the disclosure period:
 - (1) to a related party of the Divisional Branch; or
 - (2) to a declared person or body of the Divisional Branch; or
 - (ii) the total of the payments made by the Divisional Branch, during the disclosure period:
 - (1) to each related party of the Divisional Branch; or
 - (2) to each declared person or body of the Divisional Branch.

- (c) Rules 56(a) and 56(b) do not apply to a payment made to a related party if:
 - (i) the payment consists of amounts deducted by the Division, or Divisional Branch, from remuneration payable to Officers or employees of the Division or Divisional Branch; or
 - (ii) the related party is an Officer of the Division, or Divisional Branch, and the payment:
 - (1) consists of remuneration paid to the Officer by the Division, or Divisional Branch; or
 - (2) is reimbursement for expenses reasonably incurred by the Officer in performing the Officer's duties as an Officer.
- (d) For the purposes of Rules 56(a) and (b) the disclosures shall be made:
 - (i) in relation to each financial year;
 - (ii) within six months after the end of the financial year; and
 - (iii) in writing.

57 - TRAINING OF OFFICERS

- (a) This Rule shall take effect on the commencement of Schedule 1 Part 2 of the Fair Work (Registered Organisations) Amendment Act 2012.
- (b) Each person holding an office in the Division or a Divisional Branch of the Division whose duties include duties that relate to the financial management of the Division or a Divisional Branch of the Division shall undertake training:
 - (i) approved by the General Manager under the provisions of the Act or an Act replacing that Act; and
 - (ii) that covers each of the Officers' financial duties.
- (c) An Officer shall complete the training required by sub-rule (b) within:
 - (i) six (6) months after the person begins to hold Office; or
 - (ii) if the Officer holds office at the date of the commencement referred to in sub-rule (a), within six (6) months of that date.

58 - CHARGES AND DISCIPLINE

- (a) A member may charge a member with:-
- (i) failure to observe the Divisional Rules or any of them;
 - (ii) knowingly violating any resolution of Divisional National Council or Divisional Branch Executive of the member's Divisional Branch;
 - (iii) giving false or misleading information to Divisional National Council or Divisional Branch Executive or to any Officer of the Division on a matter which is the concern of the Division;
 - (iv) obstructing Divisional National Council or Divisional Branch Executive or any lawful committee or body of the Division in any way in the performance of any of its functions;
 - (v) obstructing any Officer in the course of the Officer's duties;
 - (vi) wrongfully holding him/herself out as occupying any Office or position in the Division or as being entitled to represent the Division in any capacity (to which charge it shall be a defence that the member believed bona fide and on reasonable grounds that he/she was entitled so to act);
 - (vii) behaving in a drunken, disorderly, or offensive manner at any meeting held under the Divisional Rules or in an office of the Division;
 - (viii) doing any act calculated to injure or destroy the Division;
 - (ix) aiding or encouraging any other member in any offence under the Divisional Rules;
 - (x) theft from a member of the Division or the Division;
 - (xi) assaults, insults or abuses a Divisional National Officer, a Divisional Branch Officer, a job delegate, another member or an employee of the Division;
 - (xii) breaches the relevant Commonwealth Marine Orders or relevant State Government Safety regulations, or the industries Safety Codes, or does anything to cause possible danger to him/herself or others;
 - (xiii) damages or attempts to damage any of the property or effects of the Division or amenities provided for the use of the members.
 - (xiv) failing to attend a stopwork meeting without satisfactory reasons.

