Form F68—Application for consent to the alteration of the eligibility rules of an organisation

Fair Work (Registered Organisations) Act 2009, s.158
Fair Work (Registered Organisations) Regulations 2009, reg. 121

This is an application for consent to alter the eligibility rules of an organisation lodged with the Fair Work Commission in accordance with s.158 of the *Fair Work (Registered Organisations) Act 2009* and reg. 121 of the *Fair Work (Registered Organisations) Regulations 2009*.

The Applicant

Legal name of organisation	Australasian Meat Industry Employees Union		
Trading name of organisation	AMIEU		
ABN/ACN	12 206 758 691		
Contact person	Graham Smith Kristen Rogers		
Postal address	227 Henley Beach Road		
Suburb	Torrensville		
State or territory	S.A.	**Postcode**	5031
Phone number	(08) 8274 4100	**Fax number**	(08) 8270 4101
Email address	graham@sawa.amieu.asn.au federal@sawa.amieu.asn.au		

Note: If you provide a mobile number the Commission may send reminders to you via SMS.

How would you prefer us to communicate with you?

[x] Email (you will need to make sure you check your email account regularly)

[ ] Post

Does the Applicant need an interpreter?

[ ] Yes—Specify language

[x] No

Does the Applicant require any special assistance at the hearing or conference (e.g. a hearing loop)?

[ ] Yes—Please specify the assistance required

[x] No

Does the Applicant have a representative?

[ ] Yes—Provide representative's details below

[x] No

Applicant's representative

Name of person			
Firm, union or company			
Postal address			
Suburb			
State or territory		**Postcode**	
Phone number		**Fax number**	
Email address			

1. Proposed alteration to the organisation's eligibility rules

1.1 Specify:

- **the proposed alteration to the organisation's eligibility rules, and**
- **the reason for the proposed alteration and**
- **the effect of that alteration.**

You must sufficiently particularise this information so that it may be properly considered by the Commission (RO Regulations, reg. 121(2)(b)(ii)). Using numbered paragraphs, set out your response.

Note: Each alteration for which consent is sought must be highlighted using distinctive characters. For example, deleted or replaced text may be highlighted using ~~strikethrough~~ formatting and new text may be highlighted using underlining or italics (provided there is no ambiguity with the formatting).

Please see "ATTACHMENT A – PARTICULARS OF ALTERATION".

1.2 Have you attached a copy of the rules that are proposed to be altered?

[x] Yes—Attach the rules

[ ] No

Please see "ATTACHMENT B".

1.3 Was the alteration made in accordance with the rules of the organisation?

[x] Yes—Attach the declaration.

[ ] No

Please see "ATTACHMENT C".

1.4 Is there another organisation to which members could more conveniently belong, and be more effectively represented by?

1. As described in "ATTACHMENT A – PARTICULARS OF ALTERATION", there are two (2) reasons for the alteration; firstly, to provide definition and clarity, and secondly to provide industrial representation and coverage for a future workforce.

2. The AMIEU is not aware of any workers who currently handle or process cultured meat in Australia. Consequently, it is likely that there are no other organisations to which workers could more conveniently belong or be more effectively represented by.

3. The AMIEU undertakes to avoid demarcation disputes potentially arising from an overlap, if any, between the eligibility rules of the applicant and another organization.

1.5 Please confirm that the proposed alteration to the eligibility rules does not contravene an agreement or understanding (dealing with the organisation's right to represent the industrial interests of a particular class or group of persons) to which the organisation is a party.

The proposed alteration to the eligibility rules does not contravene an agreement or understanding (dealing with the organisation's right to represent the industrial interests of a particular class or group of persons) to which the organisation is a party.

1.6 Please confirm that the alteration to the eligibility rules of the organisation do not change the effect of an order made by the Commission about the organisation's right to represent the industrial interests of a particular class or group of employees?

The alteration to the eligibility rules of the organisation do not change the effect of an order made by the Commission about the organisation's right to represent the industrial interests of a particular class or group of employees.

1.7 Have arrangements been made to publish a notice of this application on the organisation's website?

[x] Yes

[ ] No

Signature

Signature or common seal	
Name	Graham Smith
Date	5 June 2019
Capacity/Position	Federal Secretary Treasurer

PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS

Fair Work Commission

Matter: Application for consent to the alteration of the eligibility rules of an organisation

Pursuant to: *Fair Work (Registered Organisations) Act 2009*, s.158
Fair Work (Registered Organisations) Regulations 2009, reg. 121

ATTACHMENT A – PARTICULARS OF ALTERATION

ATTACHMENT A – PARTICULARS OF ALTERATION

1. The proposed alteration is to insert the words "…*or of Meat (being defined as any product derived from tissue)…".*

2. The proposed alteration amends sub-rule 4.1 from:

   4.1 the Butchering and Meat Industry, Refrigerating Industry, or in any kindred industry handling the products of the Meat Industry, in the Commonwealth; and

   to:

   4.1 the Butchering and Meat Industry, Refrigerating Industry, or in any kindred industry handling or processing the products of the Meat Industry or of Meat (being defined as any product derived from tissue), in the Commonwealth; and

3. The proposed alteration is made for two (2) reasons:

   a. a current lack of a definition of "meat" in the Rules of the AMIEU, and

   b. in response to increased research into the feasibility of commercial scale cellular agriculture; meat produced in cell culture rather than raising and slaughtering farmed livestock.

4. In relation to the first reason, the proposed alteration provides clarity that is currently missing from the Rules of the AMIEU.

5. In relation to the second reason, the proposed alteration makes clear that the AMIEU's constitutional coverage includes the handling or processing of tissue produced from cellular agriculture. That tissue is also known as "cultured meat".

6. The AMIEU is not aware of any workers in Australia currently engaged in handling or processing cultured meat.

7. The proposed alteration would allow the AMIEU to cover workers who will be engaged in handling or processing cultured meat in the future.

8. The AMIEU has traditionally represented workers in all areas of meat handling and meat processing, including rendering and by-products.

9. The AMIEU has extensive experience representing employees at meat processing and manufacturing sites.

10. The effect of the alteration, if granted, will confirm that the AMIEU will be eligible to represent the industrial interests of future workers employed in or in connection with the handling or processing of cultured meat.

Fair Work Commission

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ATTACHMENT B

007V: Incorporates alterations of 10 January 2019 [R2018/258]
(replaces rulebook dated 5 April 2018 [R2018/4])

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 57 both inclusive contain a true and correct copy of the registered rules of The Australasian Meat Industry Employees Union

DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission.]

Rules of The Australasian Meat Industry Employees Union
Contents

1 - NAME 1
2 - OBJECTS 1
3 - INDUSTRY DESCRIPTION 2
4 - CONSTITUTION 2
5 - REGISTERED OFFICE 3
6 - ADMISSION TO MEMBERSHIP 3
7 - RESIGNATION FROM MEMBERSHIP 4
8 - CLEARANCE 5
9 - MEMBERSHIP CONTRIBUTIONS 6
10 - ELIGIBILITY TO VOTE 8
11 - MEMBERS UNFINANCIAL 8
12 - GOVERNMENT 9
13 - FEDERAL COUNCIL 9
14 - ADDITIONAL VOTE AT FEDERAL COUNCIL MEETINGS 10
15 - POWERS OF FEDERAL COUNCIL 12
Internal Disputes 13
15A - POLICIES AND PROCEDURES 14
15B - OFFICERS WITH FINANCIAL DUTIES 14
16 - FEDERAL EXECUTIVE 14
17 - FEDERAL OFFICERS 15
18 - DUTIES OF FEDERAL OFFICERS 18
Federal President 18
Federal Secretary Treasurer 18
Approved Auditor 19
Federal President and Federal Secretary Treasurer 19
18A - DISCLOSURE BY OFFICERS OF THE UNION 19
18B - DISCLOSURE OF OFFICER'S RELEVANT REMUNERATION AND NON-CASH BENEFITS 20
19 - CASUAL VACANCIES (FEDERAL OFFICERS) 23
Casual Vacancies Filled By Appointment 23
Casual Vacancies Filled By Election 23
20 - APPEAL AGAINST DECISIONS OF FEDERAL COUNCIL OR FEDERAL EXECUTIVE 23
21 - QUORUM 23
22 - VOTING 24
23 - DECISIONS OF FEDERAL COUNCIL OR FEDERAL EXECUTIVE 24
24 - THE REPRESENTATIVES' FARES TO COUNCIL 24
25 - INSPECTION OF FEDERAL MINUTES 24
26 - INDUSTRIAL DISPUTES 24
Protected Industrial Action 25
27 - SUBMISSION OF INDUSTRIAL MATTERS TO FEDERAL TRIBUNALS 25
28 - FUNDS 26
29 - DIVISION OF FUNDS AND PROPERTY 27
30 - FUNDS - HOW COLLECTED 27
31 - LOANS, GRANTS AND DONATIONS 27
32 - LEVIES 28
33 - INSPECTION OF BOOKS 28
34 - LEGAL PROCEEDINGS 28
35 - DISCIPLINARY POWERS 29
Power to Expel 29
Power to Fine 31
Power to Impose Fines for Minor Offences 32
Prohibition on Double Punishment 33
36 - MEMBERS WORKING WITH NON-MEMBERS 33

37 - DISSOLUTION OF THE UNION 33
38 - DISSOLUTION OF BRANCHES 33
39 - ALTERATION OF RULES 35
40 - RULES BINDING ON MEMBERS AND BRANCHES 35
41 - BY-LAWS 35
42 - BRANCHES 35
43 - BRANCH AREAS 36
44 - BRANCH ORGANISATION 36
45 - BRANCH REGISTERS OF MEMBERS 36
46 - TRANSFER BETWEEN BRANCHES 37
47 - BRANCH GOVERNMENT 38
Officers and Branch Committee of Management 38
Victorian Branch 38
South and Western Australian Branch 38
Tasmanian Branch 41
Newcastle and Northern Branch 42
48 - QUALIFICATIONS FOR OFFICE 42
49 - POWERS AND DUTIES OF COMMITTEES OF MANAGEMENT AND EXECUTIVES 42
General Meeting of Members of the Union - Financial Reports 43
50 - BRANCH ELECTIONS 44
Nominations and Elections of Officers 44
Conduct of Elections 44
Duties of Returning Officer 45
Conduct and Duty of Scrutineers 46
Voting 47
Conduct of Elections (General) 48
51 - CASUAL VACANCIES (BRANCH OFFICERS) 48
Casual Vacancies Filled By Appointment 48
Casual Vacancies Filled By Election 49
52 - DUTIES OF BRANCH OFFICERS 49
Branch President 49
Branch Vice-President 49
Branch Secretary 49
Organisers 50
Duties of Organisers 51
Branch President and Branch Secretary 51
Duty of Assistant Secretary 52
52A - DISCLOSURE OF A BRANCH OFFICER’S RELEVANT REMUNERATION AND NON-CASH BENEFITS 52
52B - DISCLOSURE BY BRANCHES OF PAYMENTS 53
53 - DELEGATES 54
54 - CONTROL OF OFFICERS, BRANCH COMMITTEE OF MANAGEMENT 54
55 – APPROVED AUDITOR 55
56 - SHOP COMMITTEE 56
57 - DISORDERLY BEHAVIOUR 56
58 - STANDING ORDERS RULE 56

FEDERAL RULES

1 - NAME

The name of the Union shall be "The Australasian Meat Industry Employees Union."

2 - OBJECTS

The objects of the Union are:-

2.1 To uphold the rights of organisation of labour and to improve, protect and foster the best interests of its members, and to subscribe to and/or co-operate with a policy of improving the cultural and living standards of its members.

2.2 To protect the interests of workers in the regulation of conditions of labour, with the ultimate view of securing to the workers the full value of their labour by the socialisation of industry, production, distribution and exchange.

2.3 To promote industrial peace by amicable means and to make arrangements to settle industrial disputes.

2.4 To assist, by just and equitable methods, in the settlement of any differences which may arise between the members and their employers.

2.5 To negotiate agreements with the employers of members through collective bargaining and lawful collective industrial action.

2.6 To establish a fund for the purpose of advancing the best interests of its members.

2.7 To provide legal and other assistance to financial members whenever and wherever considered necessary.

2.8 To raise funds by levy for the attainment of the objects of the Union as set out herein.

2.9 To establish branches in the Commonwealth.

2.10 To affiliate, to federate with, or otherwise combine with any Trade or Industrial Union or Association of Trade Unions or any other organisations having objects in whole or in part similar with other Unions.

2.11 To establish funeral and other benefit funds.

2.12 To assist any establishment and maintenance of Labour and Trade Union Newspapers and other television, radio, internet and other media organisations and to invest in shares in such Newspapers and Broadcasting and Television Stations.

2.13 To pay affiliation fees to and assist financially or otherwise any bona fide Labour or Trade Union organisation or association.

2.14 To establish and manage a Union Journal.

2.15 To purchase, take on lease or in exchange, hire and otherwise acquire any real property and in particular any land, buildings or easements for any purpose connected with the conduct of the Union and its Branches.

2.16 To borrow or raise or secure the payment of money in such manner as the Union or a Branch may see fit, to secure the same, or the re-payment or performance of any debt, liability, contract, guarantee or other engagement incurred, or to be entered into by the Union or a Branch in any way, and to redeem or pay off such securities.

2.17 Sell, improve, manage, develop, exchange, leave, dispose of, turn to account, or otherwise deal with all or any part of the property and rights of the Union or Branch.

2.18 To establish, operate and maintain services for health.

2.19 To enter into contracts and agreements and to borrow for the purpose of furthering directly or indirectly any one or more of these objects.

2.20 To obtain such other objects as the Federal Council may from time to time determine.

3 - INDUSTRY DESCRIPTION

The industries in connection with which the organization is registered are the butchering, meat refrigeration and kindred industries, and, in New South Wales only, the manufacture of condensed milk and/or dried milk and/or malted milk and/or casein and/or similar products (other than in factories exclusively manufacturing malted milk) and/or the manufacture of butter and/or cheese and the receival and treatment of whole milk (other than the receival and treatment of milk for retail only), and without limiting the generality of any other provision hereof in the State of Western Australia the industries of processing, freezing and/or packing marine reptiles and of cold storage other than cold stores connected with the milk industry or at factories where any of the following products are manufactured or processed, butter, cheese, condensed milk, yoghurt or casein.

4 - CONSTITUTION

The Union shall consist of all persons of good character who are employed in any position in or in connection with, or who are usually employed in, or who are qualified and desire to be employed in:-

4.1 the Butchering and Meat Industry, Refrigerating Industry, or in any kindred industry handling the products of the Meat Industry, in the Commonwealth; and

4.2 in the industries of:

4.2.1 the manufacture of condensed milk and/or dried milk and/or malted milk and/or casein and/or similar products (other than in factories exclusively manufacturing malted milk);

4.2.2 the manufacture of butter and/or cheese;

4.2.3 the receival and treatment of whole milk (other than in plants which receive, treat and retail milk only);

in the State of New South Wales, other than persons eligible to be members of the Federated Engine Drivers and Firemen's Association of Australasia; and without limiting the generality of any other provision hereof in the State of Western Australia the industries of processing, freezing and/or packing marine reptiles and of cold storage other than cold stores connected with the milk industry or at factories where any of the following products are manufactured or processed, butter, cheese, condensed milk, yoghurt or casein; and who are admitted as members of the Union.

