

## **AMALGAMATED AWU (SA) STATE UNION**

### **1 - NAME**

- (1) The name of the Association shall be “Amalgamated AWU (SA) State Union”.
- (2) The Association incorporates by way of amalgamation the former Australian Workers' Union (S.A. Branch), the Amalgamated Society of Carpenters and Joiners of Australia (South Australian Branch), the Federated Ironworkers' Association of Australia (Adelaide Branch) and the Australasian Society of Engineers (South Australian Branch) (“the former associations”).

### **2 - REGISTERED OFFICE**

The Registered Office of the Association shall be at 22-24 Main Street Mawson Lakes South Australia, or such other place as the Executive may from time to time decide. The registered office of the Association shall be open to the public on weekdays between the hours of 9.00am and 5.00pm.

### **3 - PROPER OFFICER**

The Secretary of the Association shall be the proper officer of the Association and shall have power and authority to sue on behalf of the Association and/or its members in all Courts and Tribunals.

### **4 - OBJECTS**

The Objects of the Association are:

- (1) To uphold the right of combination of labour, and to improve, protect and foster the best interests of its members, and to assist them to obtain their rights under industrial and social legislation.
- (2) To regulate and protect the conditions of labour, the relations between workers and between workers and employers. To regulate conditions on the conduct of the trade, business, or industry of the members.
- (3) To promote the general and material welfare of the members.
- (4) To provide legal assistance in defence of members' rights where deemed necessary.
- (5) To endeavour by political action to secure social justice.
- (6) To establish and maintain a union newspaper.
- (7) To establish One Big Union for Australian workers;

- (8) To uphold the authority of constitutional government and the Constitution of the Commonwealth of Australia and the States and to oppose the growth of doctrines and groups or organisations of persons incorporated or unincorporated which in the opinion of the Executive advocate, assist or encourage the overthrow by force or violence of the established Government of the Commonwealth of Australia or of a State or of any civilised country or of organised government.
- (9) To affiliate to, or federate with, or amalgamate with, any trade or industrial Union or association, or association of trade unions or any other organisation having objects similar in whole or in part to the objects of this Association. To establish joint organisation and joint finances with other trade unions as a step towards amalgamation.
- (10) To establish a fund for the assistance and support of trade unionists and to carry out the foregoing objects.
- (11) To assist in the establishment and maintenance of Labour and Trades Association newspapers and electronic media facilities and to invest in shares in such newspapers and electronic media facilities.
- (12) To constitute, conduct, carry on and manage clubs in the interests of members.
- (13) To pay affiliation fees to and assist financially or otherwise any bona fide Labor or Trade Association Organisation or Association.
- (14) To purchase, take on lease, hold, sell, lease, mortgage, exchange, and otherwise own, possess and deal with any real or personal property for or towards the attainment of any of the objects of the Association.
- (15) To enter into contracts and agreements for the purpose of furthering directly or indirectly any one of these objects.
- (16) To raise money by contributions, levies, and commercial investments for the purpose of carrying out the objects of the Association.
- (17) To provide superannuation or retirement benefits for Officers and employees of the Association.
- (18) To establish funeral and other benefit funds and/or to pay a funeral donation upon the death of a financial member.
- (19) To establish branches of the Association within the said State.
- (20) To assist the federal organisation known as the AWU or its South Australian branch or branches in a manner consistent with the advancement of the industrial and social interests of the members of the Association.
- (21) To contribute financially and otherwise to political objects, so as to bring about the election of Federal and State Labor Governments.

- (22) To protect the trade objects of members by any legal method.
- (23) To survey all members and potential members as to matters of interest and concern either industrially, politically or socially.
- (24) To inform members and potential members of matters of interest and concern industrially, socially and politically.
- (25) To assist members with personal injury, workers' compensation and health insurance.
- (26) To assist members in obtaining reasonable credit facilities.
- (27) To assist members in obtaining discounted consumer items.
- (28) To assist members with both trade union and vocational training.
- (29) To develop recreational and holiday facilities for members.
- (30) Generally to improve the conditions and promote the interests of members of the Association industrially, politically and socially and to do all such things which may lawfully be done to attain these objects.
- (31) To engage persons for the purpose of furthering directly or indirectly any one or more of these objects.
- (32) To act as agent for members of the Association in all negotiations and transactions concerning their employment.
- (33) To obtain and maintain by any legitimate means the principle of recognising 30 hours as a week's labour.
- (34) To defray the expenses incurred by the Association in the celebration of the Eight or Six Hours' Anniversary.
- (35) To defray all legitimate expenses incurred in connection with interstate conferences when this Association is represented.
- (36) To obtain and maintain fair wages, hours of work, and conditions of employment for members.
- (37) To promote industrial peace and efficiency.
- (38) To foster cooperation and inculcate harmonious relations between members.
- (39) To secure redress for any grievances to which members or any of them may become subject.
- (40) To secure preferences of employment to members.

- (41) To render legal assistance to members to enforce their rights under any law relating to industrial arbitration or compensation for illness or injuries.
- (42) To assist members in distress.
- (43) To provide for assistance, legal or otherwise, for the conduct of negotiations or proceedings for the attainment of any of the purposes of the Association.
- (44) To invest funds in securities or projects authorised by law.
- (45) To uphold, maintain and apply the principles of conciliation and arbitration in the settlement of industrial disputes and in the attainment of any and all of the purposes of the Association.
- (46) To undertake and do all such other acts and things as may be incidental or conducive to any of the foregoing objects.

## **5 - ELIGIBILITY FOR MEMBERSHIP**

### **PART A - AWU**

Without limiting the generality of any other sub-rules hereof or being limited in any way by them, all bona fide workers engaged in any of the following industries or callings shall be eligible for membership of the Association:

Pastoral; agricultural; grain threshing; grain handling including lumping; horticultural, viticultural; dairying fruit growing; sugar growing, cane cutting; milling and refining; rabbit trapping; timber and saw milling; meat preserving and meat trade generally; construction or maintenance of roads, foot paths, aerodromes, bridges, reservoirs, lock, drains, dams, weirs, channels, tunnels, water and sewerage; railways construction work including the construction maintenance and repair of railway lines, railway yards, railway sheds and railway sidings; excavating of earth and earthworks and driving of machines and vehicles for moving earth; metalliferous mining, smelting, reducing and refining of ores; quarrying, winning, crushing and treatment of stone, slate, gravel, sand, clay, sillimanite or other minerals or metals; manufacture treatment and handling of lime, cement or charcoal; manufacture of cement bricks, cement blocks or roofing tiles and all work incidental thereto; scraping, treatment and handling of salt and gypsum; land surveying; land drainage; fish cleaning; net making and general labour in connection with fish trawling; manufacture of re-enforced concrete pipes and the lining of pipes; manufacture of copper bars, rods and wire; shunting and work incidental thereto; transshipping and loading and unloading of goods and livestock at railway yards; construction and maintenance of race-courses, tennis courts, bowling greens, gardens, cemeteries, ovals, school grounds or play grounds; works and undertakings carried out by or on behalf of any Local Governing body; glazing, lining, varnishing, lacquering, painting, graining, enamelling, marbling, gliding, scrollwork, or sign writing or ships or buildings at the ship yards at Whyalla or on any building or structure owned or leased by the Broken Hill Proprietary Company Limited; the construction maintenance and conduct

of the Commonwealth Railways; all kinds of general labour; all employees in the brick-making, tile-making, pottery making and earthenware industries; persons employed in or about the Newcastle Iron and Steel Works, or any works directly subsidiary thereto or in any quarry or mine other than industrial establishment where the work done is wholly or mainly the supply of materials incidental to the manufacture of iron and steel at the Newcastle Iron and Steel Works, other than those employees who are engaged as foremen or staff employees; and all persons appointed or elected officers of the Association.

