

2014 National Council

Rule Change Proposals

Arising from the 2012 National Quadrennial Conference



MUA Rule Change Proposal # 1: Rule 16 - National Council Composition.

If endorsed by National Council, this rule change will:

1. *Provide for one (1) full voting woman representative on National Council, and;*
2. *The renaming of the Northern NSW Branch as the Newcastle Branch.*

Referable 2012 National Conference Resolution(s): 8.1.1 and 8.1.2

8.1.1 Re-name of the Northern NSW Branch

Carried by Plenary.

Moved by: Glen Williams 6002630, S. Harold Dunne 4008009

The 2012 Quadrennial Conference of Members resolves that the Northern NSW Branch be renamed the Newcastle Branch.

8.1.2 Woman representative on National Council

Carried by Plenary with Acclamation

Moved by: Mich-Elle Myers 5019582, S. Joe Jones 5020165

The 2012 Quadrennial Conference of Members resolves that National Council will consider amendments to the rules of the union to provide one full voting woman representative on National Council. Criteria for selection and appointing this position should be examined so as to meet the union rules.

It is noted that when the union employed 2 Women's Liaison Officers both were accepted as observers. Thus, it is resolved that the National Women's Committee is able to fill the second position with an observer from the women's committee.

Note resolution 4.5.5 dealt with the Northern Territory Branch Restructure, that has already been incorporated in to the Union's rules.



Using ~~red strikethrough~~ for deletions and green underlined for additions to the text of the current MUA Rules (182V: Certified 10 December 2013), The proposed rule change is set out below as follows

16 - NATIONAL COUNCIL – COMPOSITION

National Council shall be comprised of the following Officers:-

National Secretary

Deputy National Secretary

Assistant National Secretary/s

Queensland Branch Secretary

Queensland Deputy Branch Secretary

~~Northern New South Wales~~ Newcastle Branch Secretary

~~Northern New South Wales~~ Newcastle Deputy Branch Secretary

Sydney Branch Secretary

Sydney Deputy Branch Secretary

Southern New South Wales Branch Secretary

Southern New South Wales Deputy Branch Secretary

Victorian Branch Secretary

Victorian Deputy Branch Secretary

South Australian Branch Secretary

South Australian Deputy Branch Secretary

Western Australian Branch Secretary

Western Australian Deputy Branch Secretary

Tasmanian Branch Secretary

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MUA Rule Change Proposal # 1: Rule 16 - National Council Composition.

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Tasmanian Deputy Branch Secretary

Northern Territory Branch Secretary

Northern Territory Deputy Branch Secretary

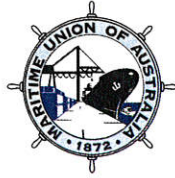
Provided that on and from the Quadrennial Election to be held in 2015, National Council shall also be comprised of a National Women's Representative.

Ends

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MUA Rule Change Proposal # 1: Rule 16 - National Council Composition.

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MUA Rule Change Proposal # 2: Rule 24 – Notice of proposed resolutions for National Conference.

If endorsed by National Council, this rule change will:

1. *Provide Members of the National Conference with a minimum of twenty eight (28) days' notice of proposed resolutions for National Conference.*
2. *To effect point 1 above, this rule change will also provide the National Secretary with a minimum of forty two (42) days' (i.e. an additional two weeks) notice of proposed resolutions for National Conference.*

Referable 2012 National Conference Resolution(s): 4.3.1

4.3.1 Conference Resolutions

Carried by Plenary

Moved: Mark Maguire 6001229, S. Svein Skavik 6002955

The 2012 Quadrennial Conference of Members resolves to give a minimum 28 days notice of requirement of resolutions for all conferences

Using ~~red strikethrough~~ for deletions and green underlined for additions to the text of the current MUA Rules (182V: Certified 10 December 2013), the proposed rule change is set out below as follows

24 - NATIONAL CONFERENCE

- (a) A National Conference of delegates elected by and from ports, ships and other areas together with the members of National Council shall be held once in each four years at a time determined by National Council.
- (b) The composition of the National Conference and the election of National Conference Delegates shall be as determined by National Council taking into account the number and/or sections of members in the various ports, ships or other areas or sections

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MUA Rule Change Proposal # 2: Rule 24 - Notice of proposed resolutions for National Conference.