- (b) Any charge shall be made in writing to the Divisional Branch Secretary who shall summon the member to appear before the Divisional Branch Executive. Such summons shall be in writing and shall set out the time and place of the hearing, the name of the person laying the charge and the substance of the charge. The member charged shall be given such notice of the hearing as may be reasonable having regard to all the circumstances and if required to attend at a place more than fifty miles from the member's postal address as shown in the Register of Members shall be given a return fare. The member charged shall on request be supplied with such further particulars as may be necessary to indicate the precise matters with which the member is charged. The member who makes the charge shall not be a party to hearing or determining the charge.
- (c) The Divisional Branch Executive shall have the power to hear and determine charges under this Rule.
- (d) At the appointed time and place (or any time and place to which the meeting is adjourned or postponed and of which the member charged is notified) the charge may be investigated whether or not the member charged is present unless a satisfactory explanation of the member's absence has been received.
- (e) If the member charged attends such member shall be informed of the substance and source of any adverse information on which the tribunal relies and shall be given a reasonable opportunity to make a defence and may tender written submissions and or statements or call witnesses.
- (f) If the tribunal finds a member guilty of charges it may do one or more of the following:
 - (i) impose no penalty;
 - (ii) impose a fine not exceeding \$40.00;
 - (iii) dismiss or suspend the member from any Office or position provided that no such person shall be removed from Office unless found guilty of misappropriation of the funds of the Division, a substantial breach of the Rules of the Division, or gross misbehaviour or gross neglect of duty or has ceased according to the Divisional Rules to be eligible to hold the Office;
 - (iv) suspend the member;
 - (v) expel the member.
- (g) An appeal shall lie at the instance of the member charged from any decision under this Rule by the Divisional Branch Executive to Divisional National Council. Notice of appeal shall be given in writing within two weeks of any decision being communicated to the member and shall set forth in full all matters that the appellant desires to be considered. The appeal may be dealt with in meeting or by postal vote. The notice of appeal shall be given to the Divisional National Secretary.
- (h) It shall be the duty of a member charged and found guilty under this Rule, who claims that the Divisional Branch Executive or Divisional National Council which dealt with the charges against the member acted in bad faith or was constituted or proceeded irregularly in dealing with the charge, to appeal as provided in this Rule.

- (i) Any member:-
- (1) who is disorderly during a meeting of the Division or during any meeting of any Divisional Branch of the Division or who will not obey the ruling of the Chairperson;
 - (2) who attends a meeting in the state of intoxication or who persists in using personalities after being cautioned by the Chairperson;
 - (3) who makes use of indecent or insulting language to the Chairperson for the time being, or to any Officer or member of the Division at such meeting;
 - (4) who refuses to withdraw from the meeting when ordered to do so by the Chairperson for the time being;
- may be fined \$40.00 for each such offence and such fine shall be paid by the member before any further membership contributions are accepted from the member.
- (j) No member shall be ordered by the Chairperson at any meeting of the Division to withdraw from the meeting unless such member has been guilty of repeated disobedience to the ruling of the Chairperson.

59 - REMOVAL OF OFFICERS

- (a) Removal of Divisional National Officers and members of Divisional National Council
- (i) Divisional National Council may remove from Office a Divisional National Officer or any member of Divisional National Council or Divisional National Executive at a meeting of Divisional National Council to which the person concerned has been summoned in writing signed by the Divisional National Secretary or Divisional National Presiding Officer to show cause why such person should not be removed.

Provided that no such person shall be removed from Office unless found guilty of misappropriation of the funds of the Division, a substantial breach of the Divisional Rules of the Division, or gross misbehaviour or gross neglect of duty or has ceased according to the Divisional Rules to be eligible to hold the Office.
 - (ii) A person summoned pursuant to paragraph (i) of this Sub-Rule shall be given at least 14 days notice of the time and place of the meeting of Divisional National Council for which such person is summoned. The notice shall also specify the ground or grounds upon which it is proposed to consider the removal. Divisional Council may proceed to hear and determine a matter under this Sub-Rule notwithstanding the absence of a person duly summoned.

(b) Removal of Divisional Branch Officers

- (i) The Divisional Branch Executive may remove from Office a Divisional Branch Officer or any member of the Divisional Branch Executive at a meeting of the Divisional Branch Executive to which the person concerned has been summoned in writing signed by the Divisional Branch Secretary or Divisional Branch Presiding Officer to show cause why such person should not be removed.

Provided that no such person shall be removed from Office unless found guilty of misappropriation of the funds of the Division, a substantial breach of the Divisional Rules of the Division, or gross misbehaviour or gross neglect of duty or has ceased according to the Divisional Rules to be eligible to hold the Office.