## **PART B - FIA**

- (1) Without limiting the generality of the foregoing or being limited in any way by the foregoing, membership of the Association shall be open to the following classes of employees who reside or work in the territory of South Australia south of a line drawn by extending the northern boundary of the township of Clare across to the eastern and western boundaries of the State parallel with the line representing the 34th parallel of latitude (hereinafter referred to as the said territory):
  - (a) All assistants and all labourers, general or special engaged in connection with the work of boilermakers, blacksmith, engineers, (including electrical engineers) moulders, coppersmiths, sheet ironworkers, plumbers, spring makers, electricians, motor mechanics, and any other mechanics engaged in iron steel and metal industries.
  - (b) Dressers, grinders, drillers on stationary machines, furnacement, (including forge furnacement). Pipe moulders, tool storemen, and labourers, general or special, engaged in the iron, steel, and metal industries, or engaged in the cast-iron-pip-making industry, steel locking bar pipe industry, riggers, and scaffolders, (other than riggers on ships and riggers and scaffolders employed in ship yards, dock yards, and in building operations). Machinist (excepting operators of punching, shearing, riveting, rolling, bending, angle or plate straightening, nipping and notching machines, and smithing machines) and all assistants to mechanics, labourers general or special employed in constructional shops, and persons engaged in or assisting in the production of plastic moulded parts or in extruding rolling and production generally of brass, copper and lead sections, angles and ingots.
  - (c) Machinists engaged in the steel locking-bar pipe-making industry, all persons employed in machine horse-shoe-making industry, reinforced steel industry carried out in workshops, factory, or foundry, iron and steel rolling industry, men employed in the manufacture of galvanised iron.
  - (d) Persons engaged in a repetition or specialised process for the production of or assembling of machine parts or metallic articles. Persons engaged in the assembling of motor chasses, bumper bars, motor accessories and the like, the employees including labourers engaged as assistants in the manufacture of such articles and/or accessories and the like, excepting assemblers of engines, engineers, fitters, turners, planers, shapers, slotters, millers, and motor mechanics. Operators of metal spraying machines and labourers employed directly or

indirectly as assisting such workers. All employees other than tradesmen engaged in the erection of television antennae.

- (e) All classes of employees which are referred to in the preceding paragraphs, (a), (b), (c), (d) engaged in or in connection with the industries of ship building and ship repairing or engaged in or in connection with the work of foundries.

And the following shall also be members of the Association, viz: such persons whether or not employees in the industries in which the classes of persons referred to in the preceding paragraphs (a), (b), (c), (d) and (e) are employees as have been appointed officers of the Association and admitted as members thereof.

The classes of persons referred to in paragraphs (a) to (e) inclusive, shall be exclusive of any boilermakers, blacksmith, engineer, electrician, coppersmith, sheet-iron workers, tin-smith, canister making sheet metal worker, plumber or spring maker.

- (f) All persons employed to assist and facilitate the work of engineering, electrical and other metal tradesmen in the performance of work for which such tradesmen or either technical supervisors are responsible, notwithstanding that their work includes hoisting, lowering, fleeting, whether by block and tackle or by other means, tools equipment, machinery or other articles or material in connection with the work of such tradesmen in ship-yards and dock-yards or on ship or between ship and shipyard and dockyard. This paragraph shall apply notwithstanding any other provision of this rule, but shall not by implication affect the construction of the other provisions of this rule.
- (g) Employed or usually employed in any establishment wholly or partly engaged in or connected with the manufacture, preparation and storage (or any of them) of bone dust, and other artificial manures and fertilisers (and any of them), and of acids, alkalis and chemicals of all kinds whether in liquid solid or gaseous form (or any of them), and work incidental thereto AND of persons employed in any type of labour in and around such establishment whose employment is incidental to the proper carrying out of the foregoing manufacture preparation and storage (or any of them).

- (2) Membership of the Association shall be open to all persons who reside or work in the State of South Australia and who are employed or usually employed as moulders and/or coremakers, or apprenticed, or juniors and engaged in any class of moulding and/or coremaking for the production of castings from molten metal of any kind, or making moulds for any other materials in any industry or branch of any industry.

- (3) The following persons shall be eligible for membership of the Association:-

- (a) All persons both male and female, employed in any capacity whatsoever (excepting as to clerks, transport workers and all persons engaged in the manufacture and maintenance of plant and equipment) by any persons, firm or company engaged solely or mainly in the brush making industry.

- (b) Such other persons, if any, whether coming within the above category or not as have been appointed officers of the Association and admitted as members thereof.

### **PART C - ASE**

Without limiting the generality of the foregoing or being limited in any way by the foregoing, persons engaged in any of the following trades or branches of trades shall be eligible for membership of the Association:

- (a) Engineers, fitters, Turners, Water Meter Fitters, Tool and Gauge Makers, Die Sinkers Mechanical and/or Scientific Instrument Makers, Scale Makers and Adjusters, Safe Makers, Pipe Fitters, Motor Mechanics, and Tuners and testers, cycle and Motor Cycle Mechanics, Typewriter Mechanics, Pattern makers, Coppersmiths, Brassfinishers, (Engineering and General) Forgers, Forge Furnacemen, Blacksmiths, Shipsmiths, Angle-Ironsmiths, Springsmiths, Oliver-Smiths, Spring Fitters, Autogenous Welders, Oxy-Acetylene Cutters, Locksmiths, Mechanical Draughtsmen, Millwrights, Iron and Steel Rollers, Electrical Fitters, Electrical Mechanics and Wiremen, Machine Makers, Milling Machinists, Planers, Slotters, Borers, Shapers, Drillers, Polishers, Grinders and Lappers, Bolt and Nut Machinists, Agricultural Implement Makers, and any other Machine Men or Mechanics employed in the Engineering, Locomotive, Shipbuilding, Rolling Stock, Aircraft and Iron Trades, including employees engaged in the occupation of Tube Manufacturing and all work incidental thereto, or in any other industry, and the paid officials of the Association.
- (b) Smiths' strikers and mechanics' assistants or groups of strikers and assistants engaged in any of the above trades deciding to amalgamate with or join this Association shall be admitted upon such terms as shall be agreed upon by the Executive and consistent with the Rules of the Association, so long as it is not antagonistic to any other Trade Union dealing solely with that class of worker and operating in the immediate locality.