4.3 In addition to the foregoing, all persons, whether employed in the above industries or not, who have been elected as officials of the Union, or who are employed by the Union, shall be eligible to be members of the Union (whilst holding such office or engaged in such employment) - other than those employees of the union engaged in classifications covered by the Clerks - Private Sector Award 2010 or the Social, Community, Home Care and Disability Services Industry Award 2010.

5 - REGISTERED OFFICE

The Registered Office of the Union shall be 227 Henley Beach Road, Torrensville, South Australia, or such other place as may from time to time be determined by the Federal Council.

6 - ADMISSION TO MEMBERSHIP

6.1 Any person eligible to become a member of the Union shall apply for membership of the Union by:

6.1.1 forwarding to the Secretary of a Branch of the Union, an application form signed by the applicant; or

6.1.2 electronically completing and submitting an application form including consent to the method of payment of the contribution, through the official website of the Union or a Branch of the Union.

Allocation of Members to Branches

6.1A Members of the Union shall belong to the Branch which covers the location of their primary place of employment in the industry, or if unemployed, the Branch which covers the location of their last place of employment in the industry.

6.2 Upon the receipt by a Secretary of an application form, the applicant shall be notified in writing of:

6.2.1 The member’s financial obligations arising from membership; and

6.2.2 The circumstances and manner in which a member may resign from the Union.

6.3 The applicant shall, subject to sub-rule 6.4, be deemed to be a member of the Union as from the date of the signing of the application form.

6.4 The Federal Secretary Treasurer of the Union or any Secretary shall have the power to refer any membership application to the Branch Committee of Management of the Branch in which the applicant applies for admission. When any person's application is referred as

above, the applicant shall be notified in writing of the result of such reference by the Branch Secretary, and in the event of the application being accepted, then the applicant shall be a member of the Union as from the date of the signing of the application form.

6.5 The applicant shall also forward with the application form, a sum in payment of contributions at the rate of the current half-year's contribution to the Union as fixed pursuant to these rules by the Branch Committee of Management of the Branch to which the applicant is eligible to belong under rule 6.1A, but the payment of such sum shall not be a condition precedent to the applicant becoming a member under this rule.

6.6 A person eligible to become a member of the Union may also become a member despite not having signed and forwarded an application form as prescribed above if the person has paid the current half-year's contribution fixed pursuant to sub-rule 9.1 to the Secretary or authorised official of the Branch to which such person is eligible to belong under rule 6.1A. The person shall be deemed to have applied for membership when payment is made to the relevant official and unless the provisions of sub-rule 6.4 are invoked the person shall become a member from that date also.

6.7 A person eligible to become a member of the Union may become a member despite not having signed and forwarded an application form as prescribed above if deductions are made by the employer or Union on account of contributions in respect of such person pursuant to sub-rules 9.6 or 9.7. The person shall be deemed to have applied for membership when the first deduction is made and unless the provisions of sub-rule 6.4 are invoked the person shall become a member from that date also.

6.8 A person who becomes a member of the Union under sub-rules 6.6 or 6.7 shall be advised of the matters set out in sub-rule 6.2 by the Branch Secretary in the Branch to which the member is eligible to belong under rule 6.1A.

6.9 On admission, every member shall be entitled to receive a copy of the Rules.

6.10 In any legal proceedings for the recovery of any fines, fees, levies or dues by the Union against any person:-

6.10.1 The production by the Union of an application form signed by the person against whom proceedings are being taken shall be conclusive evidence that the person is, and has been a member of the Union from the date of the signing of the application form, unless the person can prove that the person’s application was refused by the Union.

6.10.2 Proof by the Union that a person has paid a contribution to the Union shall be conclusive evidence that the person is and has been a member of the Union as from the date of the payment of the contribution unless the person can prove that the contribution was paid by mistake, and that the person was not a member when it was paid.

7 - RESIGNATION FROM MEMBERSHIP

7.1 A member may resign from the Union by written notice addressed and delivered to the Secretary of the Branch in which membership is held.

7.2 A notice of resignation from membership of the Union takes effect:-

7.2.1 where the member ceases to be eligible to become a member of the Union:-

(i) on the day on which the notice is received by the Union or;

(ii) 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;

7.2.2 in any other case:-

(i) at the end of two weeks, after the notice is received by the Union; or

(ii) on the day specified in the notice;

whichever is later.

7.3 Any dues payable but not paid by a former member of a Union in relation to a period before the member's resignation from the Union took effect, may be sued for and recovered in the name of the Union, in a court of competent jurisdiction, as a debt due to the Union.

7.4 A notice delivered to the person mentioned in sub-rule 7.1 shall be taken to have been received by the Union when it was delivered.

7.5 A resignation from membership of the Union is valid even if it is not effected in accordance with this section if the member is informed in writing by or on behalf of the Union that the resignation has been accepted.

8 - CLEARANCE

8.1 When any member validly resigns from the Union pursuant to rule 7, the member may, upon payment of all moneys due or owing and return of any Union property, have Clearance Ticket signed by the member’s Branch Secretary, and shall thereupon cease to be a member of the Union.

8.2 Such member shall be eligible for re-admission to the Union as a member upon:-

8.2.1 A request in writing to that effect; and

8.2.2 Production of the member’s Clearance Ticket to a Branch Secretary of the Union.

8.3 In the event of any member of the Union entering into business on the member’s own account, or becoming an employer, the Branch Committee of Management or Branch Executive of any Branch or the Federal Council or Executive shall declare that such person has ceased to be a member of the Union and such person shall cease to be a member of the Union as from the date of the declaration.

9 - MEMBERSHIP CONTRIBUTIONS

9.1 A sum in payment of contributions of an amount of not less than one dollar ($1) and not more than five hundred dollars ($500) as may be decided upon by the Branch Committee of Management of any Branch, shall be paid half-yearly not later than January 31 and July 31 each year by all members.

9.2 Each branch shall have the right to demand payment of such contributions, for which a membership ticket shall be issued. Each branch shall have the right to issue members with a membership card in lieu of printing membership tickets. Membership cards may be for fixed or unfixed periods of time but must be returned to the union if a member ceases membership with the union. A member may, at the discretion of the branch, not be cleared in accordance with rule 8 until such time as the membership card has been returned.

9.3 Contributions shall be paid to and collected by the Branch Secretary or authorised official of the Union.

9.4 Provided that all fines and levies due are paid, a membership ticket or membership card shall be interchangeable between all branches of the Union, provided that in the case of a membership card it will be the responsibility of the member to provide sufficient detail to any branch that they are moving to that will allow the branch to obtain financial status details from the previous branch from which they moved.

9.5 Persons joining the Union after the dates set out in sub-rule 9.1 and unfinancial members who pay all contributions, fines and levies shall be issued with a ticket or membership card.

9.6 Despite any provisions to the contrary contained elsewhere in these rules a Branch may make arrangements with an employer for deducting on the authority of any member (including a person eligible to become a member pursuant to Rule 4) contributions payable to the Union in accordance with these rules from the wages or monies payable by the employer to the member.

9.7 Despite any provisions to the contrary contained anywhere else in these rules a Branch may also make arrangements with a member for the direct debiting from the member's financial institution account contributions payable to the Union in accordance with these rules.

9.8 A member who has authorised such deduction of contributions pursuant to either sub-rule 9.6 or 9.7 shall be deemed a financial member of the Union so long as the authority remains in force and provided that the member owes no arrears of fines or levies.

9.9 The contributions to be paid by juniors who, when in employment would be in receipt of a wage of less than seventy percent (70%) of Level MI7 of the Meat Industry Award 2010 as at January 1 and July 1 of each year, shall be fifty percent (50%) of the half yearly contribution rate fixed for members from time to time by the Branch Committee of Management.

9.10 An amount per half-year per member, as determined from time to time by Federal Council, shall be paid to the Federal Council and shall be called the Capitation fee. For capitation purposes, the number of members in relation to which capitation fees are payable are to be ascertained by taking the total amount of income from membership ticket

sales inclusive of GST in a given (half- year) capitation period and dividing that figure by the full ticket price (which shall not be less than $200 inclusive of GST) for that capitation period.

9.11 Each Branch shall furnish a return of the number of members to the Federal Secretary Treasurer (and payments to the Federal Council shall be based on the last return so furnished), together with two balance sheets showing the receipts and expenditure for each half-year, such returns to be forwarded not later than the last day in February and the last day in August in each year, together with all moneys due.

9.12 Any Branch failing, without a satisfactory excuse, to furnish any such returns on the due date shall be fined two hundred dollars ($200) by the Federal Council.

9.13 Any Branch Secretary neglecting to furnish any such returns by the due date, or forwarding an incorrect return, shall be fined two hundred dollars ($200) by the Federal Council.

9.14 In the event of any member losing a half-yearly ticket, on application to the Secretary or authorised official the member shall be supplied with a duplicate ticket on payment of the costs involved in re-issuing a duplicate ticket. Any duplicate ticket shall have the word "DUPLICATE" printed on it.

9.15 The wording of membership, clearance and transfer tickets issued in every Branch of the Union shall be uniform throughout the Commonwealth.

9.16 DELETED

10 - ELIGIBILITY TO VOTE

10.1 Despite any provisions to the contrary in these rules, a member shall be eligible to vote in any elections provided for by these rules:-

10.1.1 if the member has paid during the half-year immediately preceding the half-year in which the ballot is conducted the contributions fixed by Rule 9 for that preceding half-year, and has also paid any fine, levies or other monies (other than arrears of contributions) which may be owing to the Union not later than 30 days before the date fixed for the opening of nominations.

10.1.2 If the member has failed to pay during the half-year immediately preceding the half-year in which the ballot is conducted the contributions fixed pursuant to Rule 9 of these rules for that preceding half-year, and the member subsequently pays the current half-year's contributions and all arrears of contributions, fines, levies and other monies owing to the Union not later than 30 days before the day fixed for the opening of nominations.

10.2 The payment of the half-year's contributions as set out in sub-rules 10.1.1 or 10.1.2 of this rule shall not preclude the Union or any Branch from recovering all contributions in respect of any previous half-year, or any fines, levies or other monies which may be owing from time to time from any member of the Union.

11 - MEMBERS UNFINANCIAL

11.1 A member who owes to the Union:-

11.1.1 Any contributions for a longer period than one calendar month after the due date for the payment; or

11.1.2 Any levy for a longer period than one calendar month after the last day on which such levy may be paid; or

11.1.3 Any fine for a longer period than one calendar month from the date of the decision imposing the fine; or

11.1.4 Any contributions which the member had collected on behalf of the Union;

shall be deemed unfinancial and while the member remains unfinancial, shall be excluded from all the privileges of membership, except the right to vote pursuant to Rule 10.

11.2 An unfinancial member shall at all times remain liable to pay the whole of any arrears of contributions, fines, levies, or monies collected on behalf of the Union and the Union may at any time sue the member without prior notice for the whole or any part of the monies owed by the member.

11.3 Any member who is not employed in the trade and who is 24 months in arrears with contributions shall automatically cease to be a member, and it shall not be the responsibility of the Union to notify such member of the member's name being eliminated from the Union Register. This shall not relieve the member concerned on any liability they have to the Union.

12 - GOVERNMENT

12.1 The supreme control of the Union is vested in the members of the Union and shall be exercised on their behalf by the Federal Council.

12.2 Between meetings of the Federal Council the Federal Executive shall exercise the powers of the Federal Council.

13 - FEDERAL COUNCIL

13.1 The Federal Council shall consist of three delegates from each Branch, who shall comprise the Secretary of the Branch and two other delegates, together with the Federal Secretary Treasurer who shall be an *ex officio* member of Federal Council with the right to one vote; provided however, that in order to maintain an appropriate balance and representation for Western Australian members following the amalgamation of the Western Australian and South Australian branches, the South and Western Australian branch shall have five delegates (one of whom shall be the branch secretary).

13.2 The delegates from the Branches (other than the Branch Secretary) shall be elected as follows:-

13.2.1 New South Wales Branch - Two delegates elected by all of the members of the Branch (which includes the Australian Capital Territory) who are eligible to vote pursuant to Rule 10;

13.2.2 Queensland Branch - Two delegates elected by all of the members of the Branch (which includes the Northern Territory) who are eligible to vote pursuant to Rule 10;

13.2.3 South and Western Australian Branch - Two delegates elected by all of the members of the Branch in South Australia who are eligible to vote pursuant to Rule 10; and two delegates elected by all of the members of the Branch in Western Australia who are eligible to vote pursuant to Rule 10;

13.2.4 Victorian Branch- Two delegates elected by all of the members of the Branch in Victoria who are eligible to vote pursuant to rule 10.

13.2.5 Deleted.

13.2.6 Tasmanian Branch - Two delegates elected by all of the members of the Branch who are eligible to vote pursuant to Rule 10;

13.2.7 Newcastle and Northern Branch - Two delegates elected by all of the members of the Branch who are eligible to vote pursuant to Rule 10.

13.3 Federal Council shall meet in September, at intervals of two years. Meetings, shall be held in any area in Australia as decided by Federal Council or Federal Executive.

13.4 Should a delegate member of the Federal Council be unable to attend a meeting of Federal Council, the Branch Committee of Management of the delegate's Branch may appoint another financial member of the Union from the Branch as a proxy delegate. Should the Branch Committee of Management be unable for any reason to meet prior to the Federal Council at which a delegate is unable to attend, a proxy delegate may be appointed by the Branch Executive from the delegate's Branch.

13.5 Should a Branch Secretary be unable to attend a meeting of the Federal Council, the Branch Secretary may appoint another financial member of the Union from the Secretary's Branch as proxy for the meeting.

13.6 Items for the Agenda shall be submitted to the Federal Secretary Treasurer no later than nine (9) weeks prior to the Council's meeting, and shall be sent by the Federal Secretary Treasurer to be in the hands of all the Branches at least six (6) weeks prior to the meeting of Federal Council.

The Federal Council may at any meeting, by resolution of a majority of delegates, consider and determine any matter not contained in the agenda.

13.7 When requisitioned by at least three Branches of the Union, special meetings of the Federal Council shall be called by the Federal Executive at a time and place to be decided by the Federal Executive.

13.8 In the event that a matter has been determined at Federal Council but requires finalisation of wording following the Federal Council meeting, the members of the Federal Council shall be entitled to express their decision on any such wording submitted to them by the Federal Secretary Treasurer by letter, facsimile or e-mail, and the majority decision shall be the decision of the Council, provided that the original intent of the previously passed resolution at Federal Council remains undisturbed. If Federal Councillors from more than one branch object to the wording, a meeting shall be convened.

14 - ADDITIONAL VOTE AT FEDERAL COUNCIL MEETINGS

14.1 Each Branch that has paid capitation fees pursuant to sub-rule 9.10 in respect of more than 1,000 members shall be entitled to an extra vote for each additional 1,000 members in excess of 1,000 that capitation fees have been paid for.

