

[009V: Incorporates alterations of 03/12/2014 in matter R2013/22]

I CERTIFY under section 161 of the Fair Work  
(Registered Organisations) Act 2009 that the pages  
herein numbered 1 to 30 inclusive contain a true  
and correct copy of the registered rules of The Australian  
Institute of Marine and Power Engineers

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 Australian Institute of Marine and Power Engineers

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RULES

CONSTITUTION, OBJECTS AND CONDITIONS OF MEMBERSHIP

**1 - NAME**

The name of the Institute is "THE AUSTRALIAN INSTITUTE OF MARINE AND POWER ENGINEERS".

**2 - OBJECTS**

The objects of the Institute are;

- (i) To foster the science and art of engineering.
- (ii) To advance the interests of the profession of engineering and those engaged therein, and to safeguard their status and character. To foster fraternal sympathy, discuss sound principles affecting the mutual good of its members, to use its influence to increase the confidence of the mercantile community in the employment of recognised engineers, and to procure that all Maritime and other laws for the public safety be improved and carried out in their entirety.
- (iii) To endeavour to obtain and to maintain reasonable conditions of employment and fair rates of remuneration for its members, and to negotiate awards and agreements.
- (iv) To communicate to members information on all matters affecting the profession of engineering, and to print, publish, issue and circulate such papers, periodicals, books, circulars, leaflets, and other literary undertakings as may seem conducive to any of the objects of the Institute.
- (v) To encourage the study of engineering and to improve and elevate the general and technical knowledge of persons engaged or about to be engaged in the profession of engineering and for that purpose to donate on such terms as may from time to time be thought proper prizes or other awards or distinctions.
- (vi) To originate and promote improvements in the law, and to support or oppose alterations therein, and to effect improvements in administration and for that purpose to petition the crown or any Legislative body or authority, to promote deputations and to take such other steps and proceedings as may be deemed expedient.
- (vii) To purchase, take on lease, hold, sell, lease, mortgage, exchange, hire or otherwise acquire; own, possess and deal with any real or personal property and any rights or privileges which the Institute may think necessary or convenient.
- (viii) To procure the Institute to be registered under any law of the Commonwealth of Australia or any State thereof or elsewhere.
- (ix) To borrow or raise or secure the payment of money in such a manner as the Institute shall think fit.

**3 - INDUSTRY**

The Institute is registered in or in connection with the maritime industry and power generation industry. Without limiting the foregoing, the term maritime industry shall include the following:

Bulk Ships  
Tanker Ships  
Container Ships  
Roll-on/Roll-off Ships  
Passenger Ships

#### 4 - ELIGIBILITY

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Dredges (Self-Propelled and non Self-Propelled)  
Pilot Vessels  
Tug Boats  
Drill Ships (Self-Propelled)  
Support Vessels  
Navigational Aids Vessels  
Self-Propelled Barges  
Small Ships  
Colliers Ships  
Research Vessels  
Floating Production Facilities (Self-Propelled)  
Ferries, Hydrofoils and Hovercraft  
General Cargo Ships  
Antarctic Vessels including icebreakers  
Survey Vessels  
Floating Hotel Installations  
Fishing Vessels  
Sundry Vessels  
Oil Rigs (Self-Propelled)