### **PART D - CARPENTERS AND JOINERS**

Without limiting the generality of the foregoing or being limited in any way by the foregoing, membership of the Association shall be open to any person;

- (a) employed in, usually employed in or qualified to be and desirous of being employed in or seeking to be employed in or in connection with the industry or industries, and/or occupation, and/or calling, and/or vocations, and/or industrial pursuits of: and/or
- (b) who, otherwise than as employees or employers, follow an occupation in or in connection with the industry or industries of: and/or
- (c) who, otherwise than as employees, are engaged in the industrial pursuit or pursuits of Carpenters and/or Joiners including, Ships Carpenters and/or Joiners, together with such other persons whether employees in the industry or not as have been elected or appointed officers of the Association and admitted as members thereof.

**6 - SEAL**

The common seal of the Association shall be kept in the custody of the Secretary. The seal shall not be affixed to any instrument without the authority of the Executive, and when so affixed shall be accompanied by the signatures of the President or one of the Vice-Presidents and of the Secretary.

**7 - ADMISSION TO MEMBERSHIP**

- (a) Application for membership in the Association may be made in the following manner;
  - (i) the signing of an application form approved by the Executive and/or the signing of a payroll deduction authority approved by the Executive;
  - (ii) the payment of the annual contribution as prescribed in Rule 8;
  - (iii) the payment of such part of the annual contribution as is approved by the Executive from time to time;
  - (iv) the submission to the Executive by the Secretary of the name of the applicant;
- (b) Any person having made application for membership as prescribed in sub-clause (a) of this Rule shall be admitted to membership of the Association unless rejected by the Executive; when the Executive rejects an application the applicant shall be notified in writing of the rejection and given an opportunity to correct.
- (c) Membership contribution shall become due and payable on the day the applicant is admitted to membership.
- (d) Any person who has been admitted to membership in accordance with this Rule may be required, by notice in writing, given at any time to such person by the Executive on any date stated in such notice, not being less than 28 days after the date of posting or delivery of such notice, to give evidence satisfactory to the Executive that such person:
  - (i) was at the time of being admitted to membership eligible to become a member; and/or
  - (ii) is employed or is seeking employment in the industry in connection with which the Association is registered and in respect of such employment is entitled to membership of the Association pursuant to Rule 5.

In default of such evidence, the Executive may by resolution declare that such person was not entitled to or has ceased to be entitled to, be a member of the Association, and such declaration shall be binding upon such person and upon all members of the Association.

- (e) The applicant, upon admission to membership, is deemed to have appointed the Association agent for all purposes connected with negotiation and transaction concerning the applicant's employment.

### **7A – LIFE MEMBERSHIP**

- (1) That distinction of Honorary Life membership may be conferred upon a member or former member by the Executive as a mark of appreciation of especially meritorious services to the Union by such member.
- (2) In the case of a member conferred with the distinction under this Rule, they shall not be required to pay any contributions.
- (3) For all purposes of the Rules other than or candidature for elected or appointed office, a person enjoying the distinction conferred under sub-clause (1) of this Rule shall be deemed to be a financial member of the Union.
- (4) A decision to issue a member with a life membership ticket must be made by no less than two thirds of the total number of votes of the Executive or it shall have no effect.
- (5) Any person upon whom life membership has been conferred by the Executive prior to operation of this Rule shall be and shall be deemed to have been a life member on and from the date of such conferral.

### **8 - CONTRIBUTIONS**

The annual contribution shall be as determined by the Executive from time to time provided that Executive may waive the obligation upon a member to pay all or any part of the amount of the contribution.

### **9 - PAYMENTS OF CONTRIBUTIONS AND FINANCIALITY**

- (a) Subject to Rule 7(c) the annual contribution shall be payable in advance on the 1st of July each year provided that the contribution of members paying by payroll or other deduction or debit system shall be payable at the intervals for which the authority provides.
- (b) A member employed in an industry in which work is carried on during part of the year only shall be required to pay their contribution on the season's first pay day after membership tickets have become available.
- (c) Notwithstanding anything contained in paragraphs (a) and (b) of this Rule, a member engaged in the pastoral industry shall be required to pay their contribution in the first shed in which they are employed after the rising of the immediately preceding Annual General Meeting and in which membership tickets have become available.
- (d) Members who continue in arrears after the 30th of July each year, after being notified, may be sued for the recovery of outstanding contributions.
- (e) A member may pay his or her annual contribution by payroll or other deductions or debit system. The Executive shall determine the form of authority.

- (f) Notwithstanding anything contained in these Rules, the Secretary may determine that any member, because of particular circumstances, shall pay his or her subscription by instalments otherwise than in accordance with paragraph (a) and (e) of this Rule and such member shall be deemed to be financial for so long as he or she complies with such arrangements as have been made in accordance with this paragraph.
- (g) A member shall be unfinancial if:
  - (i) in the case of a member paying by lump sum, the annual contribution is not paid on or by the 1st day of August each year;
  - (ii) in the case of a member paying in accordance with paragraphs (e) or (f) of this Rule contributions cease to be made when they fall due.
- (h) A member who is continuing to pay contributions shall not be deemed unfinancial merely because a previous contribution or part thereof remains unpaid.

### **10 - MEMBERSHIP TICKETS**

The Executive may from time to time authorise the issue of membership tickets in such form as it shall determine. The Executive may recognise such membership tickets as it may in its discretion determine from time to time. The Secretary shall upon request provide to a member a certificate of membership in a form approved by the Executive.

### **11 - PAYMENT TO ASSOCIATION**

All Officers, Representatives and Agents of the Association when receiving moneys on behalf of the Association shall request the person paying the same to pay by cheque drawn in favour of the Association, and to cross such cheque.

### **12 - RESIGNATION OF MEMBERS**

- (a) A member may resign membership of the Association by notice in writing if:
  - (i) the member accepts employment in any industry other than an industry in connection with which the Association is registered; or
  - (ii) the notice of resignation is given not less than three months before the resignation is to take effect and any requirement of the Rules of the Association as to payment of contributions, fines, levies, penalties or subscriptions is complied with.
- (b) Notice of resignation shall be addressed to the Secretary of the Association and shall be delivered personally or by mail.
- (c) A notice of resignation that has been received by an officer of the Association is not invalidated by reason of the fact that it has not been addressed and delivered in accordance with paragraph (b) hereof.

- (d) A resignation of membership of the Association is valid notwithstanding that it is not effected in accordance with this rule if a member is informed in writing by the Association that the resignation has been accepted.