14.2 The additional votes allocated to a Branch shall be exercised on behalf of the Branch by the Branch Secretary.

14.3 Additional votes may be exercised on any matter before the Federal Council excluding the election of officers.

15 - POWERS OF FEDERAL COUNCIL

15.1 The Federal Council shall, subject to these rules and the control of the members provided for in rule 20, be the supreme governing body of the Union and have the management and control of the affairs of the Union, and, without limiting the generality of the foregoing, shall in particular have power to:-

15.1.1 to determine and direct the policy of the Union as a whole in matters affecting the Federal Council or the union as a whole;

15.1.2 to fix the remuneration and terms of employment of the Federal Officers of the Union;

15.1.3 to appoint and remove such National Industrial Officers as it deems necessary and to fix the remuneration and terms of employment of the same;

15.1.4 to resolve that the Union affiliate with any other organisation or body;

15.1.5 to pay all or any part of the expenses incurred by or on behalf of a Branch in any application to any State industrial tribunal or industrial appeal court;

15.1.6 to withhold assistance from any Branch entering upon any dispute without having first obtained the sanction of the Federal Council;

15.1.7 to establish any committees or sub-committees as it may from time to time determine;

15.1.8 to review, vary and rescind any decision of the Federal Executive and substitute its own decision instead;

15.1.9 to interpret these rules;

15.1.10 to do all things necessary and incidental for the attainment of the objects of the Union; and

15.1.11 to pay all or any part of penalties or fines imposed against employees, officers, members or property (including motor vehicles) of the Union, at the complete discretion of the Federal Council.

15.2 The Federal Council may also remove from office any Federal Council Officer or Federal Council Delegate, any Branch Officer and any member of a Branch Committee of Management where the person concerned has been found guilty by the Federal Council of any one or more of the following charges:-

15.2.1 misappropriation of the funds of the Union;

15.2.2 a substantial breach of these rules;

15.2.3 gross misbehaviour;

15.2.4 gross neglect of duty;

15.2.5 the person concerned has ceased to be eligible to hold office according to these rules.

15.3 A person charged pursuant to sub-rule 15.2 shall be summoned in writing to show cause before a meeting of the Federal Council why the member should not be so removed.

15.4 A person summoned to show cause pursuant to sub-rules 15.2 and 15.3 of this rule shall be given at least 14 days' notice of the time and place of the meeting of the Federal Council to which the member is summoned and the notice summoning such person shall also specify the charge or charges upon which it is proposed to consider such removal.

15.5 The Federal Council may proceed to hear and determine a matter under this rule despite the absence of the person summoned if due notice of the hearing has been given in accordance with this rule.

15.6 When any Federal Officer is removed from office pursuant to this rule the vacancy shall be filled.

15.7 Where a delegate to the Federal Council is removed pursuant to this rule an election shall be held by the Branch concerned under rule 51 of these rules for the purpose of filling the vacancy and the person so elected shall hold office for the remainder of the term for which the predecessor was elected.

Internal Disputes

15.8 The Federal Council shall have power to hear and determine appeals from any decision by a Branch Committee of Management in any dispute between members if, in the opinion of the Council or of the Federal Executive, the decision affects the interests of the whole Union or of more than one Branch.

15.9 If, in the opinion of the Federal Executive, such decision affects the interests of the whole Union or of more than one Branch, the Executive may give the member aggrieved leave to appeal to the Federal Council, or (if the matter is urgent) itself determine the appeal. If leave to appeal is given, the enforcement of the Branch decision is stayed until the appeal is decided. Sub-rule 16.7 shall apply to the exercise by the Federal Executive of power under this rule.

15.10 The appeal shall be a fresh hearing and the Federal Council or Federal Executive may deal with the matter as the Branch might deal with it.

15.11 Without derogating from the provisions of any other rule or limiting or restricting the operation or effect thereof, the Federal Council may determine any dispute touching the rules of the Union or of any Branch, or their interpretation or enforcement, of the administration of the Union or of any Branch, or the conduct of any Federal or Branch officer, or the alleged non-compliance by any Branch, Branch officer, Federal officer or member, with the policy of the Union as declared by resolution of the Federal Council or

of the Federal Executive. The decision of the Federal Council shall be final and conclusive, and shall be binding on the parties to the dispute, subject to a decision of an appropriate Court.

15.12 No proceedings touching the matters referred to in the preceding sub-rule may be taken by any member against any other member, or against the Union, or any Branch unless and until the matter in dispute has been submitted for decision to the Federal Council.

15A - POLICIES AND PROCEDURES

The Federal Council of the Union and each branch of the Union must develop and implement policies relating to the expenditure of the Union or branch of the Union (as the case may be).

15B - OFFICERS WITH FINANCIAL DUTIES

15B.1 Each officer of the Union (including an officer of a branch of the Union) whose duties include financial duties ("financial duties") that relate to the financial management of the Union or a branch (as the case may be) must undertake training that:

15B.1.1 is approved for such purpose by the General Manager of the Fair Work Commission; and

15B.1.2 covers each of the officer's financial duties.

15B.2 Each officer required to complete training pursuant to sub-rule 15B.1 must complete such training:

15B.2.1 within 6 months after the person begins to hold office; or

15B.2.2 in the case of a person who is an officer of the Union (including an officer of a branch of the Union) at the time of the commencement of this rule - by **30 June 2014**.

16 - FEDERAL EXECUTIVE

16.1 The Federal Executive shall consist of Federal President, Federal Secretary Treasurer, and one Delegate from each Branch who shall be the Branch Secretary; provided however, that in order to maintain an appropriate balance and representation for Western Australian members following the amalgamation of the Western Australian and South Australian branches, following the 2013 quadrennial elections, the Assistant Branch Secretary of the South and Western Australian Branch shall also be a member of the Federal Executive.

16.2 Except as provided in sub-rule 16.5, the Federal Executive shall meet in the alternate year to Federal Council.

16.3 The Federal Executive shall have and may exercise all of the powers of the Federal Council between the meetings of the Federal Council.

16.4 Should a Branch Secretary be unable to attend a meeting of Federal Executive, such Branch Secretary may appoint another financial member of the Union from the member's Branch as proxy to act as delegate of the Branch for the meeting.

16.5 Other meetings of the Federal Executive shall be called -

16.5.1 When decided by the Federal Council or the Federal Executive or the Federal Secretary Treasurer in conjunction with the Federal President; or

16.5.2 When requested in writing by any four members of the Federal Executive.

16.6. Without limiting the generality of sub-rule 16.3, the powers shall include the powers specified in Rule 39 - Alterations of Rules, that may, if required, be exercised pursuant to sub-rule 16.7.

16.7 In the event of an urgent Executive decision being required, the members of the Federal Executive shall be entitled to express their decision on any such matter or matters submitted to them by the Federal Secretary Treasurer by letter, facsimile or e-mail, and the majority decision shall be the decision of the Executive.

16A - ADDITIONAL VOTE AT FEDERAL EXECUTIVE MEETINGS

16A.1 At meetings of the Federal Executive, the Branch Secretary of each Branch that has paid capitation fees pursuant to sub-rule 9.10 in respect of more than 1,000 members shall be entitled to an extra vote for each additional 1,000 members in excess of 1,000 that capitation fees have been paid for.

16A.2 The number of additional votes allocated to a Branch Secretary at a meeting of the Federal Executive shall be calculated with reference to the number of members in respect of whom capitation fees have been paid for the most recent capitation period prior to that meeting of the Federal Executive.

16A.3 Additional votes may be exercised on any matter before the Federal Executive.

17 - FEDERAL OFFICERS

17.1 The Federal Officers shall consist of the Federal President, Federal Vice President and the Federal Secretary Treasurer.

17.2 The Offices of Federal President and Federal Vice-President shall be filled by an election held at the biennial meeting by the members of the Federal Council among the delegates to the Federal Council. Such Officers shall hold office for a period of two years.

17.3 The Office of Federal Secretary Treasurer shall be filled by an election held quadrennially at a biennial meeting of the Federal Council by the members of the Federal Council from among their own number.

17.4 The Federal Secretary Treasurer shall be a financial member of the Union for a period of not less than 12 months prior to being elected or appointed.

17.5 In the event of the election of a Federal Council delegate member from a branch to the Office of Federal Secretary Treasurer such delegate shall cease to act as a delegate from a branch to the Federal Council and the delegate’s position shall be filled in accordance with Rule 51.

17.6 The Federal Council at its biennial meeting shall appoint a financial member of the Union or the AEC as the Returning Officer to attend elections.

17.7 The Returning Officer shall not be the holder of any office in and shall not be an employee of the Union or any Branch or section of the Union.

17.8 At the biennial meeting of the Federal Council:-

17.8.1 nominations for an election of the Federal President shall be dealt with and completed; and

17.8.2 nominations for an election of the Vice-President shall then be dealt with and completed; and

17.8.3 If the election of the Federal Secretary Treasurer is due, it shall then be dealt with and completed. The Returning Officer shall call for nominations at the meeting.

17.9 Nominations shall be in writing by any member of Federal Council to Federal Council no later than two weeks prior to the biennial meeting, and must be agreed to by the candidate in writing.

17.10 The Returning Officer shall check all nominations, provided that 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.

17.11 If there is more than one candidate for the Office of Federal President, Federal Vice-President or Federal Secretary Treasurer the Returning Officer shall:

17.11.1 Cause ballot papers to be prepared setting out the names of the candidates for each office in alphabetical order and the manner in which votes are to be recorded;

17.11.2 Cause a ballot paper to be distributed to each member of Federal Council present and entitled to a vote for return to the Returning Officer before the closing of the ballot;

17.11.3 Cause additional ballot papers to be distributed to any Branch Secretary entitled to any additional votes pursuant to rule 14;

17.11.4 Control the ballot box at all times and in the presence of the scrutineers, if they desire to be present, inspect the ballot box to see that it is empty prior to the opening of the ballot and thereupon seal the ballot box and ensure that it remains sealed until the time of the closing of the ballot;

17.11.5 Ensure that each member of Federal Council present and wishing to vote places a ballot paper into the sealed ballot box prior to the closing of the ballot; and

17.11.6 At a time nominated by the Returning Officer declare the ballot closed and in the presence of the scrutineers, if they desire to be present, open the ballot box, check the ballot papers, discarding informal papers and then count all the votes cast.

17.12 The election shall be by secret ballot, and any candidate may appoint a scrutineer and the provisions of rule 50 concerning the duties and conduct of scrutineers shall apply to scrutineers appointed under this Rule.

17.13 The Returning Officer shall declare to Federal Council the result as soon as the count is completed. In the event of a tie, the Returning Officer shall declare the sitting member elected, if no sitting member is a candidate the Returning Officer shall draw them by lot.

17.14 The Federal Secretary Treasurer shall hold office until a successor is elected.

17.15 If a Federal Officer other than the Federal Secretary Treasurer is not re-elected by the officer's Branch as a delegate, the Officer shall hold office until one day prior to the next

Council Meeting. The officer shall hand over all books and property concerning the Office to the Branch Secretary, who shall forward the same to the Federal Council, through the delegate appointed by the Branch.

18 - DUTIES OF FEDERAL OFFICERS

Federal President

18.1 The President shall:-

18.1.1 preside at all meetings of the Federal Council and Federal Executive, and preserve order so that business may be conducted in due form and with propriety;

18.1.2 Upon confirmation of the minutes sign the minutes book in the presence of the meeting;

18.1.3 In conjunction with the Federal Secretary Treasurer summon members to all meetings of the Federal Council;

18.1.4 In the absence of the Federal Secretary Treasurer, in conjunction with the Vice-President, sign all cheques or authorise electronic funds transfer for payments passed by the Council or Executive;

18.1.5 Shall have a deliberate vote as a representative of a Branch upon all matters, and also a casting vote in the event of a tie, and be *ex-officio* on all Committees.

18.2 The Vice-President shall preside in the absence of the President, with the full powers of President.

18.3 In the event of both President and Vice-President being absent, the Council shall elect one of its members to act as Chairperson.

18.4 The President and Federal Secretary Treasurer shall in any case of urgency decide upon the course to be pursued until the next meeting of the Federal Council.

Federal Secretary Treasurer

18.5 The Federal Secretary Treasurer shall:-

18.5.1 Attend all meetings of the Federal Council;

18.5.2 Keep a debit and credit account between each Branch and the Federal Council;

18.5.3 Produce, answer and enter into a book all correspondence;

18.5.4 Keep minutes of all resolutions passed or other business transacted by the Federal Council;

18.5.5 Summon members to all meetings, and give intimation of same to all Branches;

18.5.6 Draw up a report and balance sheet to be submitted to the Federal Council, and submit the Union’s books and accounts to the auditors as directed;

18.5.7 Keep a register of the members of the Union and of the Federal and Branch officers thereof at the registered office which shall be open at any convenient time for inspection by the Registrar of the Fair Work Commission or any person appointed by the Registrar;

18.5.8 Submit to the President any correspondence or information the Federal Secretary Treasurer may officially receive; and

18.5.9 Receive all moneys and pay the same into such an accredited bank account within Australia as the Federal Council shall from time to time decide upon, to the credit of the Australasian Meat Industry Employees' Union and such moneys shall be paid.

18.6 All accounts shall be paid by cheque or electronic funds transfer. Cheques shall be signed by the Federal Secretary Treasurer and one other officer who shall be anyone of the following: President, Vice-President, and no account shall be paid until certified by the Federal Secretary Treasurer.

18.7 It shall be the responsibility of the Federal Secretary Treasurer to attend to the Union's legal obligations under the *Fair Work Act 2009* and any other legislation.

18.8 The Federal Secretary Treasurer shall have the power to employ clerical and/or other assistance to carry out the performance of the Federal Secretary Treasurer's duties, the number to be employed, duties, wages and conditions of persons so employed shall be decided by Federal Council.

Approved Auditor

18.9 The Federal Council shall annually appoint a competent person as defined by the Fair Work (Registered Organisations) Regulations who shall annually audit the books and accounts of the Organisation and submit a report of such audit to the Federal Council.

Federal President and Federal Secretary Treasurer

18.10 The Federal President and Federal Secretary Treasurer shall be responsible, subject to the directions of Federal Council, for the safe custody of the Common Seal, documents and securities and funds shall be deposited by the Treasurer in the names of the Federal President and Federal Secretary Treasurer in the Commonwealth Bank on behalf of the Union. The Federal President and Federal Secretary Treasurer may invest any accumulated funds in securities allowed by law, as the Federal Council may direct, such direction to be given at a meeting of which two weeks' notice shall have been given.

18A - DISCLOSURE BY OFFICERS OF THE UNION

18A.1 Each officer of the Union, including an officer of a branch of the Union, shall disclose to the Union any remuneration paid to the person:

18A.1.1 because the officer is a member of a board, if:

(i) the officer is a member of the board only because the officer is an officer of the Union (or branch of the Union); or

(ii) the officer was nominated for the position as a member of the board by the Union, a branch of the Union, or a peak council; or

18A.1.2 by any related party of the Union in connection with the performance of the officer's duties as an officer.

18A.2 The disclosure required by sub-rule 18A.1 must be made:

18A.2.1 as soon as practicable after the remuneration is paid to the officer; and

18A.2.2 by notice in writing, given to:

(i) in the case of a disclosure by the Federal Secretary Treasurer of the Union - to the members of the Federal Executive of the Union; or

(ii) in any other case - to the Federal Secretary Treasurer of the Union and to the Secretary of the Branch of which the officer is a member.