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 National Conference shall submit to National Council any matter or question for its endorsement or rejection or otherwise.
- (d) The Conference shall be the supreme policy-making body of the Union and its resolutions subject to Sub-Rule (c) hereof, when ratified by a majority of the Branches and members at special meetings shall be binding on the Council, all Branches, Officers and members of the Union.
- (e)
 - (i) The agenda for National Conference meetings shall be forwarded by the National Secretary to each Conference member at least twenty eight (28) days before a meeting is to take place.
 - (ii) All resolutions by Branches and Conference members intended for the agenda paper for meetings of National Conference shall be forwarded to the National Secretary no later than forty two (42) days before such meeting.

Ends

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MUA Rule Change Proposal # 2: Rule 24 - Notice of proposed resolutions for National Conference.



MUA Rule Change Proposal # 3: Rule 27 –Renaming of Northern New South Wales Branch to the Newcastle Branch

If endorsed by National Council, this rule change will:

Rename the Northern New South Wales Branch to the Newcastle Branch

Referable 2012 National Conference Resolution(s): 8.1.1

8.1.1 Re-name of the Northern NSW Branch

Carried by Plenary

Moved by: Glen Williams 6002630, S. Harold Dunne 4008009

The 2012 Quadrennial Conference of Members resolves that the Northern NSW Branch be renamed the Newcastle Branch.

Using ~~red-strikethrough~~ for deletions and green underlined for additions to the text of the current MUA Rules (182V: Certified 10 December 2013), the proposed rule change is set out below as follows

27 - BRANCHES – AREAS

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

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MUA Rule Change Proposal # 3: Rule 27 – Rename the Northern New South Wales Branch to the Newcastle Branch

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BRANCH

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

Ends

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MUA Rule Change Proposal # 3: Rule 27 – Rename the Northern New South Wales Branch to the
Newcastle Branch



MUA Rule Change Proposal # 4: Rule 30 and 43 –Women’s Committee and Quadrennial Election of a National Woman’s Representative to National Council.

If endorsed by National Council, this rule change will:

Provide for the election of a National Woman’s Representative to National Council at the next Quadrennial Election and all subsequent elections.

Referable 2012 National Conference Resolution(s): 8.1.2

8.1.2 Woman representative on National Council

Carried by Plenary with Acclamation

Moved by: Mich-Elle Myers 5019582, S. Joe Jones 5020165

The 2012 Quadrennial Conference of Members resolves that National Council will consider amendments to the rules of the union to provide one full voting woman representative on National Council. Criteria for selection and appointing this position should be examined so as to meet the union rules.

It is noted that when the union employed 2 Women’s Liaison Officers both were accepted as observers. Thus, it is resolved that the National Women’s Committee is able to fill the second position with an observer from the women’s committee.

Using ~~red-strikethrough~~ for deletions and green underlined for additions to the text of the current MUA Rules (182V: Certified 10 December 2013), the proposed rule change is set out below as follows.

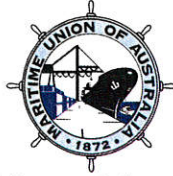
30 - WOMEN’S COMMITTEE AND NATIONAL WOMEN’S REPRESENTATIVE

- (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 interest of all MUA women.
- (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 National Officers and the

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MUA Rule Change Proposal: # 4: Rule 30 and 43 –Women’s Committee and Quadrennial Election of a National Woman’s Representative to National Council

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Branch Officers to carry out the objects of the Union and the 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 Union.
- (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 National Council.
- (e) ~~In addition, a~~ A National Women's Co-ordinating Committee may be established by and from delegates elected to Women's Committees.
- (f) Provided that on and from the Quadrennial Election to be held in 2015, a 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 National Council.