### **13 - RULE BOOKS**

A member of the Association shall be entitled to receive a copy of the rules of the Association upon request to the Secretary. The rules shall be provided to a member within a reasonable time of the request and upon payment a reasonable charge to be determined by the Executive from time to time.

### **14 - DUTIES OF A MEMBER**

- (a) Every member shall observe, abide by and carry out each of the rules of the Association applicable to them whether as a member or as an officer.
- (b) A member shall not knowingly fail to observe any resolution of the Executive.
- (c) Every member, after having been reasonably requested to do so, shall give any information of which the member is aware as to any industrial matter which is the concern of the Association, to the Executive upon request.
- (d) A member shall not obstruct, interfere with or delay any officer in the execution of the officer's duties or any of the Executive or other body of the Association in the performance of any of its functions.
- (e) Every member, after having been reasonably requested to do so, shall assist any officer in the carrying out of their duties if the assistance required is of such a nature that it is proper and reasonable to require it.
- (f) A member shall not act in any disorderly, offensive or disruptive manner at any meeting of the Association.
- (g) Any officer who has become aware of or believes that any grave abuse of trust or authority by any officer or that any officer has acted in grave breach of the Rules, shall immediately inform the Secretary in writing of the facts and circumstances known to the officer concerning such matter.
- (h) Members shall not allow their Association ticket to pass out of their possession except when the same is required by an auditor or an officer or other person who requires it for some proper purpose under the Rules or other lawful reason.
- (i) A member shall not aid or encourage any member in doing or omitting to do anything contrary to this Rule.
- (j) Members shall not work at lower rates than those prescribed by the policy of the Association or those prescribed by any Award or Industrial Agreement regulating the rates, terms and conditions of employment in any industry.

- (k) Every member shall notify the Secretary of any change to his or her postal address.

### **15 - BREACH OF ASSOCIATION RULES**

- (a) Any officer of the Association who believes that any member has committed a breach of the Rules (“reported member”) shall report such breach to the Secretary.
- (b) Where a reported member is not an officer of the Association -
  - (i) The Secretary report may call upon the reported member to answer the allegations contained in the report before the Executive.
  - (ii) The Secretary or Executive who or which receives a report may call upon the reported member to answer the allegations contained in the report before the Executive.
- (c) Where a reported member is an officer of the Association -
  - (i) If the report is made to the Secretary it shall be forwarded by the Secretary to the Executive for it to consider what action (if any) to take.
  - (ii) The Executive, whether a report has been made directly to it or through the Secretary may call upon the reported member to answer the allegations contained in the report before the Executive.
- (d) If it is decided as herein provided that a reported member should answer the allegations made, a notice shall be given to the reported member specifying such allegations and appointing a day for the commencement of the hearing (the hearing day). Such notice shall be delivered personally to the reported member or sent by post to the reported member's address registered in the membership roll book of the Association, and shall be prima facie sufficient if it is delivered or posted at least 28 days (including the day of delivery or posting but excluding the hearing day) prior to the hearing day.
- (e) After a reported member has been given an opportunity to answer the allegations made, the Executive may, if satisfied of the truth of the allegations or any of them -
  - (i) Where the Executive is also satisfied -
    - (a) That the breach or breaches was or were deliberately committed by the reported member; and
    - (b) That the breach or breaches is or are sufficiently grave to warrant expulsion;  
expel the reported member from membership of the Association; or
  - (ii) In the case of breaches other than those referred to in sub-rule (e) (I) of this Rule impose a fine not exceeding \$500.00.

- (f) Any member expelled under this Rule shall have the right of appeal to the succeeding Annual General Meeting.
- (g) All appeals against expulsion decisions by the Executive must be lodged with the Secretary within 30 days after the decision appealed against has been given.
- (h) An expulsion shall operate from the date of the decision to expel and, notwithstanding that a decision to expel may be reversed on appeal, the lodgement of an appeal shall not operate as a stay of the expulsion.
- (i) Any member expelled from the Association shall not be readmitted to membership without the sanction of the Executive or Annual General Meeting.
- (j) The Secretary is empowered to collect fines which have been imposed for breaches of these Rules, wheresoever committed, and the Secretary is authorised to sue on behalf of and in the name of the Association for recovery thereof.
- (k) When more than one breach of the Rules shall have been committed by any member, the Executive shall have authority to decide whether more than one penalty shall be imposed.

#### **16 - MEETINGS - HOW CALLED**

Subject to the discretion of the Executive to determine alternative methods of giving notice of the calling of meetings, the meetings of the Association shall be called as follows:-

- (a) Special General Meeting of members shall be called by or either the Secretary or by decision of the Executive or upon the request of either the 100 members, who shall have subscribed their names, addresses and occupations to a written request for such meeting in accordance with the rules. Notice shall be given by circular distributed to work places and/or members last known postal addresses no less than 14 days prior to each meeting.
- (b) The Annual General Meeting of the Association shall be held between 15 October and 15 December each year at a time to be determined by the Executive from time to time Notice shall be given by circular distributed to work places and/or members' last known postal addresses no less than 28 days prior to such meeting with no less than 48 hours notice or where the Secretary deems it urgent then 24 hours notice.
- (c) Executive meetings shall be called by the Secretary as required and otherwise biannually in July and December. Notice of such meetings shall be given to members of the Executive by post, facsimile or telephone.

#### **17 - ANNUAL GENERAL MEETING**

Annual General Meetings of members of the Association shall be held at any time between the 15th October and 15th December each year and at such places as may be determined by the Executive. Such meetings shall discuss any resolution brought forward and take any constitutional action they may deem advisable.

### **18 - POSTPONEMENT OF MEETINGS**

When deemed necessary, General or Executive Meetings of the Association may be postponed by order of two officers, one of who shall be the Secretary.

### **19 - QUORUM FOR GENERAL MEETINGS**

At all General Meetings, wherever held, fifteen (15) members shall form a quorum.

### **20 - RIGHT OF VOTING AND NOMINATING**

- (a) Each member shall be entitled to vote upon all questions submitted to any meeting of members.
- (b) Voting at all meetings shall be on the voices or by a show of hands unless five members present demand a ballot, in which case a ballot shall be taken.
- (c) Provided that whilst a member or officer of the Association shall be entitled to vote:
  - (i) on any question affecting their salary or emolument of office, and
  - (ii) in the appointment or election of a member to fill an office where that person is himself a candidate for such office.

they shall not be entitled to vote on any question otherwise affecting their pecuniary interest and any vote shown to be cast contrary to this provision shall be disallowed.