18A.3 For the purposes of this rule, the term "officer" has the same meaning as defined by section 6 of the *Fair Work (Registered Organisations) Act 2009*

18B - DISCLOSURE OF OFFICER'S RELEVANT REMUNERATION AND NON-CASH BENEFITS

18B.1 The Federal Secretary Treasurer of the Union must cause to be disclosed to each branch of the Union, and to the members of the Union:

18B.1.1 the identity of the officers who are the five highest paid in terms of relevant remuneration for the disclosure period; and

18B.1.2 for each of those officers:

(i) the actual amount of the officers' relevant remuneration for the disclosure period; and

(ii) either the value of the officers' relevant non-cash benefits, or the form of the officers' non-cash benefits, for the disclosure period.

18B.2 For the purposes of sub-rule 18B.1, the disclosure shall be:

18B.2.1 made in relation to each financial year;

18B.2.2 made within six months after the end of the financial year

18B.2.3 communicated in writing to the Secretary of each branch of the Union; and

18B.2.4 provided in writing to members of the Union in the same manner, and at the same time as, the Union provides its members with its auditor's report, general purpose financial report, and operating report.

18B.3 For the purposes of this rule, the term "officer" has the same meaning as defined by section 6 of the *Fair Work (Registered Organisations) Act 2009*.

18C - DISCLOSURE OF OFFICER'S MATERIAL PERSONAL INTERESTS

18C.1 Each officer of the Union (including an officer of a branch of the Union) shall disclose to the Union any material personal interest in a matter that:

18C.1.1 the officer has or acquires; or

18C.1.2 a relative of the officer has or acquires;

that relates to the affairs of the organisation.

18C.2 The disclosure required by sub-rule 18C.1 shall be made to the Union

18C.2.1 as soon as practicable after the interest is acquired; and

18C.2.2 by notice in writing given to:

(i) in the case of a disclosure by the Federal Secretary Treasurer of the Union - to the members of the Federal Executive;

(ii) in the case of a disclosure by an officer who is a member of the Federal Executive or Federal Council of the Union (whether or not the officer is also an officer of a branch of the Union) - to the Federal Secretary Treasurer of the Union;

(iii) in the case of an officer of a branch of the Union (whether or not the officer is also a member of the Federal Executive or Federal Council) - to the Secretary of that branch.

18C.3 The Federal Secretary Treasurer of the Union must cause to be disclosed to the members of the Union and its branches any interests disclosed to the Federal Secretary Treasurer or Federal Executive pursuant to sub-rule 18C.1

18C.4 For the purposes of sub-rule 18C.3, the disclosure shall be made:

18C.4.1 in relation to each financial year

18C.4.2 within six months after the end of the financial year; and

18C.4.3 in writing and provided to members of the Union in the same manner, and at the same time as, the Union provides its members with it auditor's report, general purpose financial report, and operating report.

18C.5 The Secretary of each branch of the Union must cause to be disclosed to the members of that branch any interests disclosed to the branch pursuant to sub-rule 18C.1.

18C.6 For the purposes of sub-rule 18C.5, the disclosure shall be made:

18C.6.1 in relation to each financial year

18C.6.2 within six months after the end of the financial year; and

18C.6.3 in writing and provided to members of the branch in the same manner, and at the same time as, the branch provides its members with it auditor's report, general purpose financial report, and operating report.

18C.7 For the purposes of this rule, the term "officer" has the same meaning as defined by section 6 of the *Fair Work (Registered Organisations) Act 2009*.

18D - DISCLOSURE BY THE UNION OF PAYMENTS

18D.1 The Federal Secretary Treasurer shall cause to be disclosed to the members of the Union and its branches either

18D.1.1 each payment made by the Union during the disclosure period

(i) to a related party of the Union or of a branch of the Union; or

(ii) to a declared person or body of the Union or a branch of the Union; or

18D.1.2 the total payments made by the Union, during the disclosure period:

(i) to each related party of the Union; or

(ii) to each declared person of body of the Union.

18D.2A Sub-rule 18D.1 does not apply to a payment made to a related party if:

(a) the related party is an officer of the organisation (or a branch of an organisation); and

(b) the payment:

(i) consists of remuneration paid to the officer by the organisation or the branch (as the case may be); or

(ii) is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.

18D.2 Sub-rule 18D.1 does not apply to a payment made to a related party if the payment consists of amounts deducted by the Union from remuneration payable to officers or employees of the Union.

18D.3 For the purposes of sub-rule 18D.1, the disclosures shall be made:

18D.3.1 in relation to each financial year

18D.3.2 within six months after the end of the financial year; and

18D.3.3 in writing and provided to members of the branch in the same manner, and at the same time as, the branch provides its members with its auditor's report, general purpose financial report, and operating report.

18D.4 For the purposes of this rule, the term "officer" has the same meaning as defined by section 6 of the *Fair Work (Registered Organisations) Act 2009*.

19 - CASUAL VACANCIES (FEDERAL OFFICERS)

Casual Vacancies Filled By Appointment

19.1 Where a casual vacancy (or further casual vacancy) occurs in any federal office it may be filled by appointment by the Federal Council provided that: -

(i) The unexpired term of the office does not exceed 12 months; or

(ii) the unexpired term of the office does not exceed three-quarters of the term of the office;

whichever is the greater.

19.2 Where a casual vacancy in the office of Federal Secretary Treasurer is filled by appointment pursuant to sub-rule 19.1, it may be filled by any member, subject to rule 17.4, that Federal Council deems of sufficient ability and standing to perform the duties of the office.

19.3 The Federal Council may fill any casual vacancy in the office of Federal President with any member of the Federal Council.

19.4 Any member appointed to fill a casual vacancy shall hold office until the office is filled by the next ordinary election conducted pursuant to rule 17.

Casual Vacancies Filled By Election

19.5 In circumstances where a casual vacancy may not be filled pursuant to sub-rule 19.1 a ballot shall be conducted in accordance with rule 17 to fill the casual vacancy.

19.6 Any person elected to fill a casual vacancy shall hold office until the office is filled by the next ordinary election conducted pursuant to rule 17.

20 - APPEAL AGAINST DECISIONS OF FEDERAL COUNCIL OR FEDERAL EXECUTIVE

A majority of members present at special meetings of any four Branches may by resolution request a referendum on any matter that the Federal Council or Federal Executive has made a decision on. The Federal Council shall, within six weeks of such request, take all necessary steps to refer the matter to a referendum of the whole of the financial members of the Union.

21 - QUORUM

At all meetings of the Federal Council or Federal Executive, five members representing any four Branches shall form a quorum.

22 - VOTING

22.1 On all questions of general character brought before the Federal Council, unless a ballot is demanded by a member of the Council, voting shall be by show of hands, and a record kept of members voting for or against.

22.2 Any member of the Council may call for a ballot on any matter determined by the Federal Council. Where a ballot is conducted each delegate (including Branch Secretaries) shall exercise one vote. Branch Secretaries shall also exercise any additional votes pursuant to rule 14.

22.3 In the event of any Branch not being represented by its full complement of delegates, the delegate or delegates present shall be entitled to the full number of ordinary votes for that Branch, provided that where two members are present, the members are unanimous on the question.

23 - DECISIONS OF FEDERAL COUNCIL OR FEDERAL EXECUTIVE

All the decisions of the Federal Council and Federal Executive will remain in full force unless and until duly amended, varied or annulled by referendum or subsequent meeting of the Council or Executive.

24 - THE REPRESENTATIVES' FARES TO COUNCIL

The Federal Council may pay the whole, or any part, of the fares and expenses of representatives attending meeting of the Federal Council or Federal Executive.

25 - INSPECTION OF FEDERAL MINUTES

All minutes, resolutions and decisions of the Federal Council or Federal Executive shall be sent to each Branch head office within one month of them being made or passed, and shall be available to be inspected by members of a Branch at all reasonable times at the head office of the Branch.

26 - INDUSTRIAL DISPUTES

26.1 It shall be the duty of every Branch Secretary to report without unreasonable delay, to the Federal Secretary Treasurer any dispute, actual or pending, affecting members in the Secretary's Branch.

26.2 Should the Federal Secretary Treasurer or that person acting in the Federal Secretary Treasurer's stead think the dispute or disputes are of such importance the Federal Secretary Treasurer shall notify the Federal President and the Federal Executive members.

26.3 If upon such report the Federal Secretary Treasurer or person acting in the Federal Secretary Treasurer's stead thinks that the dispute affects or is likely to affect the interests of the whole Union or of members in more than one Branch, the Federal Secretary Treasurer shall at once:

26.3.1 So notify the Branch reporting, and

26.3.2 Take such action for the prevention or settlement of the dispute as the Federal Secretary Treasurer may think fit.

26.4 If, upon report from a Branch Secretary the Federal Secretary Treasurer or person acting in the Federal Secretary Treasurer's stead thinks that the dispute affects the Branch only, the Federal Secretary Treasurer shall at once so notify the Branch Secretary reporting, and the Branch Committee of Management shall then assume control of the dispute.

26.5 Despite anything in these rules, the Federal Secretary Treasurer or person acting in the Federal Secretary Treasurer's stead may, without report from a Branch Secretary and despite any settlement or purported settlement by a Branch, intervene in any dispute, actual or pending which in the Secretary's opinion affects the interests of the whole Union or of members in more than one Branch.

26.6 Within two days of the Federal Secretary Treasurer acting pursuant to sub-rule 26.5, the Federal Secretary Treasurer shall consult the Federal Executive which may at a meeting or acting under sub-rule 16.7 give such directions as it thinks fit as to the control or settlement of the dispute.

26.7 Any direction given by the Federal Executive under sub-rule 26.6 shall bind the members of the Union and the Federal and Branch officers until amended, varied or annulled by the Federal Executive or the Federal Council.

26.8 Without limiting the generality of sub-rule 26.7, the power to give directions, includes a power to annul, or set aside any settlement or purported settlement by the Branch affected of the dispute or any part of it.

Protected Industrial Action

26.9 The Federal Secretary Treasurer or Federal President may authorise any protected industrial action pursuant to Part 3-3 of the *Fair Work Act 2009* by any group of members who are engaged in bargaining for an enterprise agreement or who wish to bargain for an enterprise agreement.

26.10 Within the respective Branches, the Branch Secretary or their nominee may also authorise any protected industrial action pursuant to Part 3-3 of the *Fair Work Act 2009* by any group of members in that Branch who are engaged in bargaining for an enterprise agreement or who wish to bargain for an enterprise agreement.

27 - SUBMISSION OF INDUSTRIAL MATTERS TO FEDERAL TRIBUNALS

27.1 Any industrial dispute may be submitted to the Fair Work Commission upon a majority resolution of the Federal Council or Federal Executive approving the submission of the dispute to the Commission.

27.2 Federal Council or the Federal Executive by a majority decision may delegate the right to submit industrial disputes to the Fair Work Commission to the Federal Secretary Treasurer and/or Federal President.

27.3 The Federal Council, Federal Executive or the Federal Secretary Treasurer and/or the Federal President (if authorised to submit disputes to the Commission by the Federal Council or Federal Executive) shall appoint some person or persons to represent the Union before the Commission.

27.4 The person or persons so appointed may, subject to the direction and control of the Federal Council or Federal Executive:-

27.4.1 Sign any plaint or other document or process necessary for submitting the dispute to the Court;

27.4.2 Represent the Union before the Court; and

27.4.3 File or lodge, in the manner prescribed by law, any process or documents required to be filed or lodged by or on behalf of the Union.

27.5 The Federal Secretary Treasurer shall sign every Federal Log of Claims.

28 - FUNDS

The Union shall raise funds by contributions, levies and fines, which funds, together with any other moneys received, may apply for the following purposes:-

28.1 Defraying the cost of management of the Union by the Federal Council and Branches;

28.2 Subscribing to any organisations with which the Union may be affiliated;

28.3 Defraying any Arbitration, Conciliation, Industrial or Legal expenses incurred by the Union or any of its Branches;

28.4 Assisting members out of work through any trade dispute;

28.5 Making all necessary payments in connection with any matters affecting members in regard to -

28.5.1 Preservation of life and limb;

28.5.2 Compensation for injuries and death;

28.5.3 Sanitation;

28.5.4 The sex and age of employees;

28.5.5 The hours of labour;

28.5.6 The remuneration of labour;

28.5.7 Protection of salaries and wages;

28.5.8 The establishment and maintenance of an Official Journal for Meat Industry workers;

28.5.9 Other conditions similarly affecting employment of members;

28.5.10 To provide funds for the carrying out of the objects of the Union as set out in Rule 2.

29 - DIVISION OF FUNDS AND PROPERTY

29.1 The funds and property of the Union shall be divided into two classes as follows:-

29.1.1 Funds that are allocated to and the expenditure of which is controlled by the Federal Council; and

29.1.2 Funds that are allocated to and the expenditure of which is controlled by each Branch.

29.2 The funds of the Union that are allocated to and the expenditure of which is controlled by, the Federal Council shall consist of:-

29.2.1 Capitation fees submitted by Branches pursuant to these rules;

29.2.2 Levies raised pursuant to Rule 32;

29.2.3 Fines inflicted by the Federal Council; and

29.2.4 Contributions, payments or receipts to the Federal Council from any other source.

29.3 The funds of the Union that are allocated to and the expenditure of which is controlled by each Branch, shall consist of -

29.3.1 The half-yearly contribution from the members within the jurisdiction of each Branch, after deducting therefrom the capitation fees due to Federal Council;

29.3.2 Levies raised pursuant to Rule 32;

29.3.3 Fines inflicted by the Branch;

29.3.4 Contributions, payments or receipts to the Branch from any other source.

30 - FUNDS - HOW COLLECTED

All moneys due or owing by members shall be payable to, and collected by, the Branch Secretary or authorised official of the Union of each Branch, as the Branch Rules direct.

31 - LOANS, GRANTS AND DONATIONS

A loan, grant or donation of an amount exceeding $1,000 shall not be made by the Union or any branch thereof unless the Federal Executive or the Branch Committee of Management, as the case may be, has satisfied itself -

31.1 that the making of the loan, grant or donation would be in accordance with the rules of the Union; and

31.2 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

31.3 the Federal Executive or Branch Committee of Management as the case may be has approved the making of the loan, grant or donation.

32 - LEVIES

32.1 Levies may be imposed for the purpose of carrying out any of the objects of the Union or any other lawful purpose.

32.2 The Federal Council shall have power to strike a levy on all members.

32.3 The Committee of Management of any Branch shall have power to strike a levy on all or any section of members in its jurisdiction.

32.4 A levy or levies may be struck by members at a General Meeting on any works, provided that:-

32.4.1 seven (7) days notice is given to members at the works that a General Meeting will be held; and

32.4.2 notice is given that it was intended to impose a levy pursuant to this rule; and

32.4.3 the Executive of the branch has sanctioned by resolution the imposition of such levy.

32.5 Any levy imposed under the provisions of this Rule shall not exceed fifty dollars ($50) per week per member.

32.6 Any levy shall be paid to the Branch Secretary or authorised official of the Union in each Branch within twenty-eight days from the date of the striking thereof. Each Branch Secretary upon receipt of any Federal levy shall forthwith remit it to the Federal Secretary Treasurer.

33 - INSPECTION OF BOOKS

All financial members interested in the funds of the Union or of a Branch, shall be permitted to inspect the books and lists of members at all reasonable times, on an order signed, as regards the books of a Branch, of the President of such Branch.