- (ii) A person summoned pursuant to paragraph (i) of this Sub-Rule shall be given at least 14 days notice of the time and place of the meeting of the Divisional Branch Executive for which such person is summoned. The notice shall also specify the ground or grounds upon which it is proposed to consider the removal. The Divisional Branch Executive may proceed to hear and determine a matter under this Sub-Rule notwithstanding the absence of a person duly summoned.
- (iii) A person removed from Office pursuant to this Sub-Rule may appeal to Divisional National Council. Such appeal shall state the grounds of the appeal and shall be lodged with the Divisional National Secretary within 28 days of the person being notified in writing of the decision of the Divisional Branch Executive. The Divisional National Secretary shall place the appeal before the Divisional National Council which shall determine the manner in which and the procedures by which the appeal shall be dealt with. The Divisional National Secretary shall give written notice to the person concerned of the decision of the Divisional National Council as soon as practicable.

60 - ALLIANCE WITH OTHER LABOUR ORGANISATIONS

The Division shall have the power to act in conjunction with any other labour organisation upon any or all of the undermentioned questions:

- (a) preservation of life and limb and compensation for injuries or death;
- (b) sanitation and health questions;
- (c) the hours and conditions of labour and the remuneration of labour;
- (d) protection of wages;
- (e) participation in any question affecting the community as a whole;
- (f) other conditions similarly affecting employment and any other questions that may affect the Division or members.

61 - POWER TO EXECUTE AGREEMENTS

- (a) Industrial Agreements and other instruments may be made, entered into, executed or from time to time altered, amended, varied, modified or cancelled by or on behalf of the Division by Divisional National Council, provided that no Industrial Agreement shall be entered into unless its contents have been approved by the affected members of the Division or by the Divisional Secretary where authorised by Divisional National Council.
- (b) Industrial agreements or other instruments not required by law to be under the seal may be executed by the Divisional National Secretary or by the Divisional Deputy National Secretary in the absence of the Divisional National Secretary.
- (c) Any instrument required by law to be under seal may be executed under the seal of the Division.

62 - SUBMISSION OF INDUSTRIAL DISPUTES

- (a) Industrial disputes may be submitted by the Divisional National Secretary or his or her nominee to any Court or tribunal or other body having jurisdiction. The Divisional National Secretary may authorise all relevant conduct by officers or members associated with such disputes including any conduct required by law.
- (b) The Division shall be represented in any such proceedings by the Divisional National Secretary or a representative of the Divisional National Secretary, together with or by such persons as decided upon by Divisional National Council from time to time.

63 - SEAL

The Division shall have a seal which shall be kept in the National Office of the Division under the charge of the Divisional National Secretary. The seal may be affixed by the Divisional National Secretary (or at the direction of the Divisional National Secretary) to documents customarily authenticated by the seal, but it may not be affixed without the authority of Divisional National Council to any agreement or undertaking or other binding document.

64 - CHANGES TO RULES

- (a) A proposal to change the Divisional Rules may be made by:-
 - (i) any member of Divisional National Council; or
 - (ii) any Divisional Branch Executive;
- (b) The proposal shall be forwarded to the Divisional National Secretary.
- (c) A copy of the proposal shall be forwarded by the Divisional National Secretary to each Divisional Branch Secretary at least 14 days before the meeting of Divisional National Council at which it is intended to deal with the proposal.

- (d) A proposal to change the Divisional Rules may be submitted in the form of a resolution to all members of Divisional National Council and if signed by a majority of the members of Divisional National Council shall be a valid and effective resolution of Divisional National Council.
- (e) The Rules may be changed by Divisional National Council subject to the endorsement of members at a Special Meeting of members of the Division.
- (f) Notwithstanding anything in this Rule Divisional National Council shall have the power to change the Divisional Rules to meet any requirement of the RO Act without referring such changes to the members for endorsement.

65 - DISSOLUTION OF THE DIVISION

In the event of dissolution of the Division, any remainder of its net assets after discharge of all its just debts and other legal obligations shall not be distributed to its members, but shall be distributed to such body or bodies as Divisional National Council shall determine, which body or bodies shall have similar restrictions upon distribution of assets to its members, to an extent at least as great as are herein imposed on the Division.

66 - PLEBISCITE

The members of the Division may by resolution passed at an Annual General meeting of the members of the Division or at a Special Meeting of the members of the Division declare any matter or question to be important and request the Divisional National Secretary to cause a plebiscite to be conducted. The resolution requesting the plebiscite shall set out the terms of the resolution to be put at the plebiscite.