#### 4 - ELIGIBILITY

The Union shall consist of -

- (i) An unlimited number of marine engineers - Marine Engineers, shall mean and include Chief Engineers, First Engineers, Second Engineers, Third Engineers, Fourth Engineers, Fifth Engineers, Electrical Engineers, Junior Engineers, Assistant Engineers, Cryogenic Engineers, Refrigeration Engineers, Trainee Engineers, Engineers in Training, Cadet Engineers, Marine Surveyors, Senior Marine Surveyors, Chief Marine Surveyors, Engineers Pilot Vessels, Engineers Dredging Plant, 1st Assistant Engineer, 2nd Assistant Engineer, Engineer Managers, Engineer Superintendents, Assistant Engineer Superintendent, Works Managers, Work Superintendent, Planning Officers.
- (ii) Persons eligible for engagement as engineers or electricians on ships ("ships" as defined as at the date of registration of this rule by clause 6(1) of the Commonwealth Navigation Act 1912 - 1984 or similar State Legislation).
- (iii) Persons who are pursuing a course of training in the marine engineering industry or a similar training ashore with the object of becoming a qualified marine engineer.
- (iv)
  - (a) Elected officers of the Institute, and
  - (b) industrial officers or research officers employed by the Institute who are qualified to be employed in or in connection with the industrial organisation pursuant to the provisions of the Industrial Relations Act (1988).
- (v) An unlimited number of power plant engineers- Power plant engineers shall mean Charge Engineers, Assistant Charge Engineers, Shift Engineers, Foremen (other than general station foremen), Mechanical Foremen, Electrical Foremen, Technical Officers, Training Officers, Mechanical Inspectors, and other power plant engineers who are employed by the Electricity Commission of New South Wales in the generation of electricity provided that such persons hold one or more of the qualifications specified in sub-rule (vii) of this rule.
- (vi) Power plant engineer shall also mean Charge Engineers and Assistant Charge Engineers employed in New South Wales by Caltex Refining Co. Pty. Limited provided that such persons hold one or more of the qualifications specified in sub-clause (vii) of this rule.

## 6 - THE CONTROL OF THE FEDERAL COUNCIL BY THE MEMBERS

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- (vii) Persons employed or usually employed in the callings specified in (v) & (vi) above shall be the holders of one or more of the following qualifications:-
- . Any marine engineers' certificate issued or recognised by the Commonwealth in accordance with the Navigation Act 1912 as amended, or by any State or Territory in accordance with the relevant legislation;
  - . Engineers' Certificate (Machinery Department) Queensland;
  - . Mechanical or Electrical Diploma - issued by an Australian University or Technical College;
  - . Marine Engineers' Certificate - issued by the Department of Technical and Further Education of NSW or any other State or Territory;
  - . A Mechanical Engineering or Electrical Engineering Certificate, Degree or Diploma; and/or
  - . Any other Certificate, Degree, Diploma or Qualification similar to the above which the Institute may accept.
- (viii) without limiting the foregoing, the union shall also consist of independent contractors who, if they were employees performing work of the kind which they usually perform as independent contractors, would be employees eligible for membership of the union.

## 5 - GOVERNMENT OF THE INSTITUTE

- (i) Subject to Rule 6, the Institute shall be governed by the Federal Council and the Federal Council shall be guided by the resolution of the Members of the Institute in Annual General Meeting or Special Meeting assembled.
- (ii) The Federal Executive of the Institute shall consist of the Federal President, three Vice Presidents and a Federal Treasurer to be elected by the Federal Council at their annual meeting from amongst their members in accordance with the election provisions contained in these Rules, for a term of one (1) year or until the next Annual Meeting of the Federal Council. It shall be competent for the Federal Council to confirm or disapprove of any resolutions in writing or by telegram, facsimile or email, submitted to them by the Federal Executive.
- (iii) The Federal Executive shall govern and exercise general supervision over the affairs of the Institute and between meetings of the Federal Council; the Federal Executive shall have all the powers of the Federal Council except the power to alter Rules.

## 6 - THE CONTROL OF THE FEDERAL COUNCIL BY THE MEMBERS

- (i) The decisions of the Federal Council and the Federal Executive shall have full force and effect unless rescinded at a subsequent meeting of the Council or unless rescinded by a plebiscite of members hereinafter provided.
- (ii) Upon the Federal President receiving notice in writing, signed by not less than two (2) per centum of the financial members of the Institute and within ninety (90) days of the day that the decision in question was communicated to a meeting of members, the Federal President shall select a returning officer within twenty-one (21) days.

## 8 - POWERS AND DUTIES OF THE FEDERAL COUNCIL

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- (iii) The returning officer shall not be eligible for membership of the Institute or an employee of the Institute and shall submit the Federal Council decision to the financial members of the Institute for their endorsement or rejection in accordance with the relevant section of Rule 33.