34 - LEGAL PROCEEDINGS

34.1 All contributions, levies, fines or liabilities of any kind due or payable to the Union by any member may be sued for and recovered in the name of the Union by the Federal Secretary Treasurer, Branch Secretary or any officer of the Union either Federal or Branch, or by any other person if such person is duly authorised by the Federal Council or Executive, or by the Branch Committee of Management of Branch Executive of a Branch.

34.2 In addition to the amounts payable under the Rules a member shall be liable to pay all costs reasonably incurred in recovering from the member the said contribution, levies, fines or liabilities, except in cases where the claim of the Union against the member is unsuccessful or the Court refuses the Union's costs of proceedings.

34.3 The Federal Secretary Treasurer shall be the officer to sue and be sued on behalf of the Union but within the limits of the respective Branches any officer of the Union as defined by the Federal or Branch Rules, or any member of the Branch Committee of Management or Branch Executive of a Branch or by any other person if such person is duly authorised by the Federal Council or Executive or Branch Committee of Management or Branch Executive of a Branch who is resident within the area of the Branch in which the cause of action arises, may, on behalf of the Union, sue or prosecute or initiate legal proceedings of any kind against any person, firm or corporation or other body, in any court of competent jurisdiction, for any cause arising within the Branch in respect of which the Union might or could sue or prosecute or initiate proceedings, and for such purpose may sign any application, affidavit, declaration, information or other document necessary to initiate, carry out or give effect to such proceedings.

35 - DISCIPLINARY POWERS

Power to Expel

35.1 A member may be :-

(i) Expelled; or

(ii) suspended from the privileges of membership for a period not exceeding 12 months;

by the Federal Council or a Branch Committee of Management if the member:-

35.1.1 Misappropriates Union funds;

35.1.2 Fails to observe any rule of the Union;

35.1.3 Fails to observe any lawfully made decision or resolution of the Federal Council, Federal Executive, Branch Committee of Management, Branch Executive within fourteen days after such decision or resolution has been duly communicated to the member;

35.1.4 Fails to pay contributions, levies or fines for a period exceeding three years in succession;

35.1.5 Works in contravention of an Award, Order or Agreement by which the Union is bound or in contravention of any safe work practice;

35.1.6 Gives false or misleading information to the Federal Council, Federal Executive or Branch Committee of Management, or any other lawful Committee or body of the Union, in any way in performance of any of its functions;

35.1.7 Refuses to give information in regard to Union business or matter to an officer of the Union or of a Branch;

35.1.8 Obstructs the Federal Council, Federal Executive or Branch Committee of Management, or any other lawful Committee or body of the Union, in any way in the performance of any of its functions;

35.1.9 Obstructs an officer of the Union or Union representative in the course of the officer's or representative's duties;

35.1.10 assaults, hinders, or in any way interferes with an officer or member of the Union whilst such officer or member is engaged on the business of the Union;

35.1.11 Uses any abusive or insulting language or who offers or threatens physical violence to any official, delegate, employee, or member of the Union;

35.1.12 After having been reasonably requested to assist, failing to assist any lawful Committee or body of the Union, in any way in the performance of any of its functions;

35.1.13 After having been reasonably requested to assist, failing to assist any officer in the course of the officer's duties;

35.1.14 Wrongfully maintaining that the member occupies any office or position in the Union, or any Branch, or Division thereof, or as being entitled to represent the Union or any State Branch, or Division in any capacity (to which charge it shall be a defence that the member believed bona-fide and on reasonable grounds that the member was entitled so to act);

35.1.15 Aids or encourages any other member in any offence under this rule;

35.1.16 Fails to carry out a unanimous or majority decision made in conformity with the rules and/or any policy of the Union and in accordance with custom and practice of job and departmental meetings;

35.1.17 Negotiates or attempts to negotiate with an employer or employers, terms and conditions of employment of members of the Union without the prior express written authority of the Federal Council or Federal Executive or within their respective jurisdictions of the Branch Committee of Management or Executive of a Branch unless the member is an elected officer of the Union;

35.1.18 Gains entry to the Union by false representations.

35.2 A member charged under this rule shall be given every opportunity to defend the charge and may, if the member wishes, tender written submissions.

35.3 A member summoned to show cause pursuant to this rule shall be given fourteen days' notice of the time and place of the meeting of Federal Council or the Branch Committee of Management to which the member is summoned. The notice summoning him shall also specify the grounds of complaint.

35.4 The Federal Council or Branch Committee of Management may proceed to hear and determine the charge despite the absence of the person summoned if due notice of hearing has been given in accordance with this sub-rule.

35.5 Any member expelled or suspended under this rule shall be notified of such expulsion or suspension in writing. Such communication shall be made by registered mail forwarded to the address of the member concerned as currently shown on the records of the Branch to which the member is attached.

35.6 Any member expelled or suspended under this rule by the Branch Committee of Management having jurisdiction over such member shall have the right of appeal to the Federal Council. The appeal shall be lodged in writing to the Federal Secretary Treasurer within 31 days after the decision to expel or suspend has been communicated in writing to the member concerned.

35.7 On appeal the member shall be given every opportunity to be heard on why the decision of the Branch Committee of Management should be overturned and the member may, if the member wishes, tender written submissions. Federal Council may vary, rescind or confirm the decision of the Branch Committee of Management and the decision of the Federal Council shall be final and conclusive.

35.8 When any member is charged with an offence under this rule by any official holding a seat on any governing body of the Union, such official shall not sit in judgement or exercise any vote when such charge is being decided by any governing body of the Union.

Power to Fine

35.9 The Federal Council and/or each Branch Committee of Management or Branch Executive shall have the power, in addition to and without limiting the effect of any power otherwise by these rules created, to impose a fine not exceeding one thousand dollars ($1,000) for each offence on any member of the Union who -

35.9.1 Is guilty of any of the acts or omissions set out in sub-rules 35.1.1 - 35.1.18;

35.9.2 Fails to attend a meeting of the Federal Council or of the Branch Committee of Management or Branch Executive when summoned to do so by the Federal or Branch Secretary;

35.9.3 Owes one half-year's contributions or more, or any levy or fine, and after a 14 days' notice to pay the same has been given to the member or posted to the member’s address as entered in the Union books, fails to pay the same or make arrangements satisfactory to the Secretary as to the payment;

35.9.4 Attends any Union meeting intoxicated, and refuses to leave when ordered to leave by the President, Vice-President or Chairperson;

35.9.5 Uses language likely to bring the Union into contempt;

35.9.6 Lends or sells the member’s receipt, ticket or other document used to identify a member or financial member.

35.10 A member charged under this Rule shall be given every opportunity to defend against the charge and may, if the member wishes, tender written submissions.

35.11 A member summoned to be dealt with under this Rule shall be given fourteen days' notice of the time and place of the meeting of the Federal Council, Federal Executive, Branch Committee of Management, Branch Executive to which the member is summoned. The notice summoning the member shall also specify the grounds of complaint.

35.12 The Federal Council, Federal Executive, Branch Committee of Management, Branch Executive, may proceed to hear and determine a matter under this Rule despite the absence of the person summoned if due notice of the hearing has been given in accordance with this sub-rule.

35.13 Despite the above sub-rules, it shall not be necessary for the Federal Council, Federal Executive, Branch Committee of Management, or Branch Executive before inflicting a fine on a member under sub-rules 35.9.2 or 35.9.3 to give such member any notice of its intention, or to summon such member before it, or to give any further opportunity to explain the member's failure to carry out the member's obligations under the rules.

35.14 The power to fine, when exercised by the Branch Committee of Management or Branch Executive having jurisdiction over the member fined, is subject to appeal to the Federal Council.

35.15 Any appeal shall be lodged in writing to the Federal Secretary Treasurer and the fine paid within 31 days to the Branch concerned after the decision imposing the fine has been communicated in writing to the member concerned. Such communication shall be made by registered mail forwarded to the address of the member fined as currently shown on the records of the Branch to which the member is attached.

35.16 On appeal the member shall be given every opportunity to be heard on why the decision of the Branch Committee of Management should be overturned and the member may, if the member wishes, tender written submissions. Federal Council may vary, rescind or confirm the decision appealed against and the decision of the Federal Council shall be final and conclusive.

35.17 When any member is charged with an offence under this rule by any official holding a seat on any governing body of the Union, the charging official shall not sit in judgement or exercise any vote when the charge is being decided by any governing body of the Union.

Power to Impose Fines for Minor Offences

35.18 The Federal Council and/or each Branch Committee of Management or Branch Executive shall have the power in addition to and without limiting the effect of any power otherwise by these rules created, to impose a fine not exceeding one hundred dollars ($100) for each offence on any member of the Union who -

35.18.1 Fails to notify the Branch Secretary within fourteen days, of having changed address;

35.18.2 Individually or collectively injures or prevents any financial member from obtaining employment;

35.18.3 Acts contrary to the standing orders of Union meetings (rule 58) and persisting in doing so after being called to order by the President or Chairperson;

35.18.4 Obtains admission into the Union by false representations.

35.19 Sub-rules 35.10-35.17 shall apply to the hearing and determination of a charge made pursuant to sub-rule 35.18.

Prohibition on Double Punishment

35.20 A member cannot be both expelled and fined, or both suspended and fined, or otherwise twice punished for the same act or omission under this rule or any other provision of these rules.

36 - MEMBERS WORKING WITH NON-MEMBERS

Members of the Union employed with non-members shall furnish the names and addresses of such non-members, either verbally or in writing to the Secretary or some other official of the Union as soon as reasonably practicable.

37 - DISSOLUTION OF THE UNION

37.1 The Union shall not be dissolved while more than two Branches remain in the Union.

37.2 Should only two Branches remain and desire to dissolve they may do so by a majority vote of the members of the two Branches as taken by ballot.

37.3 Any money or property belonging to the Union shall be donated to an industrial organisation, such organisation to be decided by ballot. Notice of such dissolution shall be signed by the Federal Secretary Treasurer and seven financial members of the Union and shall be given to the Industrial Registrar within fourteen days

38 - DISSOLUTION OF BRANCHES

38.1 A Branch may be dissolved when its funds fall below ten dollars ($10) or when the number of financial members under the jurisdiction of the Branch falls below twenty.

38.2 If a Branch is to be dissolved pursuant to rule 38.1, a resolution in favour of such dissolution shall be passed at a Special Meeting of financial members under the jurisdiction of the Branch specially called for that purpose.

38.3 If a Branch is dissolved in accordance with rules 38.1 and 38.2, then any funds, books, and/or property remaining in hand shall be handed over to the Federal Council, to be held in trust as a nucleus of a fund for the re-establishment of a Branch in such area.

38.4 The Federal Executive may also dissolve a branch of the Union if:

38.4.1 The Branch Committee of Management of a Branch resolves

to request the Federal Executive to dissolve the branch and attach the affected members to another branch nominated by that Branch Committee of Management; and

38.4.2 The Branch Committee of Management of the Branch nominated in the resolution referred to in rule 38.4.1 as receiving the affected members ["the other Branch"] resolves to accept the attachment of the affected members.

38.4.3 The branch has no financial members.

38.5 If the Federal Executive resolves to dissolve a branch in accordance with Clause 38.4, then:

38.5.1 The affected members become members of the other Branch;

38.5.2 The funds, books, and/or property of the dissolved Branch must be transferred or handed over to the other Branch;

38.5.3 The Federal Executive must temporarily increase the number of persons who are members of the Branch Committee of Management of the other Branch (until the next quadrennial election in the other Branch) in the following way:

(i) Pending an election for additional members of the Branch Committee of Management, the Federal Executive may appoint temporary additional members of the Branch Committee of Management from the Affected members, to act until the completion of an election;

(ii) The additional members of the Branch Committee of Management must be elected by and from the Affected members, with such elections, to the extent possible:

(a) to be held within three months of the date of dissolution of the Branch; and

(b) to be held in accordance with rule 50;

(iii) The Federal Executive may provide that some of the additional members appointed and/or elected to the Branch Committee of Management of the other Branch shall also be additional members of the Branch Executive of the other Branch.

(iv) The additional members of the Branch Committee of Management who have been elected shall hold office until the next ordinary quadrennial election in the other Branch.

(v) The number of additional members of the Branch Committee of Management (and/or Branch Executive) must be determined having regard to the relative number of affected members compared with the number of members of the other Branch.

38.5.4 The Federal Executive must temporarily increase by two the number of persons who are Federal Council delegates of the other Branch until the

next ordinary election in the other Branch with such additional Council delegates to be elected by the affected members of the dissolved Branch.

38.6 In this rule, "affected members" means the group of members who were enrolled in a Branch immediately before it was disbanded in accordance with sub-rule 38.4."

39 - ALTERATION OF RULES

39.1 These rules may be altered or rescinded or new rules made by the Federal Council.

39.2 Proposals for the alterations of rules may be made by any Branch Committee of Management, Federal Council or Federal Executive. Any such proposals shall be submitted to the Federal Secretary Treasurer. As soon as possible after receipt of such proposals, the Federal Secretary Treasurer shall notify all Branch Committees of Management of such proposals and forward copies of the proposed alterations to Branches.

39.3 The Federal Council may alter or rescind these rules or make new rules despite the fact that previous notice had not been given. Where notice has not been given in accordance with sub-rule 39.2 the alteration or rescission shall not take effect until notice is given to the Branches in accordance with sub-rule 39.2.

39.4 In exercising its powers under this rule the Federal Council may alter or modify any proposal put to it without any notification of any such alteration or modification unless a majority of delegates on Federal Council request that such notice be given.

39.5 Any alterations of rules made pursuant to this rule shall, as soon as practicable, be submitted to the Industrial Registrar of the Fair Work Commission for registration.

39.6 In this rule (unless the context indicates otherwise) the term 'alteration', or any variation thereof, includes the terms 'rescission' and 'the making of new rules', or any variants thereof.

40 - RULES BINDING ON MEMBERS AND BRANCHES

These rules and any alteration, decisions, or rescissions thereof or thereto shall apply to and be binding on all Branches and all members who are now or may hereafter belong to the Union until they are made or become null and void and according to law.

41 - BY-LAWS

The Federal Council shall have power to make such By-Laws as it may deem advisable from time to time, subject to the same not being contrary to the spirit of these Rules.

42 - BRANCHES

Branches of the Union shall be established in Victoria, Queensland, South Australia, Tasmania and New South Wales as defined. Each Branch shall have a head office. This office will be situated for:-

Victoria, 62 Lygon Street, Carlton South.
Queensland, 1/39 Lytton Road, East Brisbane.
South Australia, 227 Henley Beach Road, Torrensville
Tasmania, Rooms 237 Wellington Street, Launceston.
New South Wales Branch, at 62 Prospect Street, Rosehill.
Newcastle and Northern Branch, at Union House, Newcastle.

The situation of the head office of any Branch may be altered by Special Meeting of the Branch called for that purpose. All Branches are pledged to loyally support each other when required.

43 - BRANCH AREAS

As to Victoria - the whole of that State.

As to South and Western Australia Branch, the whole of South Australia, and the whole of Western Australia.

As to Queensland - the whole of that State and the Northern Territory.

As to Tasmania - the whole of that State.

As to New South Wales - the whole of that portion of the State including the Australian Capital Territory not defined as the Newcastle and Northern Branch.

As to Newcastle and Northern Branch - the whole of that area within the County of Northumberland and in that part of the State which is bounded on the south by the northern boundary of the County from its most eastern extremity westward to the point of its intersection by the main railway line from Singleton to Walgett. Then on the west by the said railway line to Walgett, including all towns on such railway line from Singleton to Walgett, and thence by a line running due north to New South Wales-Queensland border. Thence on the north by any such border extending southward to the north-eastern extremity of the County of Northumberland, and in all towns on the railway line from Muswellbrook to Merriwa inclusive.