The plebiscite shall be conducted in the following manner:

- (a) Only members of the Division who were financial as at 5pm on the date that the resolution requesting the plebiscite was carried shall be entitled to vote and the Divisional National Secretary shall have prepared a Roll of Voters accordingly.
- (b) The opening and closing day of the ballot shall be fixed by the Divisional National Returning Officer provided that it shall open as soon as practicable after the date that the resolution requesting the plebiscite was carried and close at 5pm on a date determined by the Divisional National Secretary not less than 21 days after the opening.
- (c) On the opening day of the ballot the Divisional National Returning Officer shall post the ballot material to the postal address of each member entitled to vote and take such other steps as are practicable to ensure all voters are able to record a vote.

- (d) The ballot material shall include:
- (i) A statement from the Divisional National Secretary of the question at issue;
 - (ii) A ballot paper which includes:
 - (1) the resolution being put to the plebiscite,
 - (2) instructions to each voter to indicate a vote for or against the resolution and post the completed ballot so that it reaches the Divisional National Returning Officer before the closing date of the ballot;
 - (iii) A return pre-paid envelope addressed to a post office box under the control of the Divisional National Returning Officer.

67 - DEFINITIONS

In the Divisional Rules, unless the context otherwise indicates or the contrary intention appears:-

“Act” means the Fair Work Act 2009 (Cth) or any Act replacing that Act.

“board” means a group of persons who supervise, govern or otherwise have oversight of a corporation, organisation, association or other like body including a Board of Directors;

“Commonwealth”, “Commonwealth of Australia” or “Australia” shall include the territories of the Commonwealth;

“declared person or body” means:

- (i) an Officer of the Division or a Divisional Branch of the Division who has disclosed a material personal interest under Rule 55; and
- (ii) the interest relates to, or is in, the person or the body; and
- (iii) the Officer has not notified the Division or a Divisional Branch of the Division that the Officer no longer has the interest.

“disclosure period” for the purposes of the Divisional Rules means the financial year unless a shorter period is specified;

“financial duties” includes duties that relate to the financial management of the Division or a Divisional Branch of the Division;

“financial year” means a twelve-month period ending at midnight on June 30 in each year;

“General Manager” means the General Manager of the Fair Work Commission;

“non cash benefit” means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes;

“office” has the same meaning as defined by section 9 of the RO Act;

“Officer” has the same meaning as defined by section 6 of the RO Act;

“peak council” has the same meaning as defined by section 12 of the Act ;

“related party” has the same meaning as defined by section 9B of the RO Act;

“relative” in relation to a person means:

- (i) parent, step parent, child, stepchild, grandparent, grandchild, brother or sister of the person; or
- (ii) the spouse of the first mentioned person.

“relevant non cash benefits” in relation to an Officer of the Division or a Divisional Branch of the Division for a disclosure period means the non cash benefits provided to the Officer of the Division or a Divisional Branch of the Division, at any time during the disclosure period, in connection with the performance of the Officer’s duties as an Officer of the Division or a Divisional Branch of the Division, by the Division or a Divisional Branch of the Division or by a related party of the Division or a Divisional Branch of the Division.

“relevant remuneration” in relation to an Officer of the Division or a Divisional Branch of the Division for a disclosure period is the sum of the following:

- (i) any remuneration disclosed to the Division or a Divisional Branch of the Division by the Officer under Rule 54 during the disclosure period;
- (ii) any remuneration paid during the disclosure period, to the Officer by the Division or a Divisional Branch of the Division;

“remuneration” includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but does not include:

- (i) a non cash benefit;
- (ii) the reimbursement or payment of reasonable expenses for the costs incurred in the course of the Officer carrying out his or her duties.

“RO Act” means the Fair Work (Registered Organisations) Act 2009 or any Act replacing that Act;

“RO Regulations” mean the Fair Work (Registered Organisations) Regulations 2009 or any regulations replacing those regulations.

“the Divisional Rules” means the Rules of The Maritime Union of Australia Division ;

“the Division" means” The Maritime Union of Australia Division" known as the MUA Division;

“Union” means the Construction, Forestry, Maritime, Mining and Energy Union.

and

Words denoting the masculine gender shall include the feminine.

