

## Regulation 126 Fair Work (Registered Organisations) Regulations 2009

### NOTICE OF PARTICULARS OF RULE ALTERATIONS

After Divisional Rule 6 insert new Divisional Rule 6A as follows, using ~~strikethrough~~ for deletions and underlined for additions to the text of the current Rules of The Maritime Union of Australia Division (105N-MUA: Certified 21 December 2018):

#### 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 are 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.

Alter Divisional Rule 7 as follows, using ~~strikethrough~~ for deletions and underlined for additions to the text of the current Rules of The Maritime Union of Australia Division (105N-MUA: Certified 21 December 2018):

#### 7 – MEMBERSHIP OF DIVISIONAL BRANCHES

(a) A member shall be a member of the Divisional Branch which embraces the area in which the member is ~~registered~~ resides.

~~(b) A member who is not registered shall be a member of the Divisional Branch which embraces the area in which the member is employed.~~

~~(c) Where a member is not registered and is not employed within the area of one Divisional Branch then the member shall be a member of the Divisional Branch which embraces the member's place of residence.~~

~~(d)~~ (b) 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)~~ (c) 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.

Alter Divisional Rule 9 as follows, using ~~strike through~~ for deletions and underlined for additions to the text of the current Rules of The Maritime Union of Australia Division (105N-MUA: Certified 21 December 2018):

## 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) registration (where applicable)~~
  - ~~(x) port of registration (where applicable)~~
- (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.

Alter Divisional Rule 10 as follows, using ~~strikethrough~~ for deletions and underlined for additions to the text of the current Rules of The Maritime Union of Australia Division (105N-MUA: Certified 21 December 2018):

## **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)~~ (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.

Alter Divisional Rule 12 as follows, using ~~strike through~~ for deletions and underlined for additions to the text of the current Rules of The Maritime Union of Australia Division (105N-MUA: Certified 21 December 2018):

### **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) ~~may~~ shall be cancelled where the member has not for a continuous period of ~~six~~ nine months engaged or attempted to engage in an occupation covered by the Eligibility Rule.
  - (ii) Members who have had their membership cancelled under this Rule may apply for associate membership. In the event that this associate member finding further work in the maritime industry under the Union's Eligibility Rules, then his or her membership will be reinstated subject to meeting the payment of union dues for that position and continuity of membership towards life membership will be maintained including recognition of the period he or she has been an associate member.
  - (iii) In the event that the member does not become an associate member following cancellation referred to in this Rule, he or she will lose continuity on service required for 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.

Alter Divisional Rule 45 as follows, using ~~striketrough~~ for deletions and underlined for additions to the text of the current Rules of The Maritime Union of Australia Division (105N-MUA: Certified 21 December 2018):

#### **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.

Alter Divisional Rule 46 as follows, using ~~striketrough~~ for deletions and underlined for additions to the text of the current Rules of The Maritime Union of Australia Division (105N-MUA: Certified 21 December 2018):

#### **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, and
  - (iii) Division number,
  - (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.