## 7 - FEDERAL COUNCIL

- (i) The Federal Council shall consist of the six (6) Branch Secretaries and eleven (11) other ordinary members.
- (ii) Ordinary members shall be elected for a term of two (2) years on the following basis:
  - (1) two (2) members from the Queensland Branch;
  - (2) two (2) members from the Newcastle Branch;
  - (3) one (1) member from the South Australia Branch;
  - (4) two (2) members from the West Australia Branch;
  - (5) two (2) members from the Sydney Branch; and
  - (6) two (2) members from the Victoria/Tasmania Branch.
- (iii) Should a casual vacancy occur during the period of office of an ordinary member the vacancy may be filled by an ordinary member of the same Branch appointed by the Branch Executive provided that where the unexpired portion of the term of office in question exceeds twelve (12) months, such member filling a casual vacancy shall cease to hold office at the next Annual General Meeting and nominations shall be called at that Annual General Meeting by a Returning Officer appointed in accordance with the provisions of Rule 33 and the provisions of that Rule shall where applicable, apply to such election.
- (iv) The Federal Council shall meet at least once a year as soon as is possible after the Annual General Meeting and at such other times as determined by the Federal Executive.

## 8 - POWERS AND DUTIES OF THE FEDERAL COUNCIL

The Federal Council shall, subject to control by the members in accordance with these Rules, be the supreme governing body of the Institute and have the management and control of the affairs of the Institute and, without limiting the generality of the foregoing, shall in particular have power to:-

- (i) determine and direct the policy of the Institute in all industrial matters;
- (ii) make, add to, amend and rescind these Rules, subject to Rule 38;
- (iii) fix salaries and allowances and terms and conditions of employment for the office holders of the Institute;
- (iv) appoint and remove such industrial officers, research officers, organisers and administrative officers as it deems necessary and to assign all or any of them to any Branch under such terms and conditions as it may determine from time to time;
- (v) appoint an Auditor of the Institute and to fix the remuneration to be paid to such Auditor;
- (vi) invest the funds of the Institute in any security authorised by the laws of any State for the investment of Trust funds;
- (vii) dispose of or transfer any of the funds of the Institute, including the Insurance Fund, or any securities in which the funds of the Union have been invested;
- (viii) enter into negotiations for the making of Agreements and Awards;

## 9 - DUTIES OF FEDERAL PRESIDENT AS REGISTERED OFFICER

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- (ix) submit industrial disputes or questions for conciliation or arbitration under the Fair Work Act 2009.

### **9 - DUTIES OF FEDERAL PRESIDENT AS REGISTERED OFFICER**

- (i) The Federal President shall be the registered officer of the Institute, and the Federal President shall be the person to sue or be sued on behalf of the Institute.
- (ii) The Federal President shall give notice to the members of the Federal Council and to the Secretaries of all Branches of all meetings of the Federal Council and shall attend all such meetings and cause Minutes of all proceedings to be taken and shall forward to the Branches a report of the business transacted at such meetings.
- (iii) The Federal President shall keep a register of the names, occupations and addresses of the officers and members of the Institute. Such register shall be kept at the Branch Offices of the Institute and shall be open at any time for inspection by the Industrial Registrar, or any person appointed by the Industrial Registrar.
- (iv) The Federal President shall prepare and shall furnish to the Industrial Registrar all returns required by or under the Workplace Relations Act, 1996 or Regulations made thereunder.
- (v) The Federal President shall receive and answer all correspondence and place the same before the Federal Council, take copies of all important letters, and perform such other duties as may be necessary to carry out the objects and Rules of the Institute.
- (vi) Three months before the Annual Meeting of the Federal Council the Federal President shall notify all Branch Secretaries thereof and call for any business desired by the Branches to be placed before the Federal Council.
- (vii) The Federal President shall submit to the Federal Council at its Annual Meeting in each year a report of its operations.
- (viii) The Federal President shall approve of the engagements of such clerical or other assistance as may be necessary for the proper functioning of the Institute.
- (ix) The Federal President shall receive all monies from Branch Secretaries and elsewhere and shall issue receipts therefor.
- (x) The Federal President shall cause all accounts to be endorsed for payment. The Federal President shall not hold the funds of the Institute but shall bank the same in the name of the Institute with such bank as the Federal Council may direct except for an amount as determined from time to time by the Federal Council which shall be kept on hand for current expenses.
- (xi) When requiring funds for the payment of accounts the Federal President shall sign a cheque or order for the amount required and shall obtain any other necessary signature to the same.
- (xii) The Federal President shall keep a correct account of all income and expenditure and submit a properly audited balance sheet showing the receipts and expenditure of the Institute for the twelve months ending June in each year.
- (xiii) The Federal President shall to the best of his/her ability assist the Auditor in carrying out the Auditor's duties.
- (xiv) The Federal President shall produce all books, vouchers, or other documents for inspection at Federal Council Meetings or to the Auditor when requested.