68 - TRANSITIONAL RULE

- (a) This Rule shall prevail over any conflicting provisions in any other Divisional Rule and the provisions of the Rules of the Union prior to the introduction of this Rule including any of those Rules relating to the terms of office of any office holder.
- (b) This Divisional Rule is intended to enable the amalgamation of The Maritime Union of Australia with the Union.
- (c) For the purposes of this Rule, “amalgamation date” shall mean the date fixed in accordance with section 73 of the RO Act as the day on which the amalgamation of the Union with The Maritime Union of Australia and the Textile, Clothing and Footwear Union of Australia takes effect.
- (d) This Divisional Rule shall take effect on the amalgamation date.
- (e) On and from the amalgamation date, the offices set out in column B of the Table below will be held by the persons holding the corresponding office set out in column A immediately preceding the amalgamation date until the date set out or described in column C.

COLUMN A	COLUMN B	COLUMN C
National Secretary	Divisional National Secretary	30 June 2019
Deputy National Secretary	Divisional Deputy National Secretary	30 June 2019
Assistant National Secretary	Divisional Assistant National Secretary	30 June 2019
Assistant National Secretary	Divisional Assistant National Secretary	30 June 2019
National Presiding Officer	Divisional National Presiding Officer	Upon declaration of ballot held after 1 July 2019 in accordance with Divisional Rule 48(k)
Deputy National Presiding Officer	Divisional Deputy National Presiding Officer	Upon declaration of ballot held after 1 July 2019 in accordance with Divisional Rule 48(k)
National Vice-Presiding Officer	Divisional National Vice-Presiding Officer	Upon declaration of ballot held after 1 July 2019 in accordance with Divisional Rule 48(k)
National Vice-Presiding Officer	Divisional National Vice-Presiding Officer	Upon declaration of ballot held after 1 July 2019 in accordance with Divisional Rule 48(k)
National Women’s Representative	Divisional National Women’s Representative	30 June 2019
Queensland Branch Secretary	Queensland Divisional Branch Secretary	30 June 2019

Queensland Deputy Branch Secretary	Queensland Divisional Deputy Branch Secretary	30 June 2019
Queensland Branch Assistant Secretary	Queensland Divisional Assistant Branch Secretary	30 June 2019
Queensland Branch Presiding Officer	Queensland Divisional Branch Presiding Officer	Upon the declaration of ballot held after 1 July 2019 in accordance with Divisional Rule 49(k)
Newcastle Branch Secretary	Newcastle Divisional Branch Secretary	30 June 2019
Newcastle Deputy Branch Secretary	Newcastle Divisional Deputy Branch Secretary	30 June 2019
Newcastle Branch Presiding Officer	Newcastle Divisional Branch Presiding Officer	Upon the declaration of ballot held after 1 July 2019 in accordance with Divisional Rule 49(k)
Sydney Branch Secretary	Sydney Divisional Branch Secretary	30 June 2019
Sydney Deputy Branch Secretary	Sydney Divisional Deputy Branch Secretary	30 June 2019
Sydney Branch Assistant Secretary	Sydney Divisional Assistant Branch Secretary	30 June 2019
Sydney Branch Assistant Secretary	Sydney Divisional Branch Assistant Secretary	30 June 2019
Sydney Branch Presiding Officer	Sydney Divisional Branch Presiding Officer	Upon the declaration of ballot held after 1 July 2019 in accordance with Divisional Rule 49(k)
Southern New South Wales Branch Secretary	Southern New South Wales Divisional Branch Secretary	30 June 2019
Southern New South Wales Deputy Branch Secretary	Southern New South Wales Divisional Deputy Branch Secretary	30 June 2019
Southern New South Wales Branch Presiding Officer	Southern New South Wales Divisional Branch Presiding Officer	Upon the declaration of ballot held after 1 July 2019 in accordance with Divisional Rule 49(k)
Victorian Branch Secretary	Victorian Divisional Branch Secretary	30 June 2019
Victorian Deputy Branch Secretary	Victorian Divisional Deputy Branch Secretary	30 June 2019
Victorian Branch Assistant Secretary	Victorian Divisional Assistant Branch Secretary	30 June 2019
Victorian Branch Assistant Secretary	Victorian Divisional Assistant Branch Secretary	30 June 2019
Victorian Branch Presiding Officer	Victorian Divisional Branch Presiding Officer	Upon the declaration of ballot held after 1 July 2019 in accordance with Divisional Rule 49(k)