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, ~~and the first such Quadrennial Election shall be held in 1995.~~
- (b) Electorates
 - (i) All members of the Union eligible to vote in accordance with the Rules shall elect persons to fill the Offices listed below:-
 - National Secretary
 - National Deputy Secretary
 - National Assistant Secretary/s (subject to Rule 31 (b))
 - National Women's Representative
 - (ii) In each Branch the members allocated to it and eligible to vote in accordance with the Rules shall elect persons to fill the Offices listed below:-
 - Branch Secretary
 - Branch Deputy Secretary (subject to Rule 31 (d))
 - Branch Assistant Secretary/s (subject to Rule 31 (d))

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MUA Rule Change Proposal: # 4: Rule 30 and 43 –Women's Committee and Quadrennial Election of a National Woman's Representative to National Council

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(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.

Ends

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MUA Rule Change Proposal: # 4: Rule 30 and 43 –Women’s Committee and Quadrennial Election of a National Woman’s Representative to National Council



MUA Rule Change Proposal # 5: Rule 45 Nominations.

If endorsed by National Council, this rule change will:

1. *Provide that election candidate information shall be forwarded together with ballot papers in line with a recommendation made by the National Returning Officer, and*
2. *Provide that election statements shall be increased from 100 to 200 words, and*
3. *Allow persons older than 65 years of age to nominate for office.*

Referable 2012 National Conference Resolution(s): 4.2.1, 4.2.3 and 4.2.17:

4.2.1 Candidate Statements – send with ballot papers

Carried by Plenary

M. Neil Swanson 9022197, S. Paul McAleer 5019506

The 2012 Quadrennial Conference of Members resolves that MUA election candidate information will be sent out with ballot papers in the future, in line with the recommendation from the National Returning Officer.

4.2.3 Candidate Statements – Length

Carried by Plenary

Moved: Paul McAleer 5019506, S. Ann Gray 9025786

The 2012 Quadrennial Conference of Members resolves that MUA election statements will be increased from 100 words to 200 words.

4.2.17 Age of Candidates

Carried by Plenary

M: Vin Francis 9023082, S. Mark Maguire 6001229

The 2012 Quadrennial Conference of Members resolves that as there is no retirement age, Rule 45 (J) barring members to be older than 65 unable to run as a candidate, be repealed. However, Conference also strongly believes that this should not be at the expense of union renewal and succession planning, and strongly encourages policies directed at young workers attaining office within the union.

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MUA Rule Change Proposal # 5: Rule 45 Nominations.

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Using ~~red strikethrough~~ for deletions and green underlined for additions to the text of the current MUA Rules (182V: Certified 10 December 2013), the proposed rule change is set out below as follows.

45 - NOMINATIONS

- (a) Nominations for Offices to be filled at a Quadrennial Election of the Union shall open on March 6 and close at 5pm on April 6 in the year of the election.
- (b) All nominations papers containing the nominees name as contained on the Roll or as abbreviated, derived or consistently used, shall be signed by the nominee and two members of the Union who are financial as at the close of nominations.
- (c) All nomination papers shall be forwarded by mail or delivered addressed to the 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 National Returning Officer may not be withdrawn.
- (e) If the National Returning Officer finds a nomination to be defective the 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 Union 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.

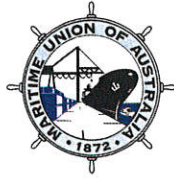
Provided that for the purposes of this Sub-Rule a member:

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

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MUA Rule Change Proposal # 5: Rule 45 Nominations.

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

An Officer of the Union who does not intend to nominate for election to any Office of Officer of the Union at an election shall give written notice to the 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 National Secretary shall inform the membership of a notice as soon as possible.

- ~~(j) No member or Officer of the Union who has reached the age of sixty-five years as at the close of nominations shall be eligible to nominate for any Office.~~

Election Statement

- (k) A candidate in an election may forward with the candidate's nomination form a head and shoulder photograph and a ~~200~~ ~~100~~ word statement for forwarding with ballot papers in accordance with Rule 47(c) ~~printing in a Union publication to be circulated amongst the membership.~~ The statement shall require the approval of the National Returning Officer and shall meet all requirements of the law. Scandalous or defamatory matter will not be forwarded ~~published~~. Words in excess of the ~~200~~ ~~100~~ word limit will be deleted from the end of the statement.