## 12 - BRANCHES

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- (xv) The Federal President shall promptly notify all Branches of any amendment to the Fair Work (Registered Organisations) Act 2009, the Navigation Act, or any Award in which members of the Institute are interested.
- (xvi) The Federal President shall, jointly with the Federal Treasurer, hold in trust for the Institute, all real property, chattels and moneys belonging to the Institute. The Federal President shall, with the Federal Treasurer sign leases for the tenancy of buildings owned or leased by the Institute as approved by the Federal Executive. The Federal President shall arrange for the investment of the funds of the Institute and realise such investments in such manner, in such securities and for such purposes and on such terms and for such periods as the Federal Council of the Institute may from time to time decide.

### 10 - DUTIES OF FEDERAL PRESIDENT AND VICE-PRESIDENTS

The President shall preside at all meetings of the Federal Council and preserve order so that business may be conducted in due form and with propriety, and upon the minutes being confirmed, shall sign the Minute Book in the presence of the Meeting and the Federal President shall perform the duties of Registered Officer as described in Rule 9.

One of the Vice-Presidents shall be elected by the Federal Council to act as Senior Vice-President and the Senior Vice-President shall preside in the absence of the President with full powers and duties of President and in the event of the office becoming vacant, the Senior Vice-President shall fill the office of President for the remainder of the term.

In the absence of both the President and the Senior Vice-President the remaining members of the Federal Executive shall appoint one of their number to have the powers and perform the duties of the President.

### 11 - POWER OF FEDERAL COUNCIL TO CREATE SUB-BRANCHES

The Federal Council shall have the power to create and disband sub-branches as it sees fit and assign such powers and liabilities as it deems save that the position of Secretary of a sub-branch shall be honorary only and that the Secretary of a sub-branch shall be under the supervision of and control of the Branch Secretary and further that the Secretary of a sub-branch shall have no power nor authority to hold any funds or collect any dues of the Institute and that the Secretary of a sub-branch shall communicate with the Branch Secretary and make recommendations to the Branch Secretary.

## 12 - BRANCHES

- (i) The Registered Offices of the Branches of the Institute shall be as follows:-

South Australia:	22 Divett Street, Port Adelaide, SA 5015
Victoria/Tasmania:	Suite 202, 20 Convention Centre Place, South Wharf, Melbourne 3006
Sydney:	52 Buckingham Street, Surry Hills, NSW 2010
Newcastle:	148 Hannell Street, Wickham, NSW 2293
Queensland:	Suite 14, 'Rockton', 40 Brookes Street, Bowen Hills, QLD, 4006
West Australia:	169 Stock Road, Palmyra WA 6157

- (ii) the places of meeting of the Branches of the Institute shall be determined from time to time by the Branch Executive.

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**13 - BRANCH MEETINGS**

- (i) The Monthly Meeting of each Branch of the Institute shall be held between the hours 9 a.m. and 12 noon on the last Tuesday in each calendar month or on such other day as may from time to time be decided upon by the Federal Executive.
- (ii) All Seagoing Members shall whenever possible attend the Monthly Meeting being held in the port where they then are.
- (iii) All Members attending Monthly Meetings shall sign the attendance book and clearly indicate therein the Branch to which they belong, their financial standing as Institute Members and the vessel on which they are then serving.
- (iv) The quorum for a Monthly Meeting shall be five financial members in addition to the Chairman and the Branch Secretary or such other member as the Branch Secretary shall authorise to attend in his/her stead.
- (v) The voting at Monthly Meetings shall be by show of hands unless a division is called for.
- (vi) All financial Members of the Institute shall have the right to speak and take part in and vote upon any question at any meeting of a Branch.
- (vii) Branch, General and Special Meetings shall be held at the registered offices prescribed in Rule 12 unless the Branch Executive decides otherwise.
- (viii) Any resolution affecting members of the Institute generally shall not be effective unless confirmed by a majority of the Branches of the Institute.
- (ix) Five (5) per centum of the financial Members of a Branch may apply in writing to the Branch Secretary for a plebiscite vote of the members of the Branch to be taken on any question concerning the control of the Branch Executive. The application shall state the nature of the dissatisfaction with the Branch Executive.
- (x) The plebiscite vote shall be taken within a period of three (3) months after the receipt of the application by the Branch Secretary who shall select a Returning Officer who shall not be eligible for membership of the Institute or an employee of the Institute. The Returning Officer shall submit the question(s) for determination by the financial Members of the Branch in accordance with the relevant section of Rule 33.