### **21 - RULES OF DEBATE**

The following rules of debate shall be observed at all meetings held in connection with the Association:

- (a) Any member desiring to propose a motion or amendment, or to discuss any matter under consideration, must rise and address the President or Chairperson. The right of speaking on any subject shall belong to the member who first rises to address the President or Chairperson. No member shall speak more than once upon any motion or amendment without the consent of the meeting. Any member proposing or seconding a resolution shall be held to have spoken. When two or more members rise together, the President or Chairperson shall call upon the member who in their opinion rose first. The mover of the resolution shall have the right to reply. No further discussion shall be allowed after the mover has replied.
- (b) No member when speaking shall be interrupted unless called to order, when such member shall sit down, and the member called to order shall be heard in support of their point, and the President or Chairperson may either hear further discussion or decide at that stage; but such point shall be decided before the debate is resumed.

- (c) Dissent from the President or Chairperson's ruling must be seconded, but only the mover of the motion of dissent shall have the right of speaking in support thereof. The President or Chairperson shall have the right of stating the reasons for such ruling and the motion of dissent shall then be put.
- (d) Any motion or amendment not seconded shall not be further debated, but shall lapse.
- (e) The question having been proposed may be amended by leaving out, substituting, or adding words. Amendments shall be put in the order in which they arose. When amendments have been put and lost, the original motion shall be put.
- (f) So soon as debate upon a question shall be concluded, the President or Chairperson shall put the question to the meeting in a distinct and audible manner. The question being put shall be resolved in the affirmative or negative by a show of hands, unless a division be demanded. A ballot shall be taken if five of those present demand it.
- (g) No member shall speak on any motion after the same has been put by the President or Chairperson. Not more than two delegates may speak consecutively for or against any resolution except that when an amendment is moved to any motion the seconder may speak to the amendment notwithstanding that there may have been two prior consecutive speakers against the resolution.
- (h) When the President or chairperson rises during a debate the member then speaking, or proposing to speak, shall sit down so that the President or Chairperson shall be heard without interruption.
- (i) It shall be competent by majority of two-thirds of the members present for the meeting to suspend any standing order for the purpose of reopening any question previously dealt with or for the consideration of urgent business.
- (j) No member shall leave during the meetings without permission from the President or Chairperson. No member shall attend a meeting in an intoxicated state or interrupt the business.
- (k) When advisable, a guardian shall be appointed, who shall take charge of the door.
- (l) In debates the mover shall be allowed 15 minutes for speaking in support of the motion; subsequent speakers 10 minutes each; the mover, 10 minutes in reply. The meeting shall have power by majority vote to extend the time for any speaker. The rule shall also apply to the President or Chairperson.

Any member desirous of bringing on any business shall give written notice, and shall read it aloud. This notice shall state the day the member proposes to move such motion, and the member shall hand a copy to the Secretary. No notice entered on the business paper shall be proceeded with unless the member who is giving such notice, or someone authorised by the member, be present when the business is called to order. Notices not so proceeded with shall be struck out. Notices of motion shall be required only for the purpose of rescinding or altering Rules or By-laws, or some previous resolution involving any departure from the usual routine of business.

## **22 - THE EXECUTIVE**

- (a) The highest authority of the Association shall be the Executive, which shall be the Committee of Management of the Association.
- (b) The Executive shall consist of the President, two Vice-Presidents, the Secretary and Assistant Secretary (who shall be called "the Officers") together with four (4) members elected as herein provided (who shall be called "Executive members").
- (c) All Officers and Executive members other than the President shall have full rights of participation at all meetings.
- (d) All Officers and Executive members shall hold office for four years or until their successors are elected or appointed in accordance with these Rules. In the absence of an election validly conducted in accordance with these Rules the Officers and Executive members for the purposes of these Rules shall be deemed to be the President, Vice Presidents (2), Secretary, Assistant Secretary and the elected Organisers who were most recently elected within South Australian Branch of the federally registered organisation known as the Australian Workers' Union or its successors.
- (e) Provided all Officers and Executive members are notified to attend, any (6) shall form a quorum.
- (f) The four (4) Executive members shall be elected in the same manner as the President, Vice Presidents, Secretary and Assistant Secretary of the Association.
- (g) The State Union Secretary may take a facsimile, electronic mail or postal vote of the members of the State Union Executive at any time. Such vote has the same effect as a decision of the State Union Executive made in meeting assembled. Provided that such vote may be returned to the State Union Secretary other than by facsimile, electronic mail or post.

## **23 - POWERS OF DUTIES OF THE EXECUTIVE**

The Executive shall have power to do all things necessary to give effect to and achieve the objects of the Association and without limiting the generality of that power shall also have power to:

- (a) Generally have absolute control of the affairs of the Association.

- (b) Decide any question which may arise within the Rules.
- (c) Make, alter or rescind any of the Rules or by-laws of the Association by resolution passed by a majority of those present and entitled to vote.
- (d) Dismiss from office any Officer who has been found guilty in accordance with the Rules of the Association of misappropriation of funds of the Association or of a substantial breach of the Rules of the Association or of gross misbehaviour or gross neglect of duty or if such Officer has ceased according to the Rules of the Association to be eligible to hold such office. Any Officer so dismissed by the Executive shall have the right of appeal to the Annual General Meeting against such dismissal.
- (e) Appoint as Returning Officer, a person who is not:
  - (i) A member of the Association;
  - (ii) The holder of any office in the Association;
  - (iii) An employee of the Association.
- (f) Expend any of the funds the Association for ordinary or extraordinary purposes and to deal in any way with the property of the Association consistent with the Rules and Objects of the Association.
- (g) Expend allocate and/or deal in any way with funds and property of the former associations in a manner consistent with the Rules and Objects of the Association.
- (h) To adopt or deem to have been done by the Executive or the Association any act, resolution, policy or transaction made undertaken or done by any South Australian branch of the federally registered organisation known as the Australian Workers' Union, whether prospectively or by ratification.
- (h) Appoint such organisers, delegates or representatives of the Association on such terms and for such periods as it may determine from time to time.
- (j) Appoint members of the Association to fill any casual vacancy which may arise.

#### **24 – PAYMENTS TO OFFICERS, EMPLOYEES, OR OTHER PERSONS**

Without limiting the effect of Rule 23 of these Rules, the Executive may determine in its' absolute discretion, from time to time, whether or not to pay any salary, allowance, or any payment of any nature whatsoever to any officer or employee of the Association or any other person identified by the Executive in its' absolute discretion, and in the event that it determines to make any such payment to any person, shall in its' absolute discretion determine the amount and all other aspects of such payments to the relevant person or persons.

## **25 - PRESIDENT**

- (a) The President shall be the nominal head of the Association, and shall:
  - (i) Preside at all Association Meetings, and shall see that the business is conducted in a proper manner.
  - (ii) Exercise a casting vote only at meetings.
- (b) The duty of the Vice president shall be to assist the President as required and determined by the Executive from time to time.