Ends



MUA Rule Change Proposal # 6: Rule 46 Roll of Voters.

If endorsed by National Council, this rule change will:

1. *Disallow any vote from a member who resigns their membership or has their membership cancelled due to unfinanciality between the time the final Roll of Voters is finalised and the closing of the voting period, and*
2. *Make the voting roll available in electronic form to all candidates in the same fashion as a hard copy currently is provided that they abide by privacy procedures determined by the Returning Officer.*
3. *Makes clear that the Returning Officer must report to the National Secretary allegations of candidates improperly dealing with the electoral roll.*

Referable 2012 National Conference Resolution(s): 4.2.12 and 4.2.14

4.2.12 Voting Roll - Un-financial Members

Carried by Plenary

Moved by: Jason Campbell 6004456, S. Sean Ambrose 9022643

The 2012 Quadrennial Conference of Members resolves to disallow any vote from a member who resigns their membership or who has their membership cancelled due to unfinanciality between the time the final roll of voters in finalised and the closing of the voting period. (*change to Rule 46*)

4.2.14 Voting Roll – Electronic Format

Carried by Plenary

M. Sean Ambrose 9022643, S. Alex Sarris 6001661

The 2012 Quadrennial Conference of Members resolves that the MUA elections voting roll will be available in electronic form to all candidates, this roll will hold the same information that is currently available on the paper roll. Candidates will still be required to sign privacy requirements and meet other existing procedures of the elections connected to the roll.



Using ~~red strikethrough~~ for deletions and green underlined for additions to the text of the current MUA Rules (182V: Certified 10 December 2013), the proposed rule change is set out below as follows.

46 - ROLL OF VOTERS

(a) For all elections of Officers of the Union and for any other ballots a preliminary Roll of Voters showing each voters:-

- (i) name,
- (ii) postal address, and
- (iii) Union number

shall be prepared by the 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 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 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 Union since the compilation of the preliminary roll, but not including those persons who have ceased to be financial members of the Union 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 Union 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 National Secretary any and all allegations of Candidates using the Roll other than in accordance with these Rules and/or applicable Privacy Legislation following which the National Secretary may take action including in accordance with these Rules and/or applicable Privacy Legislation.

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MUA Rule Change Proposal # 6: Rule 46 Roll of Voters.

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MUA Rule Change Proposal # 7: Rule 47 Election Procedures.

If endorsed by National Council, this rule change will:

Provide for candidate statements to be sent with ballot papers to members and update the relevant Act cited in the Rule.

Referable 2012 National Conference Resolution(s): 4.2.1

4.2.1 Candidate Statements – send with ballot papers *Carried by Plenary*

M. Neil Swanson 9022197, S. Paul McAleer 5019506

The 2012 Quadrennial Conference of Members resolves that MUA election candidate information will be sent out with ballot papers in the future, in line with the recommendation from the National Returning Officer.

Using ~~red-strikethrough~~ for deletions and green underlined for additions to the text of the current MUA Rules (182V: Certified 10 December 2013), the proposed rule change is set out below as follows.

47 - ELECTION PROCEDURES

One Candidate Only

- (a) In the event of only one candidate being nominated for an Office the 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 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 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 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 National Returning Officer posting to each member listed on the Roll of Voters:-
 - (i) voting instructions from the National Returning Officer
 - (ii) a ballot paper
 - (iii) a declaration envelope which complies with the form prescribed by the ~~Workplace Relations (Registration and Accountability of Organisations) Regulations 2003~~ Fair Work (Registered Organisations) Regulations 2009.
 - (iv) a prepaid envelope which complies with the form prescribed by the ~~Workplace Relations (Registration and Accountability of Organisations) Regulations 2003~~ Fair Work (Registered Organisations) Regulations 2009 addressed to the National Returning Officer.
 - (v) all Election Statements approved by the National Returning Officer in accordance with Rule 45(j)

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Ends

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MUA Rule Change Proposal # 7: Rule 47 Election Procedures.

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Ends