**14 - REGISTERED HEAD OFFICE**

- (i) The registered Head Office shall be 52 Buckingham Street, Surry Hills, NSW 2010
- (ii) The place of the Federal Council meeting shall be at the Head Office or such other place as the Federal Council may from time to time determine.

**15 - COMPOSITION**

- (i) The Institute shall consist of a Head Office and Branches.

The Branches shall be as follows:

- (a) Queensland Branch - all that part of the Commonwealth of Australia within the boundaries of the State of Queensland.

## 16 - ANNUAL GENERAL MEETING OF THE INSTITUTE

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- (b) Newcastle Branch - all that part of the Commonwealth of Australia within the boundaries of the Commonwealth Electoral Divisions of Richmond, Page, Cowper, New England, Lyne, Paterson, Parkes, Hunter, Charlton, Newcastle, Shortland, Dobell and Robertson.
  - (c) Sydney Branch - all that part of the Commonwealth of Australia within the State of New South Wales and the Australian Capital Territory, not previously defined to be within the boundaries of the Newcastle Branch of the Institute.
  - (d) Victoria/Tasmania Branch - all that part of the Commonwealth of Australia within the boundaries of the State of Victoria and the State of Tasmania.
  - (e) South Australia Branch - all that part of the Commonwealth of Australia within the State of South Australia and the Northern Territory of Australia.
  - (f) West Australia Branch - all that part of the Commonwealth of Australia within the State of Western Australia.
- (ii) The Federal Council may establish such other Branches within the Commonwealth of Australia or its territories as are thought proper and necessary for the purposes of the Institute.
  - (iii) Subject to Rule 48 (ii):
    - (a) The members of a Branch shall be all the members of the Institute whose normal place of residence is located within the boundaries of that Branch.
    - (b) A member of the Institute who has ceased to be normally resident within the Commonwealth of Australia shall be deemed to be a member of the Branch of which he/she was last a member whilst normally resident within the Commonwealth of Australia.
    - (c) A member of the Institute not resident within the Commonwealth of Australia at the time of joining the Institute shall be deemed to be a member of the Branch through which he/she joined the Institute.
    - (d) A member of the Institute shall not be a member of any more than one Branch of the Institute at any one time.

## 16 - ANNUAL GENERAL MEETING OF THE INSTITUTE

- (i) The Annual General Meeting of the members of the Institute shall be held on the last Tuesday of the month of May each year or at such other Monthly Meeting as near as practicable thereto as may be decided on by the Federal Council.
- (ii) The business dealt with at such General Meeting shall be confined to business on the agenda. The agenda for such General Meeting shall provide for the following:-
  - (a) The general yearly report of the Federal Council.
  - (b) A financial summary showing the position of the Institute.
  - (c) Motions by members notice of which has been given in writing to the Federal President at least fourteen (14) days prior to the date of such General Meeting.
- (iii) Such General Meeting of the Institute shall be conducted in the manner following:-
  - (a) On the day appointed for the holding of such General Meeting there shall be held meetings of the members in the ports of Brisbane, Newcastle, Sydney, Melbourne, Devonport, Port

## 19 - THE MANNER OF SUMMONING MEETINGS

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Adelaide, Fremantle, and in such other locations as determined by Federal Executive, respectively.