## **26 - SECRETARY**

The Secretary shall be the Chief Executive Officers of the Association and without limiting the generality of the power conferred by such office shall:

- (a) Act generally according to the instructions of the Executive and be responsible for and have power to undertake the administration of the Association including by engaging and supervising staff.
- (b) Cause to be kept a correct account of all moneys received and expended in accordance with the Rules, resolutions and minutes of the Executive.
- (c) Sign all cheques together with one other member of the Executive to be determined by the Secretary from time to time and not retain possession of any sum of money exceeding \$1,000 for a longer period than five (5) days.
- (d) Attend all General and Executive Meetings of the Association, and take minutes of same or have them taken.
- (e) Attend to all correspondence and answer such questions as may be asked in accordance with the Rules of the Association.
- (f) Sign all letters and returns.
- (g) Keep a correct register of the name, postal addresses and occupations of all Officers and of the name, postal address and number of ticket of each member in the Association and the date on which each person became a member of the Association and their financial status.
- (h) Report the result of any ballots conducted by the Returning Officer at the next meeting of the Executive insofar as any elections held by the Returning Officer are concerned.
- (i) Be empowered to convene any meetings of the Association and the Executive and shall be entitled to speak and vote at all meetings.

- (j) Prepare or have prepared such documents for such tribunals as are required from time to time by the Association and to conduct cases before the tribunal on behalf of the Association and shall be empowered to authorise and direct any officer or paid employee of the Association to prepare papers for presentation to the tribunal, conduct cases before the tribunal and the Secretary or such officer or any authorised employee may if necessary act on behalf of the Association in any dispute which may arise which is within the State of South Australia.
- (k) Engage legal assistance if deemed necessary to assist the Association or any officer or employee of the Association in any of the above matters or in regard to any matter which the Secretary deemed necessary and appropriate.
- (l) To dismiss any employee or appointed representative of the Association.

#### **26A – ASSISTANT STATE SECRETARY**

The Assistant Secretary shall perform such duties as the Secretary may direct and shall in the absence of the Secretary act under the direction of the Executive.

#### **27 - FUNDS**

Funds may be established to be used for the general purposes of the Association and to carry out its Objects:

- (a) Funds of the Association shall be banked in the name of the Association and shall be drawn by cheque on the signature of the Secretary and one other member of the Executive determined by the Secretary from time to time.
- (b) The Secretary of the Association shall bank or cause to be banked all monies received within forty-eight (48) hours of receipt of such monies subject to Rule 26(c).
- (c) All property held by the Association and all property of the former Association as at the date of amalgamation shall be vested in the Association for its use and benefit absolutely and for the benefit of the members generally. The Executive shall have power in its absolute discretion to control, invest, expend and otherwise deal with the same.

#### **28 - ACCOUNTS AND AUDIT**

- (a) The financial year of the Association shall terminate on the thirtieth day of June of each year, and the audited Balance sheet, together with two duplicate copies thereof and the report of the Auditors thereon and a duplicate copy thereof shall be filed with the Industrial Registrar within three months from the date thereof, and a copy of the Balance Sheet and report certified by the Auditor shall be presented to the Annual General Meeting.
- (b) The Secretary shall ensure that the following formal records are prepared and audited in accordance with S.128 of the Industrial and Employee Relations Act 1994(SA) as amended or replaced from time to time.

- (i) A balance sheet reflecting the assets and liabilities of the Association.
- (ii) A statement of receipts and payments.

### **29 - APPOINTMENT OF UNION AUDITORS**

The Executive shall appoint annually, one experienced Auditor (not a member of the Association), who once a year, and at other times when requested by the Executive, shall take the books and Balance Sheets, with all receipts, and compare them with the bank pass book and vouchers, and report on same to the Annual General Meeting. An Auditor finding any deficiency shall state the particulars in a report, and lay same before the following Executive Meeting or Annual General Meeting.

### **30 - LOANS, GRANTS AND DONATIONS**

A loan, grant or donation of an amount exceeding \$1,000 shall not be made by the Association unless the Executive:

- (a) has satisfied itself -
  - (i) the making of the loan, grant or donation would be in accordance with the Rules of the Association; and
  - (ii) 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 propose arrangements for the repayment of the loan are satisfactory; and
- (b) has approved the making of the loan grant or donation.

### **31 - POWER TO LEASE PROPERTY**

- (a) Subject to the general power of the Executive to deal with the property of the Association the Executive may cause to be leased any real or personal property of the Association:
  - (i) The lease provided that the rental payable thereunder shall be reviewed at least at the end of each 2 year period of the term of the lease and if necessary increased so that the rental becomes the best rental which may reasonable be obtained at the time of such review.
  - (ii) The lease does not carry an onerous obligation on the Association.
- (b) All leases entered into by the Association under this Rule may be executed on behalf of the Association by the Secretary and one other member of the Executive to be determined by the Secretary from time to time.

### **32 - QUALIFICATION FOR OFFICE**

- (a) No member shall be eligible for nomination for election as an Officer or Executive member unless he or she has been a continuously financial member of the Association for the 12 months immediately preceding the closing date for nominations.
- (b) Any person who has been convicted in any Court of any offence in the nature of stealing, misappropriation, embezzlement, larceny, false pretences, receiving, forgery, uttering, house-breaking, burglary shall not be entitled or allowed to hold any office in the Association or be employed in any capacity in the Association.

### **33 - NOMINATION OF OFFICERS AND EXECUTIVE MEMBERS**

- (a) Any candidate for the office of President, Vice-President, Secretary, Assistant Secretary or Executive member must be nominated by at least two financial members of the Association. The nomination paper must be signed and contain the name, address of those making the nomination, and must be in the hands of the Returning Officer before the closing of nominations.
- (b) The candidate must consent to the nomination in writing and must also state their occupation, name and address. The nomination paper must contain either the candidate's ticket or a certificate from the Secretary in order to show the candidate has been a continuously financial member for 12 months immediately preceding the opening date for nominations up until and including that date.
- (c) Nominations shall be forward in a closed envelope with the word "Nomination" written thereon and addressed to the Returning Officer.
- (d) If, after nominations have closed and, before the declaration of the ballot for the office of President or Secretary of the Association, any candidate for either of such offices shall die, the ballot for that particular officer shall not be proceeded with, but the Executive shall direct the Returning Officer to forthwith call for fresh nominations for such office, and proceed with the ballot, and until the election of the President or Secretary shall appoint some member of the Association who qualifies for Office to act as President or Secretary as the case may be, until the result of such last mentioned ballot is declared.
- (e) Provided that candidates, with the consent of their nominators, may withdraw their nomination for any position.
- (f) Nominations may be called for election in such manner as the Executive shall determine or by circular distributed to and posted at work places.
- (g) No member shall be eligible to nominate for or hold at any one time more than one Executive office in the Association.
- (h) Nominations for all positions within the Association shall close on the same date.