44 - BRANCH ORGANISATION

44.1 A Branch shall consist of all members of the Union for the time being working in the Branch area.

44.2 Each Branch shall be called the Branch of the Australasian Meat Industry Employees' Union, the blank being filled in with the term Victoria, New South Wales, Queensland & Northern Territory, South and Western Australian, Tasmanian, Newcastle & Northern, as the case may be.

45 - BRANCH REGISTERS OF MEMBERS

A register of the names of the officers and members of each Branch, as far as known, shall be kept at the head office of the Branch, and shall be open for inspection at all convenient times by the Registrar of the Fair Work Commission or any person appointed by the Registrar.

46 - TRANSFER BETWEEN BRANCHES

46.1 Any member leaving one Branch to work in the industry in another Branch shall notify their current Branch prior to leaving.

46.2 Notice given pursuant to clause 46.1 shall be effective to transfer the member to the Branch which covers the member's new place of employment. Such transfer will take effect from the date of notification, or the date on which the member is due to commence work in the Branch area to which they are transferring, whichever is the later. A Branch secretary receiving notification under clause 46.1 shall notify the receiving Branch of the transfer, and shall also inform the receiving branch whether the member has paid the union contribution for the current half year and whether the member has paid all contributions fines and levies due.

46.3 DELETED

46.4 DELETED

46.5 If a member leaving one Branch to work in the industry in another Branch fails to make such notification prior to leaving, the member may be fined a sum not exceeding two hundred dollars ($200) by the Branch Committee of Management, or Branch Executive. The member shall have the same right of appeal to Federal Council as is prescribed in Rule 35.

46.6 If an unfinancial member leaves one Branch to reside and work in another Branch without first paying all contributions, arrears, fines and levies due by the member, the member may be transferred by the Branch of which they were a member to the Branch in which they are working. The Branch to which the member is transferred shall be empowered to exercise the powers contained in Rule 9 in respect of the recovery of the amount owing by the member.

46.7 In respect of a member of the union who holds an office in a branch of the Union, the member shall not be entitled to transfer to another branch of the Union unless:

(a) The member either

(i) resigns from the office of that branch held by the member; or

(ii) is authorised by the committee of management of the branch in which the member currently holds to take leave of absence from the member's duties as an office-holder of that branch.; and

(b) Prior to making any application to transfer to another branch, the member notifies the Federal Secretary Treasurer that:

(i) the member wishes to transfer to another branch of the Union;

(ii) the name of the branch to which the member wishes to transfer; and

(iii) the date from which the member proposes to make notification pursuant to rule 46.1.

46.8 If a member of the union who holds an office in a branch of the Union purports to transfer to a different branch of the union without having complied with Rules 46.7(a) and 46.7(b), then the purported transfer does not take effect, and the member may be dealt with under Rule 35.1.2 of the union's rules (by the Branch Committee of Management of the branch to which the member belongs, or the Federal Council).

47 - BRANCH GOVERNMENT

Officers and Branch Committee of Management

47.1 Each Branch shall have a President, Vice-President, Secretary and Treasurer.

47.2 Each Branch shall be governed by a Branch Committee of Management of such officers and such number of the committee members as hereinafter set out, elected by the Branch.

47.3 Each Branch may have as additional officers, an organiser or organisers and assistant secretary who, when elected, shall be members of the Branch Committee of Management.

Victorian Branch

47.4 The Branch Committee of Management of the Victorian Branch shall consist of President, Vice President, Secretary-Treasurer, Assistant Secretary, Organisers and nine (9) ordinary members elected by the whole of the membership.

Four (4) members of the Committee of Management shall form a quorum.

47.5 DELETED

47.6 The President, Vice-President, Secretary-Treasurer, Assistant Secretary, and Organisers shall comprise the Executive and shall administer the business of the Branch between meetings of the Branch Committee of Management. (Four shall form a quorum).

47.7 The Branch Committee of Management shall meet at such times as may be decided upon from time to time.

47.8 One hundred (100) financial members of the Branch may have a Special Meeting called for the purpose of reviewing any matter decided by the Branch Committee of Management upon written request to the Secretary.

South and Western Australian Branch

47A.9 For the 2013 quadrennial elections and onwards, the Branch Committee of Management of the South and Western Australian Branch shall consist of a

President, a South Australian Vice President, a Western Australian Vice President, a Secretary-Treasurer, an Assistant Secretary, Organisers and the following representatives:

47A.9.1 Four (4) representatives from South Australia;

47A.9.2 Four (4) representatives from Western Australia;

The Branch Committee of Management shall meet at such times as may be determined from time to time. NINE shall form a quorum.

47A.10 Members of the Branch Committee of Management shall be elected as follows:

47A.10.1 The Branch President, Branch Secretary, and Assistant Branch Secretary shall be elected by all the members within the Branch.

47A.10.2 The South Australian Vice President shall be elected from members in South Australia.

47A.10.3 The Western Australian Vice President shall be elected from members in Western Australia.

47A.10.4 Prior to each quadrennial election, the Branch Committee of Management must determine the number of organisers to be elected from South Australia and the number of organisers to be elected from Western Australia. Organisers shall then be elected by the members from the State they will represent.

47A.10.5 The other representatives on the Branch Committee of Management shall be elected by the members in the State they represent.

47A.10.6 The Secretary of the South and Western Australian Branch shall be based in Adelaide, and until such time as the Branch Committee of Management determines otherwise, the Assistant Secretary of the South and Western Australian Branch shall be based in Perth.

47A.11 The President, Vice Presidents, Secretary/Treasurer, Assistant Secretary and Organisers shall comprise the Executive and shall administer the business of the Branch between meetings of the Branch Committee of Management. FIVE shall form a quorum, provided that no meeting of the Executive shall be quorate unless:

(i) The Secretary and Assistant Secretary are both present; or

(ii) The Secretary and both Vice Presidents are present.

47A.12 Five per cent (5%) or more of the financial members of the Branch may have a Special Meeting called for the purpose of reviewing any matter decided by the Branch Committee of Management upon written request to the Secretary.

Queensland Branch

47.13 The Branch Committee of Management of the Queensland Branch shall consist of a Branch President, a Branch Vice-President, a Branch Secretary, an Assistant Branch Secretary, a Branch Treasurer, and the following representatives elected from the undermentioned Regions of the Branch:

47.13.1 Six representatives from the Southern Region;

47.13.2 Three representatives from the Central Region;

47.13.3 Three representatives from the Northern Region;

Such representatives are to be elected by the members of that Region that they represent. Ten (10) members shall form a quorum.

47.14 The Branch President, Branch Vice-President, Branch Secretary, Assistant Branch Secretary and Branch Treasurer shall be elected by all the members within the Branch. All other Branch Committee of Management representatives shall be members of and be elected by the regions that they represent.

47.15 The Branch President, Branch Vice-President, Branch Secretary, Assistant Branch Secretary and Branch Treasurer shall comprise the Branch Executive and shall administer the business of the Branch between meetings of the Branch Committee of Management. Three (3) members shall form a quorum.

47.16 There shall be three Regions for the purpose of four-yearly elections comprised as follows:

47.16.1 The Northern Region shall comprise of all members north of and including Sarina;

47.16.2 The Central Region shall comprise of all members south of Sarina to and including Murgon;

47.16.3 The Southern Region shall comprise of all members south of Murgon to the border of New South Wales.

47.17 Branch Organisers shall be appointed by the Branch Committee of Management. Only persons who have been a financial member of the Union for a period of at least twelve (12) months are eligible to be appointed to a position of Branch Organiser. A member appointed to a position of Branch Organiser is not entitled to nominate for election to any office within the Queensland Branch of the Union unless he or she first resigns from their position as Branch Organiser. Any member who holds any office within the Queensland Branch (including a representative to the Branch Committee of Management) who is appointed to a position of Branch Organiser may only accept such appointment by first resigning from such office.

47.18 The number, duties and areas of responsibility of Branch Organisers to be appointed within the Branch shall be decided by the Branch Committee of Management.

47.19 The Branch Committee of Management shall meet at such times as may be decided from time to time, but at least once in each year.

47.20 One hundred (100) financial members of the Branch may have a Special Meeting called for the purpose of reviewing any matter decided by the Branch Committee of Management upon written request to the Secretary.

Tasmanian Branch

47.25 The Branch Committee of Management of the Tasmanian Branch shall consist of the President, Vice-President, Secretary-Treasurer and Assistant Secretary and six representatives from the whole of the membership. Four shall form a quorum.

47.26 The President, Vice-President, Secretary-Treasurer and Assistant Secretary shall comprise the Executive and shall administer the business of the Branch between meetings of the Branch Committee of Management. Two shall form a quorum.

47.27 The Branch Committee of Management shall meet at such times as may be decided upon from time to time.

47.28 Fifty (50) financial members of the Branch may have a Special Meeting called for the purpose of reviewing any matter decided by the Branch Committee of Management upon written request to the Secretary.

New South Wales Branch

47.29 The Branch Committee of Management of the New South Wales Branch shall consist of the President, two Vice-Presidents, Secretary-Treasurer, Organisers, and twelve other members representing the whole of the membership. Seven shall form a quorum.

47.30 The President, two Vice-Presidents, Secretary-Treasurer and Organisers shall comprise the Executive and shall administer the business of the Branch between meetings of the Branch Committee of Management. Five shall form a quorum.

47.31 The Branch Committee of Management shall meet at such times as may be decided upon from time to time.

47.32 One hundred (100) financial members of the Branch may have a Special Meeting called for the purpose of reviewing any matter decided by the Branch Committee of Management upon written request to the Secretary.

Newcastle and Northern Branch

47.33 The Branch Committee of Management of the Newcastle and Northern Branch shall consist of the President, one Vice-President, the Secretary, Assistant Secretary, the Treasurer, elected Organisers and seven (7) other ordinary members elected by the whole of the membership. Four members of the Committee of Management shall form a quorum.

47.34 The Executive of the Newcastle and Northern Branch shall consist of the President, one Vice-President, the Secretary, Assistant Secretary, the Treasurer and elected Organisers. Three members of the Executive shall form a quorum.

48 - QUALIFICATIONS FOR OFFICE

Except in the case of officers elected in the first twelve months of the formation of the Branch, no person shall be eligible to be elected to office unless they have been a member of the Union for at least 12 months immediately preceding the member's nomination for election, and is a financial member of the Branch of which the person intends to seek office at the time of nomination. A retiring officer shall be eligible for re-election.

49 - POWERS AND DUTIES OF COMMITTEES OF MANAGEMENT AND EXECUTIVES

49.1 The functions of all Branch Committees of Management and Executives shall be to administer the rules for the benefit of the members, to carry out the policy of the Union to deal with all matters and transact such business as may arise, and endeavour to carry out the objects of the Union.

49.1.1 Without limiting the generality of the foregoing, each Branch Committee of Management shall have the power to award life membership to a member of the Branch in accordance with such criteria and qualifications as are determined from time to time by the Branch.

49.2 They shall decide in all cases for which no provision is made in these rules. The Branch Committee of Management or Branch Executive shall meet as and when required.

49.3 All decisions of the Branch Committee of Management or Branch Executive shall be binding on the members unless negated or amended by the majority of members present at a meeting specially summoned to deal with the matter under consideration. Provided that this does not apply in the case wherein a fine has been imposed on any member.

49.4 The Committee shall submit a report of its proceedings to the next meeting of the Branch.

49.5 The Committee shall have power to authorise payment out of the funds at its disposal an amount of money within limit decided by the Branch.

49.6 Each Branch Committee of Management shall have borrowing powers subject to approval of the Federal Council or Federal Executive.

49.7 It shall be a condition of approval of the Federal Council or Federal Executive for any application made under this clause that the Union shall not be liable in any way in the

event of any default in payments of any monies borrowed by the Branch, nor shall recourse be had in the event of any such default to the funds of the Union, other than the funds of the allocated Branch concerned, pursuant to Rule 29 hereof.

49.8 Prior to approval being given the Branch concerned shall obtain the Agreement of the proposed lender to this condition, and a further Agreement that the proposed lender will execute such documents as the Council or Executive may require to ensure that no such liability shall attach and that no such recourse to the funds of the Union may be had.

49.9 Despite any other provision of these Rules, a Branch Executive may exercise all powers of a Branch Committee of Management between meetings of that Committee.

General Meeting of Members of a Branch - Financial Reports

49.10 Within any Branch, a general meeting of the members of the Branch may be requested for the purpose of considering the auditor's report, the general purpose report and the operating report of that Branch.

49.11 The general meeting referred to in rule 49.10:-

(i) must be requested in writing delivered to the Branch Secretary; and

(ii) must be signed by a number of members of the Branch who comprise at least 4.5% of the membership of the Branch.

49.12 Upon receiving a valid request conforming with rule 49.11, the Branch Secretary must give all members of the Branch not less than 14 days' notice of the date, time and place of a general meeting of members for the purpose of considering the auditor's report, the general purpose report and the operating report of the Branch.

49.13 The notice referred to in rule 49.12 may be given by correspondence delivered to the members' last held address or may be given by publishing a notice in the Branch's journal.

49.14 At the general meeting the President of the Branch shall preside. All members of the Branch shall be entitled to attend and vote. The agenda shall be limited to the consideration and adoption or otherwise of the auditor's report, the general purpose report and the operating report of that Branch.

49.15 Not less than 4.5% of the membership of the Branch shall form a quorum. The question of adoption or otherwise of the auditor's report, the general purpose report and operating report of that Branch shall be decided by a majority of those members present. In the event of an even vote, the Chair shall have a casting vote.

General Meeting of Members of the Union - Financial Reports

49.16 A general meeting of the members of the Union may be requested for the purpose of considering the auditor's report, the general purpose report and the operating report of the Federal Council.

49.17 The general meeting referred to in rule 49.16: -

(i) must be requested in writing delivered to the Federal Secretary Treasurer; and

(ii) must be signed by a number of members of the Union who comprise at least 4.5% of the membership of the Union.

49.18 Upon receiving a valid request conforming with rule 49.17, the Federal Secretary Treasurer must give all members of the Union not less than 14 days' notice of the date, time and place of the general meeting of members for the purpose of considering the auditor's report, the general purpose report and the operating report of the Federal Council.

49.19 The notice referred to in rule 49.18 may be given by correspondence delivered to the members' last held address or may be given by publishing a notice in a Branch's journal.

49.20 At the general meeting the President of the Federal Council shall preside. All members of the Union shall be entitled to attend and vote. The agenda shall be limited to the consideration and adoption or otherwise of the auditor's report, the general purpose report and the operating report of the Federal Council.

49.21 Not less than 4.5% of the membership of the Union shall form a quorum. The question of adoption or otherwise of the auditor's report, the general purpose report and the operating report of the Federal Council shall be decided by a majority of those members present. In the event of an even vote, the Chair shall have a casting vote.

50 - BRANCH ELECTIONS

Nominations and Elections of Officers

50.1 A ballot shall be conducted not later than the thirty-first day of December, 1969, for such of the following positions as defined in Rule 49: - President, Vice-Presidents, Secretary, Assistant Secretary, Treasurer, Organisers, members of the Branch Committee of Management, Federal Council Delegates and any other positions decided on by the Branch Committee of Management of the Branch, and henceforth such ballot shall be conducted on every fourth year.