- (b) At each such meeting each of the items on the agenda shall be submitted to the members present by way of motion. The members present at each such meeting shall vote on each motion so submitted. The vote of the members at each such meeting against each motion shall be aggregated. The result of the voting on each motion shall be determined upon the aggregate of the number of votes for the motion exceeding the aggregate of the number of votes against the motion or vice-versa.
- (c) The results of the voting at the meeting held at the above - mentioned ports shall be forwarded by the Branch Secretary to the Federal President for the purpose of aggregating the votes for and against.
- (iv) Notice of the time and place of such General Meeting shall be given to members at the preceding Monthly Meeting and posted in the office of each Branch.
- (v) The December meeting of members, held in all the same locations as set out in (iii) (a) above, shall for the purposes of the Fair Work (Registered Organisations) Act 2009, be a supplementary general meeting of the members of the Institute in that its normal Agenda shall include that the audited general purpose financial report (in full form) referred to in Rule 22 shall be presented to members for approval with voting for this motion being immediately notified to the Federal Treasurer and aggregated as per (iii) (b) above.

## 17 - SPECIAL MEETINGS OF THE FEDERAL COUNCIL

- (i) The Federal President shall call a Special Meeting of Federal Council if:-
  - (a) Any three (3) Branch Executives of the Institute make written request for such a meeting; or
  - (b) The Federal Executive by Resolution so directs; or
  - (c) Five (5) per centum of the financial members of the Institute make written request for such a meeting; or
  - (d) The majority of members of Federal Council so directs.
- (ii) The Federal Executive shall determine the venue of any such Special Meeting. Any request or direction shall specify fully the reasons for calling such meetings and the business to be dealt with at such meeting. The Federal Council shall only deal with such business unless determined otherwise by a majority of the members of the Federal Council.
- (iii) Special Meetings shall be held within three (3) months of the receipt of the request or direction for such a meeting.

## 18 - QUORUM AT MEETING OF THE FEDERAL COUNCIL AND FEDERAL EXECUTIVE

The Quorum of any meeting of the Federal Council shall be nine (9). The Quorum of any meeting of the Federal Executive shall be three (3). It shall be competent for the Federal Executive to confirm or disapprove of any resolution, in writing or by telegram, facsimile or email submitted by the Federal President.

## 19 - THE MANNER OF SUMMONING MEETINGS

- (i) Meetings of the Federal Council and/or Federal Executive shall be summoned by the Federal President or a deputy sending to each member thereof a notice of the date of the holding of such a

## 20 - FEDERAL FUNDS

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meeting by post facsimile, email or telegram in sufficient time to enable the member to reach the place at which the meeting is to be held.

- (ii) Special Meetings of a Branch or Branches may be summoned by the Branch Secretary by post, facsimile, email or by inserting in a newspaper circulating within the boundaries of the Branch in which the meeting is to be held a notice of such meeting at least three (3) days before the meeting and by advising every workplace within the boundaries of the Branch including every ship in port on the day of the meeting and where practicable by posting such notices in every workplace.
- (iii) Special Meetings of the members of the Institute, or a section or sections of the members, may be summoned by the Federal President inserting in a newspaper circulating in the State or States in which the Meeting is to be held a notice of such Meeting at least three (3) days before the Meeting and by advising every relevant workplace in the State including, where necessary, every ship in port on the day of the Meeting and where practicable by posting such notices in every workplace.
- (iv) Meetings of a Branch Executive shall be summoned by the Branch Secretary or his/her deputy.

## 20 - FEDERAL FUNDS

- (i) The Federal Funds shall be under the control of Federal Council and shall consist of:-
  - (a) Any real or personal property of which the Federal Council or Federal Executive by the Rules or by any established practice not inconsistent with these Rules, has, or in the absence of any limited term, lease, bailment or arrangement, would have, the right of custody, control or management;
  - (b) The amounts of any payments of any entrance fees, subscriptions, fines, fees or levies payable by a Branch to the Head Office;
  - (c) Any interest, rent, dividends or other income derived from the investment or use of the fund;
  - (d) Any superannuation or long service leave or other fund operated or controlled in accordance with the Rules relating to the Institute as a whole for the benefit of its officers or employees;
  - (e) Any sick pay fund, accident pay fund, funeral fund, tool benefit fund or like fund operated in accordance with the Rules relating to the Institute as a whole for the benefit of its members;
  - (f) Any property acquired wholly or mainly by expenditure of the moneys of the Federal Fund or derived from other assets from the Federal Fund; and
  - (g) The proceeds of any disposal of parts of the Fund.
- (ii)
  - (a) All payments made on behalf of the Institute Head Office shall be made by cheque or Electronic Funds Transfer (EFT) on such account and such cheques or EFT shall be signed or electronically approved by any two of the Federal President, Federal Treasurer and a Vice-President.
  - (b) The signatories referred to in part (a) of this sub-clause shall not append their signatures either written or electronic to any cheque or EFT excepting those cheques drawn or funds transferred in payment of ordinary administrative expenses or in payments of accounts and/or expenditure authorised by the Federal Council.
  - (c) The Federal Executive shall develop and implement policies and procedures relating to the expenditure of the Institute.