### **34 - DUTIES OF RETURNING OFFICER**

- (a) The Returning Officer shall conduct elections for the positions of Officers and Executive members any other position in the Association as determined by the Executive from time to time.
- (b) The Returning Officer shall receive all nominations in connection with elections being conducted by such officer and shall accept or reject any nominations in accordance with these Rules.
- (c) The Returning Officer shall examine all nominations as they come in and immediately acknowledge receipt of same. Provided that if the Returning Officer finds a nomination to be defective, before rejecting the nomination, the Returning Officer shall notify the person concerned of the defect and, where it is practicable to do so, give the person concerned not less than seven days after being so notified to correct such defect.
- (d) The Returning Officer shall declare the result of any ballot conducted by him or her within seven days of the result being ascertained by notifying the Secretary in writing and by posting the result of such ballot up in a prominent place in the office of the Association.

### **35 - ELECTIONS**

- (a) In the event of there being more candidates nominated than are required for any of the Offices in the Association, an election shall take place by ballot. Such ballot shall extend over at least two weeks and shall close on a date to be fixed by the Executive.
- (b) Eligibility to vote in a ballot shall be determined by reference to the financial status of members as at the opening recorded in the members' register at that date.
- (c) If, for any reason whatever, any election under this rule is not held at the time prescribed the same shall be held at such other time, and shall extend over such period as may be prescribed by the Executive.

### **36 - METHOD OF BALLOTING**

- (a) Ballot papers shall have printed thereon the closing date of the ballot and names of candidates placed in alphabetical order showing the occupations and residential addresses of candidates and the positions and offices requiring to be filled or particulars of the question submitted for determination.
- (b) Ballot papers marked with stamped addressed outer envelopes and an inner envelope marked "Ballot Paper" shall be posted by pre-paid post to members by the Returning Officer.

- (c) The outer envelope addressed to the Returning Officer shall have printed on the back a number as allocated by the Returning Officer according to the record of membership as supplied by the Association and the word "signature". After recording the vote members shall place the ballot paper in the envelope marked "Ballot Paper" and insert it in the stamped addressed outer envelope and post same in the stamped addressed envelope supplied for that purpose. If the member's signature is not endorsed on the outer envelope addressed to the Returning Officer the ballot paper in the inner envelope shall not be admitted to scrutiny.
- (d) Upon receiving a ballot paper members shall record thereon their vote for the candidate or candidates for whom they wish to vote by marking with a cross in the square or squares provided alongside the candidate's name.
- (e) Where a member records a vote for more or less persons than are required to fill any particular office, the vote shall be disallowed.
- (f) The Returning Officer shall not give progress reports but shall make a declaration of the ballot at the conclusion of the scrutiny.
- (g) Ballot papers, envelopes and other documents shall be kept for a period of one year after the completion of an election.
- (h) The Returning Officer shall make a complete return of voting and note all discrepancies and shall forward copies of same to the Secretary.
- (i) Any candidate for office shall have the right to appoint a scrutineer who must be a member of the Association the expenses incurred thereby shall be borne by the candidate.

### **37 - FILLING VACANT OFFICES**

- (a) Should a vacancy occur for the position of any Officer, through any cause whatsoever, such vacancy shall be filled by appointment by the Executive within one month of the vacancy occurring.
- (b) The person so appointed shall be a person who would be eligible for election to the office. Any person so appointed shall hold office for so much of the unexpired part of the term of the office as does not exceed:
  - (i) 12 months; or
  - (ii) three-quarters of the term of the office, whichever is the greater.
- (c) Where the unexpired part of the term of office exceeds that specified by sub-clause (b) the vacancy shall be filled by election.
- (d) The provisions of these Rules relating to ordinary periodic elections including the provisions as to qualification for office, shall apply insofar as they are capable of application, to any election held to fill a vacancy under this rule.

- (e) Any person elected to fill a vacancy under this Rule shall hold office for the balance of the term of office during which the vacancy occurred.

### **38 - DISPUTES BETWEEN ASSOCIATIONS AND MEMBERS**

- (a) Where a member is in dispute with the Association over any matter he or she may address the grievance in writing to the Secretary who shall determine the matter in consultation with the member concerned.
- (b) Should the matter not be able to be resolved pursuant to paragraph (a) above the Secretary shall refer it to the Executive who shall receive any written submission which the member and any other affected member may make or in its discretion the Executive may hear the member in person on such terms as may decide Executive shall then determine the matter.
- (c) The member shall have a right to appeal to the Annual General Meeting at which the member shall have no more than 10 minutes to address the meeting to address the grievance following a report which shall be given by the Secretary or another member of the Executive to be determined by the Executive.

### **39 - TRANSITIONAL RULE**

Notwithstanding anything contained in these rules the following shall apply on and from the date of registration of the Association as an amalgamated association pursuant to s.129 of the Industrial and Employee Relations Act 1994 (S.A.) (“amalgamation day”):

- (1) All members, whether financial or otherwise, of the former associations and all persons treated as members by the former associations shall be and be deemed to be members of the Association;
- (2) All those persons who were members of the former associations -
  - (i) in the case of the Australasian Society of Engineers (South Australian Branch) prior to 15 July, 1991;
  - (ii) in the case of Amalgamated Society of Carpenters & Joiners of Australia (South Australian Branch) prior to 27 November, 1992; and
  - (iii) in the case of the Federated Ironworkers’ Association of Australia (Adelaide Branch) prior to 1 November, 1993 -

shall be and be deemed to be members of the Association unless:

- A. they had prior to the registration of the Association resigned membership in accordance with the rules of the respective former association; or

- B. having received from the Secretary notification of their membership of the Association, they notify the Secretary in writing that they do not wish to be a member of the Association.
- (3) At a time within two months from amalgamation day, the Secretary shall notify all persons who may be affected by the provisions of sub rules (1) and (2) of this rule that they are to be treated as members of the Association unless they notify the Secretary that they do not wish to be so treated.
  - (4) All assets, including funds, property and rights whatsoever of the former associations shall be and be deemed to be vested in the Association on and from amalgamation day.
  - (5) For a period of six months immediately following amalgamation day, the Executive shall be empowered to deal in any way with any of the assets, including funds, property and rights, of the former associations, by resolution and action in accordance with these rules, provided further that the Executive may authorise the Secretary to execute documents in the names of any of the former associations and using the seals of the former associations as if the same amounted to a valid exercise of the power of the Association in relation to its own property.
  - (6) Members of the Association shall be deemed to have financial status and membership continuity which includes the financial status and membership continuity which they held in the former associations immediately prior to amalgamation day.
  - (7) In this transitional rule, any reference to a member of a former association shall include a reference to a person whose membership or purported membership was invalid or may have been invalidated for any reason other than ineligibility pursuant to the eligibility rules of the respective former association, but who was treated by the former association as a valid member.
  - (8) For the purposes of this rule and for all purposes connected with the Association, the membership, office holdings, officers' decisions and acts of the former associations shall be and be deemed to be valid and effectual throughout the period of registration of the former associations.
  - (9) The amalgamation of the former associations is and is deemed by force of this rule to have been entered into and undertaken validly for all purposes by valid action of the former associations. Should any defect in the amalgamation be revealed at any time after amalgamation day, which is not validated for all purposes by force of this rule, then the amalgamation shall be and be treated as validly effected between those remaining parties from amongst the former associations whose actions or decisions did not involve or include such defect.