South Australian Branch Secretary	South Australian Divisional Branch Secretary	30 June 2019
South Australian Deputy Branch Secretary	South Australian Divisional Deputy Branch Secretary	30 June 2019
South Australian Branch Presiding Officer	South Australian Divisional Branch Presiding Officer	Upon the declaration of ballot held after 1 July 2019 in accordance with Divisional Rule 49(k)
Western Australian Branch Secretary	Western Australian Divisional Branch Secretary	30 June 2019
Western Australian Deputy Branch Secretary	Western Australian Divisional Deputy Branch Secretary	30 June 2019
Western Australian Branch Assistant Secretary	Western Australian Divisional Assistant Branch Secretary	30 June 2019
Western Australian Branch Assistant Secretary	Western Australian Divisional Assistant Branch Secretary	30 June 2019
Western Australian Branch Presiding Officer	Western Australian Divisional Branch Presiding Officer	Upon the declaration of ballot held after 1 July 2019 in accordance with Divisional Rule 49(k)
Tasmanian Branch Secretary	Tasmanian Divisional Branch Secretary	30 June 2019
Tasmanian Deputy Branch Secretary	Tasmanian Divisional Deputy Branch Secretary	30 June 2019
Tasmanian Branch Presiding Officer	Tasmanian Divisional Presiding Officer	Upon the declaration of ballot held after 1 July 2019 in accordance with Divisional Rule 49(k)
Northern Territory Branch Secretary	Northern Territory Divisional Branch Secretary	30 June 2019
Northern Territory Deputy Branch Secretary	Northern Territory Divisional Deputy Branch Secretary	30 June 2019
Northern Territory Branch Presiding Officer	Northern Territory Divisional Branch Presiding Officer	Upon the declaration of ballot held after 1 July 2019 in accordance with Divisional Rule 49(k)

Provided that on and from the amalgamation date, there shall be an additional office of Queensland Divisional Assistant Branch Secretary. As soon as possible after the amalgamation date, the Divisional National Returning Officer shall take all necessary steps to cause an election to be conducted for the additional office of Queensland Divisional Assistant Branch Secretary as far as practicable in accordance with the Divisional Rules and Divisional Rule 42(d). The term of office for the additional office of Queensland Divisional Assistant Branch Secretary the subject of the election shall be until 30 June 2019.

(f) Casual vacancy

Any casual vacancy arising in respect of any office referred to in the Table in sub rule (e) shall be dealt with in accordance with Divisional Rule 42.

(g) Divisional National Council

On the amalgamation date, the Divisional National Council shall consist of those persons who were members of the National Council of The Maritime Union of Australia on the day preceding the amalgamation date.

(h) Divisional National Executive

On the amalgamation date, the Divisional National Executive shall consist of those persons who were members of the National Executive of The Maritime Union of Australia on the day preceding the amalgamation date.

(i) Membership

On the amalgamation date, any period of membership and/or financial membership in The Maritime Union of Australia in accordance with that Union's Rules prior to the amalgamation date, shall be deemed to be for all purposes a period of membership and/or financial membership of the Union in the Division. Any period of unfinancial membership in The Maritime Union of Australia in accordance with that Union's rules prior to the amalgamation date shall be deemed to be for all purposes a period of unfinancial membership of the Union in the Division.

(j) Life Membership

A person holding life membership in The Maritime Union of Australia on the day immediately preceding the amalgamation date shall be deemed on the amalgamation date to be a life member of the Division for all purposes under the Divisional Rules.

(k) Returning Officers

A person holding the appointment of National Returning Officer or a Deputy National Returning Officer of The Maritime Union of Australia on the day preceding the amalgamation date, shall be deemed to be on the amalgamation date, the Divisional National Returning Officer or a Divisional Deputy National Returning Officer respectively.

END OF RULES