Conduct of Elections

50.2 The provisions set out below shall apply to all elections in connection with Branches.

50.3 The method of election shall be by secret postal ballot. A ballot paper, and declaration envelope and prepaid envelope shall be sent by prepaid post to each person entitled to vote and facilities shall be provided for the return of the completed ballot paper by post by the voter without expense to the voter. The declaration envelope and prepaid envelope must conform with the forms prescribed by the Fair Work (Registered Organisations) Regulations.

50.4 When an election is required to be conducted by these rules the Branch Committee of Management shall appoint a Returning Officer, who shall not be the holder of any office in and shall not be an employee of the Union or of any Branch, or section of the Union. If required a Deputy Returning Officer or Officers with the same qualifications as the Returning Officer shall also be appointed.

50.5 The Returning Officer or any Deputy Returning Officer shall not be a candidate in any election and shall be financial members of the Union.

50.6 The Returning Officer shall have the conduct of any election in accordance with these rules.

Duties of Returning Officer

50.7 The Returning Officer shall compile a roll of members eligible to vote pursuant to Rule 10, containing the names and addresses of all such members.

50.8 The Returning Officer shall call for nominations by advertising in at least one metropolitan daily newspaper circulating in each area where a Branch of the Union is established at least fourteen (14) days before the date of closing of nominations, which shall be at a time and place and in a manner fixed by the Returning Officer and mentioned in the advertisement.

50.9 Where, after the closing of nominations, there are more candidates than the number required for any office or position, the Returning Officer shall prepare or cause to be prepared a sufficient number of ballot papers and obtain a certificate as to the number of ballot papers printed.

50.10 The ballot papers shall contain the names of the nominated candidates in the order as they were drawn by lot by the Returning Officer. One ballot paper may contain provisions for voting in respect of more than one election.

50.11 Directions shall be printed on the ballot paper for the voter to place a cross (X) in the square opposite the name of the candidate or candidates to the number required to be elected, for whom the voter desires to vote or in the case of a question or other matter submitted to place a cross (X) in the square opposite the word "Yes" or "No" indicating whether the voter is for or against the question or the matter submitted, and to fold the ballot paper in a manner that conceals the way in which it is marked and to place it in the declaration envelope that is supplied.

50.12 The Returning Officer shall within twenty-one (21) days of the close of nominations forward or cause to be forwarded, by posting by prepaid post to each member eligible to vote at the address shown on the roll, a ballot paper or papers which have been initialled by the Returning Officer or bearing a facsimile of those initials (with a reply paid envelope addressed to the Returning Officer at the address arranged by the Returning Officer as herein provided) enclosed in a sealed envelope bearing an instruction that if it is not delivered to the addressee, it shall be returned to a post office box arranged for that purpose by the Returning Officer. The Returning Officer shall keep a record of the number of ballot papers forwarded to members eligible to vote.

50.13 Where on application before the time of the close of the ballot the Returning Officer is satisfied that a ballot paper issued to a person whose name is on the roll of voters, has not been received or has been lost, destroyed or spoilt, the Returning Officer shall issue to that person a duplicate ballot paper which shall be initialled and marked "duplicate ballot paper". Such application shall be in writing setting out the grounds on which the application is made and declaring that the person has not voted in the election and shall if practicable, be accompanied by any evidence that is available of that non-receipt, loss, destruction or damage.

50.14 For the information of all voters the Returning Officer shall have printed on the ballot paper, the time and date of the close of the ballot which shall be thirty-five (35) days after the date set for the closing of nominations.

50.15 The Returning Officer shall arrange for a suitable post office box for the return of ballots.

50.16 After the closing date, the Returning Officer shall collect the envelopes containing the folded ballot papers from the post office box abovementioned.

50.17 The Returning Officer shall admit ballot papers properly marked to the count and count the votes therein indicated.

50.18 At the conclusion of the count the Returning Officer shall declare the candidate or candidates, as the case may be, receiving the majority of votes elected.

50.19 If more than one (1) candidate receives the same number of votes for an office, the Returning Officer shall determine by lot between the equal candidates and declare such candidate elected.

50.20 If the candidate shall have received a majority of votes or shall have been declared as the only nominee in respect of more than one Office, the Returning Officer shall declare such candidate elected to the most or more important Office in the order of importance selected by the successful candidate, and then proceed to declare (or if necessary conduct and declare) the election of the less important Office or Offices as if such candidate had not been nominated or received votes in respect thereof in accordance with these rules. For the purpose of this rule the order of Office shall be as follows:

> Branch Secretary, Assistant Branch Secretary, Organiser, Branch President, Branch Vice-President, Branch Treasurer, Branch Committee of Management.

50.21 Each candidate for Office pursuant to this rule may appoint a Scrutineer, at the candidate's expense, to represent the Candidate. Any candidate under this rule shall not later than 14 days after the close of nominations notify the Returning Officer of the candidate’s

Scrutineers, in writing the full name and address of the Scrutineer. A Scrutineer so appointed shall be a member eligible to vote pursuant to Rule 10 of these rules.

50.22 The Returning Officer shall ensure that all ballot papers, envelopes, lists and other documents used in connection with, or relevant to, an election are preserved and kept at the Branch Office of the Union for a period of one year after the completion of the election.

Conduct and Duty of Scrutineers

50.23 All Scrutineers shall, so far as is possible, having regard to the time of their appointment, be entitled to observe the return and to inspect the nominations received and observe the form and distribution of ballot papers and receipt of ballot papers upon their return, the checking of votes, the admission and counting of votes, and the conduct and determination of the election by lot, and the declaration of the poll.

50.24 In every case the Scrutineers will observe any act performed or directed by the Returning Officer which may affect the result of an election, and the Returning Officer shall take all reasonable steps, by notification or otherwise, to enable each Scrutineer to exercise this

right, and the matters above specified in this rule shall not be treated as exhaustive as to the right of a Returning Officer, but no election shall be vitiated by reason of the fact that a Scrutineer does not in fact exercise any or all of such rights if the Scrutineer has had reasonable opportunities so to do.

50.25 A Scrutineer shall direct the attention of the Returning Officer to any irregularity in the nomination forms or in the distribution of the ballot papers, the admission of the right of any person to vote, the admission or counting of any ballot papers, or in respect of any other matters to be observed under these rules. A Scrutineer will do all things necessary so that the conduct of the election shall conform to these rules, and so that the secrecy of the ballot shall be preserved.

Voting

50.26 A voter shall not put on the ballot paper or any envelope containing the same, any mark of writing by which the voter can be identified.

50.27 A voter shall indicate the voter's preference on a ballot paper by placing a cross (X) in the square opposite the name of the candidate or candidates, to the number required to be elected for whom the voter desires to vote.

Manner in Which Persons May Become Candidates for Election.

50.28 Subject to these rules, each nomination shall be in writing and shall be signed by at least two financial members of the Union, and the nominee shall consent thereto and authenticate the same by the nominee's signature, which assent may be either upon one nomination paper or otherwise. Candidates shall be financial in accordance with these rules.

50.29 The Returning Officer shall have the right in accordance with these rules to accept or reject such nominations; provided that if the Returning Officer rejects any nomination, the following provisions shall have effect:-

50.29.1 The Returning Officer shall notify the person concerned of the defect in the nomination; and

50.29.2 The Returning Officer shall, where practicable to do so, give the person concerned the opportunity of remedying the defect within seven (7) days after being notified of the defect.

50.30 If the person concerned within such period is able and does in fact remedy the defect in the nomination in accordance with these rules, the Returning Officer shall thereupon accept such nomination.

50.31 Any nomination received by the Returning Officer before the time set down for the opening of nominations or after the time set down for the closing of nominations shall be ruled out as invalid.

50.32 Notwithstanding any provisions contained in these rules, no person shall be entitled in an election held under this rule to nominate for any two of the following positions: Secretary, Assistant Secretary and Organiser.

Conduct of Elections (General)

50.33 If an informality shall occur in the conduct of any election held under these rules, and by reason of such informality any right of any person entitled to nominate a candidate to stand for election or vote at such election, is affected other than in some immaterial respect, then such election and each and every step taken in connection therewith shall be null and void, and another election shall be held under these rules.

50.34 If the number of candidates in any election does not exceed the number of vacancies to be filled, no vote shall be taken, and the candidate or candidates, as the case may be, shall forthwith be declared elected unopposed by the Returning Officer, and immediately upon such declaration assume office in the position for which they are elected.

50.35 Any person elected pursuant to these rules to fill an interim vacancy shall be designated by the word "Acting" preceding the office to which he or she is elected for the remainder of the term.

50.36 In addition to the powers in these rules the Returning Officer shall take such actions and give such directions as are reasonably necessary in order to ensure that no irregularities occur in or in connection with any election, and in order to remedy any defects, and no person shall refuse or fail to comply with any such direction, obstruct, or hinder the Returning Officer or any other person in the conduct of the election or of the taking of any such action.

50.37 Only members of the Union eligible to vote pursuant to Rule 10 shall be entitled to exercise a vote at any election.

50.38 The Returning Officer shall within 14 days after the conclusion of the count declare the result of the election by forthwith forwarding or delivering to the Secretary a certificate under the Returning Officer's hand certifying the names of the successful candidates and the positions to which they are respectively elected.

51 - CASUAL VACANCIES (BRANCH OFFICERS)

Casual Vacancies Filled By Appointment

51.1 Where a casual vacancy occurs in any branch office it may be filled by appointment by the Branch Committee of Management of the Branch provided that: -

(i) The unexpired term of the original office does not exceed 12 months; or

(ii) the unexpired term of the original office does not exceed three-quarters of the original term of office;

whichever is the greater.

51.2 Where a casual vacancy in any branch office is filled by appointment pursuant to sub-rule 51.1, it shall be filled by a member who, at the time of appointment, has been a member of the Union for a period of at least 12 months and a financial member of a Branch.

51.3 Any person appointed to fill a casual vacancy shall hold office until the office is filled by the next ordinary election conducted pursuant to rule 50.

Casual Vacancies Filled By Election

51.4 In circumstances where a casual vacancy may not be filled pursuant to sub-rule 19.1, a ballot shall be conducted in accordance with rule 50 to fill the casual vacancy.

51.5 Any person elected to fill a casual vacancy shall hold office until the office is filled by the next ordinary election conducted pursuant to rule 50.

52 - DUTIES OF BRANCH OFFICERS

Branch President

The Branch President shall:

52.1 preside over all Meetings of the Branch, preserve due order and decorum, and impartially administer the rules of the Branch, and also see that resolutions carried at such meetings are carried into effect;

52.2 enforce the payment of fines inflicted by the Branch;

52.3 have a deliberative as well as casting vote;

52.4 sign all money orders, cheques and vouchers if required by the Branch;

52.5 organise for the Branch if so decided by the Branch Committee of Management;

52.6 be an ex-officio member on all Committees.

Branch Vice-President

The Branch Vice-President shall:

52.7 In the absence of the President, take the chair, and thereupon shall have and exercise all the powers of the President;

52.8 In ordinary cases the Vice President shall assist the President in maintaining order at the meetings of the Branch.

Branch Secretary

52.9 The Branch Secretary shall be a person qualified to carry on the clerical business of the Branch.

The Branch Secretary shall-

52.10 Attend all meetings, take note of all necessary proceedings, sign documents and money orders to which the Secretary’s signature is requisite, and countersign all cash accounts on behalf of the Branch.

52.11 Receive all contributions, levies, fines and dues payable by members within the jurisdiction of the Branch, and bank same to the credit of the Branch in an accredited bank account within Australia.

52.12 Keep or cause to have kept a cash book and record of Branch expenditure, and produce at the end of every six months, or when called upon by the Auditor, all books, documents and accounts to the Auditor.

52.13 Pay all accounts by cheque or electronic funds transfer. Cheques shall be signed by the Secretary, Assistant Secretary, Treasurer or President as may be decided by the Branch.

52.14 Peruse and answer all correspondence, and make out the half-yearly returns of the Branch up to the end of June and December in each year.

52.15 Be an ex-officio member of all Committees.

52.16 Keep a register of all members resident in the Branch.

52.17 Forward to the Federal Secretary Treasurer once at least in six months all moneys payable to the Federal Council, together with a full statement showing the details of all moneys forwarded.

52.18 Employ the necessary office staff to assist in the Secretary's duties, such employees to work under the direct supervision of the Secretary.

52.19 The salary of the Branch Secretary shall be fixed by the Branch Committee of Management or by an independent Arbitrator, who may be a Conciliation Commissioner and shall be paid weekly.

Organisers

52.20 Prior to the commencement of each periodic election of Branch officers the Committee of Management shall determine the number of organisers to be elected in such elections pursuant to rule 47.

52.21 Subject to this rule all elected organisers shall be employed on a full-time or part-time basis by the Branch.

52.22 The Branch Committee of Management may at any time decide to employ an organiser or organisers in addition to the elected organisers provided that the Branch Committee of Management is satisfied that the employment of such additional organiser or organisers is necessary for the effective conduct of the Branch. The appointment of any such organiser or organisers may be terminated by the Branch Committee of Management upon 28 days' notice being given, or greater period as prescribed by the National Employment Standards.

52.23 Despite anything in these rules, the Branch Committee of Management may, at any time after the expiration of twelve months following the last periodic election of branch officers, determine that the number of organisers (including elected organisers) to be employed by the Branch shall be decreased. In any such event the following provisions shall apply, namely:-

52.23.1 At all times elected organisers shall have preference of employment over non-elected organisers and no elected organiser shall be terminated pursuant to this rule whilst a non-elected organiser remains employed by the Branch.

52.23.2 In the event of it becoming necessary to terminate the employment of one or more elected organisers selection for termination shall be effected by the Branch Committee of Management having due regard to the Branch's organizing requirements and only after giving those organisers potentially affected by the decision a reasonable opportunity to be consulted and heard before any decision is made to terminate.

52.23.3 Should it be necessary to re-employ any organiser/s before the next quadrennial election, re-employment shall be from those organiser/s who have been terminated, and in the event that no organiser takes up such re-employment the Branch shall appoint an organiser pursuant to sub-rule 52.22.

52.24 Nothing in this sub-rule shall operate in any way to affect the membership of a Branch Committee of Management of an elected organiser provided for in Rule 47 of the rules.

52.25 Nothing in this sub-rule is intended to affect the operation of Rule 52.5 of these rules.

52.26 The word "organiser" where appearing in this sub-rule shall be taken to include any person employed to perform the duties of an organiser, whether such person is designated as a field officer, Assistant to the Secretary, or otherwise.

52.27 Nothing in this Rule shall limit the power of a Branch Committee of Management to terminate the employment of an organiser for misconduct as defined in Rules 35 and 54.

Duties of Organisers

52.28 In carrying out their employment, employed Organisers shall be under the direct supervision of the Branch Secretary, who shall be subject to the direction of the Branch Committee of Management of the Branch, and such Organisers shall carry out such duties as are allotted to them.

52.29 They shall report to the Branch Secretary each day, unless otherwise directed, and shall pay in all moneys collected at regular intervals.

52.30 They shall attend all meetings and give information and advice when required to do so on all matters arising out of their respective duties.