- (10) The Executive shall consist of eight (8) persons. These persons shall be the persons nominated by resolution of each of the former associations at the meeting at which those former associations resolved to amalgamate to form the Association. Each former association shall be entitled to two (2) nominees. The Executive so formed shall at the first meeting elect from amongst their number, the Officers of the Association for the period of four years until the elections provided for in these rules.
- (11) At the first meeting of the Executive a list of members of the Association, including all those persons referred to in sub rules (1) and (2) of this rule shall be tabled by the Secretary and available for examination, and such members shall be and be deemed to be members of the Association.
- (12) Not later than seven days following amalgamation day, the Executive shall meet and the following business will be considered and determined upon by Executive:
- (a) election of officers;
  - (b) confirmation of membership;
  - (c) establishment of a membership register and records of the Association, including the minute book and books of account;
  - (d) determination of any question relating to membership, admission to membership and staff of the Association;
  - (e) collection, organisation and accounting of all assets including funds and property of the Association vested in it pursuant to the amalgamation.
- (13) The Officers of the Association elected at the first meeting of Executive shall and shall be deemed to hold the offices specified and shall hold such offices for a period of not more than four years from amalgamation day by which time an election for such offices shall be called and conducted by the returning officer in accordance with these Rules. Such Officers shall hold office until their successors are elected.

#### **40 - DISSOLUTION OF ASSOCIATION**

The Association shall only be dissolved upon the submission by the Executive to the whole of the membership of a plebiscite at which at least two-thirds of the membership are in favour of the dissolution of the Association. Only members entitled to vote at Association elections shall be entitled to vote in such a plebiscite.

#### **41 – FURTHER TRANSITIONAL RULE**

- (1) The rule alterations made in July 2002 by which the members of the Executive were increased from eight in number to eleven in number are to have operation despite the terms of transitional sub-rule 39 (10).

- (2) The persons who shall hold office as members of the Executive pursuant to the operation of the alteration to the Rules made in July 2002 shall be as follows: -

|                            |   |                 |
|----------------------------|---|-----------------|
| <b>President</b>           | - | Terence Langham |
| <b>Vice President</b>      | - | Ian Nitz        |
| <b>Vice President</b>      | - | John O'Neill    |
| <b>Secretary</b>           | - | Wayne Hanson    |
| <b>Assistant Secretary</b> | - | Frank Mateos    |

**Executive Members** – John Braithwaite, Christopher Brown, Joseph Kane, Lance Degenhardt, Peter Lamps and Nari Jarrett (Organisers).

Being those persons who were elected to office in corresponding positions in the Greater South Australian Branch of the Australian Workers' Union registered pursuant to the Workplace Relations Act 1996 in the elections conducted in May 2001 and who took office on 1 July 2001.

- (3) Notwithstanding anything contained elsewhere in these Rules the persons referred to in sub-rule 40 (2) shall be deemed to hold office in accordance with these Rules and in any event until 30 June 2005 or until their successors are elected or appointed in accordance with these Rules, including sub-rule 22 (d).

#### **41A – FURTHER TRANSITIONAL RULE**

- (1) Rule 41 shall continue in effect until 1 July 2005
- (2) The Rule alterations made in May 2005, by which the members of the Executive were decreased from eleven in number to ten, by virtue of the reduction in the number of the executive members from six to five, are to have operation despite the terms of transitional sub-rule 39 (10).
- (3) The persons who shall hold office as members of the Executive pursuant to the operation of the alteration to the Rules made in May 2005 shall be as follows: -

|                            |   |   |
|----------------------------|---|---|
| <b>President</b>           | - | Ian Nitz  |
| <b>Vice President</b>      | - | Lance Degenhardt  |
| <b>Vice President</b>      | - | Nari Jarrett  |
| <b>Secretary</b>           | - | Wayne Hanson  |
| <b>Assistant Secretary</b> | - | Frank Mateos  |
| <b>Executive Members</b>   |   | John Braithwaite<br>Christopher Brown<br>Terry Langham<br>Joseph Kane<br>Peter Lamps<br>Rod Skuse (Organisers). |

being those persons who were elected to office in corresponding positions in the Greater South Australian Branch of the Australian Workers' Union registered pursuant to the Workplace Relations Act 1996 in the elections conducted in May 2005 and who took office on 1 July 2005. *(added 17/4/07)* Notwithstanding that Terry Langham was not elected to any position in the Greater South Australian Branch of the Australian Workers Union in the election conducted in May 2005 and was appointed a Branch Organiser in accordance with the relevant Rule, Terry Langham is appointed as an Executive Member of this Union pursuant to this Rule.

- (4) Notwithstanding anything contained elsewhere in these Rules the persons referred to in sub-rule 41A(3) shall be deemed to hold office in accordance with these Rules and in any event until 30 June 2009 or until their successors are elected or appointed in accordance with these Rules, including sub-rule 22 (d).
- (5) This Rule shall take effect on 1 July 2005.

#### **41B – FURTHER TRANSITIONAL RULE**

- (1) Rule 41 shall continue in effect until 1st July, 2009.
- (2) The Rule alterations made on 20<sup>th</sup> March 2009, by which the members of the executive were decreased from 10 in number to 9, by virtue of the reduction in the number of the executive members from 5 to 4, are to have operation despite the terms of transitional Sub-Rule 39 (10).
- (3) The person who shall hold office as members of the executive pursuant to the operation of the alteration to the Rules made on the 20<sup>th</sup> March 2009 shall be as follows: -

|                            |   |                  |
|----------------------------|---|------------------|
| <b>President</b>           | - | Lance Degenhardt |
| <b>Vice President</b>      | - | Justin Hanson    |
| <b>Vice President</b>      | - | Joseph Kane      |
| <b>Secretary</b>           | - | Wayne Hanson     |
| <b>Assistant Secretary</b> | - | Frank Mateos     |
| <b>Executive Member</b>    |   | Gary Henderson   |
|                            |   | Peter Lamps      |
|                            |   | Terry Langham    |
|                            |   | Rod Skuse        |

being those persons who were elected to office in corresponding positions in the Australian Workers' Union, South Australian Branch of the Australian Workers' Union registered pursuant to the Fair Work Act 2009 in the elections conducted in February 2009, and who took office on the 1st July, 2009.

- (4) Notwithstanding anything contained elsewhere in these Rules, the person referred to in Sub-Rule 41A(3) shall be deemed to hold office in accordance with these Rules, and in any event until 30th June, 2009 or until their successors are elected or appointed in accordance with these Rules, including Sub-Rule 22 (d).
- (5) This Rule shall take effect on 1st July, 2009.

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