52.31 They shall be paid such salary weekly as may be fixed by the Branch Committee of Management or by an independent Arbitrator, who may be a Conciliation Commissioner.

Branch President and Branch Secretary

52.32 The Branch President and Secretary shall be responsible, subject to the directions of the Branch Committee of Management, for the safe custody of the documents and securities of the Branch and of the accumulated funds of the Branch, which documents, securities and funds shall be deposited by the Treasurer in their names in the Bank on behalf of the Branch. The Branch President and Secretary may invest any accumulated funds in

securities allowed by law as the Branch Committee of Management may direct, such direction to be given at a meeting of the Branch Committee of Management of which two weeks' notice shall be given.

Duty of Assistant Secretary

52.33 The Assistant Secretary shall be under the direct supervision of the Branch Secretary, who shall be subject to the direction of the Branch Committee of Management of the Branch, and such Assistant Secretary shall carry out such duties as are allotted to the Assistant Secretary.

52.34 The Assistant Secretary shall report to the Branch Secretary each day, unless otherwise directed, and shall pay in all moneys collected at regular intervals.

52.35 The Assistant Secretary shall attend all meetings and give information and advice when required to do so on all matters arising from the Assistant Secretary's duties.

52.36 The Assistant Secretary shall be paid such salary, weekly, as may be fixed by the Branch Committee of Management or by an independent Arbitrator, who may be a Conciliation Commissioner.

52A - DISCLOSURE OF A BRANCH OFFICER'S RELEVANT REMUNERATION AND NON-CASH BENEFITS

52A.1 The Secretary of each Branch of the Union must cause to be disclosed to the members of the branch:

52A.1.1 the identity of the officers who are the two highest paid in terms of relevant remuneration for the disclosure period; and

52A.1.2 for each of those officers:

(i) the actual amount of the officers' relevant remuneration for the disclosure period; and

(ii) either the value of the officers' relevant non-cash benefits, or the form of the officers' non-cash benefits, for the disclosure period.

52A.2 For the purposes of sub-rule 52A.1, the disclosure shall be:

52A.2.1 made in relation to each financial year;

52A.2.2 made within six months after the end of the financial year; and

52A.2.3 provided in writing to members of the Union in the same manner, and at the same time as, the Union provides it members with its auditors report, general purpose financial report, and operating report.

52A.2 For the purposes of sub-rule 52A.1, the disclosure shall be:

52A.2.1 made in relation to each financial year;

52A.2.2 made within six months after the end of the financial year; and

52A.2.3 provided in writing to members of the Union in the same manner, and at the same time as, the Union provides its members with its auditor's report, general purpose financial report, and operating report.

52A.3 For the purposes of this rule, the term "officer" has the same meaning as defined by section 6 of the Fair Work (Registered Organisations) Act 2009.

52B - DISCLOSURE BY BRANCHES OF PAYMENTS

52B.1 The Secretary of each Branch shall cause to be disclosed to the members of that branch either

52B.1.1 each payment made by the branch during the disclosure period

(i) to a related party of the branch; or

(ii) to a declared person or body of the branch; or

52B.1.2 the total of the payments made by the branch, during the disclosure period:

(i) to each related party of the branch; or

(ii) to each declared person or body of a branch.

52B.2A Sub-rule 52B.1 does not apply to a payment made to a related party if:

(a) the related party is an officer of the organisation (or a branch of an organisation); and

(b) the payment:

(i) consists of remuneration paid to the officer by the organisation or the branch (as the case may be); or

(ii) is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.

52B.2 Sub-rule 52B.1does not apply to a payment made to a related party if the payment consists of amounts deducted by the Union from remuneration payable to officers or employees of the Union.

52B.3 For the purposes of sub-rule 52B.1, the disclosures shall be made

52B.3.1 in relation to each financial year

52B.3.2 within six months after the end of the financial year; and

52B.3.3 in writing and provided to members of the branch in the same manner, and at the same time as, the branch provides its members with its auditor's report, general purpose financial report, and operating report

52B.4 For the purposes of this rule, the term "officer" has the same meaning as defined by section 6 of the *Fair Work (Registered Organisations) Act 2009*.

53 - DELEGATES

53.1 Shall perform and carry out the following duties:-

53.2 Approach non-members and canvass them about the benefits of becoming a member.

53.3 Collect fines, fees, levies, dues or contributions from members.

53.4 Pay the same to the Branch Secretary or person authorised to collect.

53.5 Watch over the general interests of the Branch and report to the Branch Secretary or authorised person any infringements of the rules.

53.6 Give printed receipts for all moneys received. A receipt book to be supplied to them by the Branch Secretary.

53.7 Pay all moneys received to the Branch Secretary or authorised person at least once a fortnight, who shall countersign book.

53.8 Receive not more than 10 per cent on all contributions personally collected.

53.9 Each Delegate shall perform the above duties in respect of all members working in the particular city, town or district, factory or department for which the delegate has been elected.

53.10 Each Delegate shall be supplied by the Secretary with copies of all Awards, Wages Board Determinations or Agreements required.

53.11 The Branch Committee of Management of any Branch shall have the power to reject the right of any Delegate collecting funds for the Union.

53.12 Delegates shall sign for all receipt books and/or ticket books and be responsible for same.

54 - CONTROL OF OFFICERS, BRANCH COMMITTEE OF MANAGEMENT

54.1 The Branch Committee of Management may remove from office any Branch Officer, Branch Delegate to the Federal Council, Branch member of the Federal Executive, member of the Branch Committee of Management of the Branch on the grounds that the person concerned is found guilty of:-

54.1.1 misappropriation of the funds of the Union; or

54.1.2 a substantial breach of these rules; or

54.1.3 gross misbehaviour or gross neglect of duty; or

54.1.4 In the case of a member of a Branch Committee of Management, the officer has failed without reasonable excuse to attend three consecutive meetings of the Branch Committee of Management that they are a member of; or

54.1.5 the person has ceased, according to these rules to be eligible to hold office.

54.2 A person charged pursuant to this rule shall be summoned to a meeting of the Branch Committee of Management in writing signed by the Branch Secretary to show cause why the person should not be so removed.

54.3 When any person is removed from office pursuant to this rule the provisions of rule 51 shall be applied to fill the casual vacancy.

54.4 Any person who is removed from office pursuant to this rule shall have the right of appeal to the Federal Council against such removal. The appeal must be instituted in writing to the Federal Secretary Treasurer within fourteen days from the date of formal notification of the removal.

54.5 Should the appeal be upheld the person concerned shall be reinstated and in the case of a paid officer, without loss of pay for the time lost between the person's removal and reinstatement.

54.6 The decision by the Federal Council shall be final.

54.7 An appeal under this rule shall be heard within one month from the date the appeal is lodged with the Federal Secretary Treasurer and a decision given within two weeks from the date on which the hearing concluded.

54.8 An appeal to Federal Council shall not operate as a stay of any action taken by the Branch Committee of Management.

54.9 An appeal to Federal Council may be decided by postal ballot on written submissions communicated to the members of the Federal Council.

54.10 In the event of the appeal being upheld by the Federal Council the person filling the position of the appellant shall vacate such position forthwith from the date of the decision of the Federal Council upholding the appeal and the appellant shall forthwith resume such position.

55 – APPROVED AUDITOR

Each Branch Committee of Management shall annually appoint a competent person as required by the *Fair Work (Registered Organisations) Act 2009* and such auditor shall ensure that the requirements of the Act and Regulations relating to audits are carried out.

56 - SHOP COMMITTEE

56.1 Shop Committees may be elected wherever practicable in establishments where members of the Union are employed. Such Shop Committees shall consist of a President, Honorary Secretary and Departmental Delegates.

56.2 The Shop Committee shall deal with all disputes or grievances of members that cannot be settled by the Departmental Delegates. The Committee shall endeavour to resolve these disputes with the employer.

56.3 The Shop Committee of any given works shall have full power to negotiate with the employer with a view to improving conditions of such works by any means the Committee may think the situation warrants, but when they think the position may involve any other works, they must seek the advice of the Branch Secretary.

56.4 A copy of all resolutions carried affecting working agreements must be admitted to the Branch Committee of Management for endorsement or otherwise.

56.5 In the event of a dispute occurring at any works, the Secretary of the Shop Committee shall immediately notify the Branch Secretary.

56.6 The members employed in any part of the works shall not take action resulting in a stoppage of work before the matters in dispute have been dealt with by the Shop Committee.

56.7 The Shop Committee shall not take action involving the whole of the members employed before a mass meeting has decided what action is necessary.

56.8 No member or delegate shall interview the employer in reference to a dispute without the consent of the Shop Committee.

56.9 Nothing contained in these rules shall prevent members of a Shop Committee in any establishment from combining with representatives of other Unions employed in that establishment, to form combined Shop Committees.

57 - DISORDERLY BEHAVIOUR

The President, Vice-President or Chairperson may order any member to leave who enters any Union meeting intoxicated or who interrupts or interferes with any officer in the discharge of the officer's duty.

58 - STANDING ORDERS RULE

58.1 The business of each meeting of a Branch and Branch Committee of Management shall be transacted in the following rotation:-

Reading and confirmation of minutes.

Admission of new members.

Correspondence.

Accounts.

Committee's report.

Reports.

General business.

58.2 No motion or amendment shall be entertained or discussed until it has been seconded. A member seconding a resolution shall not be deemed to have spoken.

58.3 All amendments shall be considered and put before the original motion.

58.4 On a member rising during discussion to a point of order, the speaker shall sit down, and the member so rising shall state the point of order and the President shall rule upon the point.

58.5 Every member when about to speak shall rise and address the President and shall act in a respectful manner towards the meeting. Seven financial members may claim an open division on any question. No more than two members shall speak in succession on one side, either for or against any question before the meeting, and if at the conclusion of the speaker's remarks no member rises to speak on the other side, the motion or amendment shall be at once put to the meeting.

58.6 No member shall be allowed to speak more than once and not longer than ten minutes, but this rule shall not apply to the mover of the original motion, who shall have the right to reply. No speaker shall occupy a longer period than five minutes in reply. No further discussion shall take place after the mover has replied.

58.7 Members shall confine themselves to the question under debate, and avoid all personalities and indecorous or abusive language. No member shall be allowed to enter or exit during the reading of the minutes or during a division.

58.8 All resolutions passed and other business transacted by each meeting of a Branch Committee of Management shall be recorded by the keeping of minutes. Minutes may be made and kept electronically.

END OF RULES

Fair Work Commission

Matter: Application for consent to the alteration of the eligibility rules of an organisation

Pursuant to: *Fair Work (Registered Organisations) Act 2009*, s.158
Fair Work (Registered Organisations) Regulations 2009, reg. 121

ATTACHMENT C

ATTACHMENT C

Statutory Declaration

Fair Work (Registered Organisations) Act 2009

Fair Work (Registered Organisations) Regulations 2009 – regulation 121

I, Graham Smith of 227 Henley Beach Road, Torrensville, in the State of South Australia, Union Official do solemnly and sincerely declare:

1. I am the Federal Secretary Treasurer of the Australasian Meat Industry Employees' Union (**AMIEU**) and I am authorised to make this declaration.
2. I make this declaration in support of the Form F68 Application for consent to the alteration of the eligibility rules of an organisation (**Form F68 Application**).

Power to alter the Rules of the AMIEU

3. Rule 39 of the Rules of the AMIEU:
    a. provide that rules may be altered or rescinded or new rules made by the AMIEU Federal Council, and
    b. describe the process to be followed.
4. Subrule 13.1 provides that the AMIEU Federal Council is comprised of twenty-one (21) elected Federal Councillors.
5. Subrule 13.3 provides that the AMIEU Federal Council is scheduled to meet biennially.
6. The AMIEU Federal Council meeting to which this application relates took place in September 2018 in Darwin.

Who proposed the rule alteration?

7. I submitted a discussion paper to the AMIEU Federal Executive, ahead of the scheduled 13 June 2018 meeting in Brisbane, concerning the proposed amendment to the Rules of the AMIEU.
8. The AMIEU Federal Executive is comprised of the Branch Secretaries from each of the six (6) AMIEU state branches, the Assistant-Secretary of the South and Western Australian Branch and I. In total, there are eight (8) members of the AMIEU Federal Executive.
9. The discussion paper was debated and the AMIEU Federal Executive unanimously resolved to recommend a rule change to the next AMIEU Federal Council meeting.

Were these proposed alterations submitted to the Federal Secretary Treasurer?

10. Subrule 39.2 provides that proposals for the alteration of the rules can be made by the AMIEU Federal Executive and submitted to me. I confirm that this occurred and I ensured that the item was placed on the agenda for consideration of the AMIEU Federal Council

Did the Branch Committees of Management receive notification of the proposal?

11. In accordance with Subrule 39.2 of the rules of the AMIEU, I caused notice of the proposed rule change to be provided to all Branch Committees of Management including:

    a. by issuing the discussion paper to the AMIEU Federal Executive for distribution ahead of the June 2018 meeting,

    b. providing minutes (which included the discussion about the proposed alteration) arising from the June 2018 meeting to all AMIEU Branches, and

    c. by way of discussions at the meeting of the AMIEU Federal Council and minutes arising therefrom.

Meeting of the AMIEU Federal Council

12. The meeting of the AMIEU Federal Council was attended by representatives from all branches of the AMIEU and at all times maintained a quorum within the requirements of the Rules of the AMIEU.

13. Debate on the proposed rule change took place on Thursday 13 September 2018. Amendments to the proposed rule change were discussed. Amendments are permissible pursuant to Subrule 39.4.

14. The AMIEU Federal Council unanimously endorsed the following motion approving a change to the Rules of the AMIEU:

    That sub-rule 4.1 be amended from:

    > *4.1 the Butchering and Meat Industry, Refrigerating Industry, or in any kindred industry handling the products of the Meat Industry, in the Commonwealth; and*

    to:

    > *4.1 the Butchering and Meat Industry, Refrigerating Industry, or in any kindred industry handling or processing the products of the Meat Industry or of Meat (being defined as any product derived from tissue), in the Commonwealth; and*

15. I subsequently caused notice to be provided to all branch Committees of Management containing a consolidated copy of all proposed rule changes arising from the Federal Council meeting.

16. Notice of the proposed rule changes has also been placed on the AMIEU federal website, accessible here: https://amieu.asn.au/2013-federal-rule-changes/

Were the alterations made in accordance with the Rules? (Sub-regulations 121(2)(c)(i) and (ii) of the *Fair Work (Registered Organisations) Regulations 2009*)

17. On the basis of the foregoing, I declare that the alteration has been made in accordance with the Rules of the AMIEU.

Facts stated in the application (sub-regulation 121(2)(c)(iii) of the *Fair Work (Registered Organisations) Regulations 2009*)

18. I declare that the facts stated in the Form F68 Application including the particulars in "ATTACHMENT A – PARTICULARS OF ALTERATION" are true and correct to best of my knowledge and belief.

Website

19. The Form F68 Application and its attachments, including this Declaration, will be made available on the AMIEU's website as soon as practicable after filing.

Particulars

20. The particulars set out in this declaration are true and correct to best of my knowledge and belief.

DECLARED at Torrensville on this 5th day of June 2019

DEPONENT

BEFORE ME:

Authorised witness

Kristen Janelle Rogers LLB/LP BBSc
A Commissioner for taking affidavits in the Supreme Court of South Australia