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**21 - BRANCH FUNDS**

- (i) Each Branch shall have a Branch Fund which shall be controlled by the Branch Executive and shall consist of:
  - (a) Any real or personal property of which the Branch of the Federation, by the Rules or by any established practice not inconsistent with the Rules, has, or in the absence of any limited term lease, bailment or arrangement, would have, the right of custody, control or management;
  - (b) The amounts of entrance fees, subscriptions, fines, fees or levies received by the Branch, less so much of those amounts as is payable by the Branch to the Federation;
  - (c) Any interest, rents or dividends derived from the investment of the Branch Fund;
  - (d) Any superannuation or long service leave fund operated or controlled by the Branch for the benefit of its officers or employees of the Branch;
  - (e) Any sick leave fund, accident pay fund, funeral fund, tool benefit fund or like fund operated or controlled by the Branch for the benefit of its members;
  - (f) Any property acquired wholly or mainly by expenditure of the moneys of the Branch Fund or derived from other assets of the Branch Fund;
  - (g) The proceeds of any disposal of parts of the Fund.
- (ii)
  - (a) Each Branch Secretary shall pay to the credit of the Branch's General Fund all entrance fees, contributions, fines or other moneys received by the Branch Secretary on behalf of the Institute, and shall remit to the Federal President on or before the 10th day of each calendar month any moneys standing to the credit of such fund in excess of one thousand dollars (\$1,000) (or such other amounts as may from time to time be fixed by the Federal Council as at the last day of the immediately preceding month).
  - (b) Each Branch Secretary shall on or before the said 10th day of each calendar month forward to the Federal President a statement containing full particulars of all moneys expended by or on behalf of the Branch Secretary's Branch and the Federal President shall within seven days of the receipt of such statement remit to the Branch the amount so expended.
  - (c) It shall be the duty of the Federal President to be satisfied that all expenditure incurred by a Branch has been properly incurred. In the event that the Federal President is not so satisfied the Federal President shall nevertheless remit the amount expended to the Branch concerned but shall refer the question whether any expenditure has been properly incurred to the Federal Council for consideration and determination. If the Federal Council is satisfied that any expenditure has not been properly made the amount of such expenditure shall be deducted from the amount to be next remitted to the Branch concerned.
  - (d) The Branch Executive shall develop and implement policies and procedures relating to the expenditure of the branch.

**22A - FINANCIAL YEAR - ACCOUNTS AND AUDIT**

- (i) The Institute's financial year shall end on June 30th each year, and the general purpose financial report (in full form) shall be submitted to the Federal Executive (being the Committee of Management for the purposes of the Fair Work (Registered Organisations) Act 2009) as soon as possible after the report becomes available.

- (ii) The audited general purpose financial report (in full form) shall be provided to members at least 21 days prior to the full report being presented to the supplementary general meeting held in December each year pursuant to Rule 16 (v).
- (iii) The audited general purpose financial report (in full form) shall be presented to the Federal Council by the Federal President.

## 22B - DEFINITIONS

- (a) board means a group of persons who supervise, govern or otherwise have oversight of a corporation, organisation, association or other like body including a Board of Directors.
- (b) disclosure period For the purpose of these rules means the financial year unless a shorter period is specified.
- (c) declared person or body A person is a declared person or body if:
  - (i) an officer of the Institute/branch has disclosed a material personal interest under sub-rule 22D(i); and
  - (ii) the interest relates to, or is in, the person or body; and
  - (iii) the officer has not notified the Institute/branch that the officer no longer has the interest.
- (d) financial duties includes duties that relate to the financial management of the Institute or a branch of the Institute.
- (e) General Manager means the General Manager of the Fair Work Commission.
- (f) non-cash benefit means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes.
- (g) peak council has the same meaning as defined by section 12 of the *Fair Work Act 2009*.
- (h) office has the same meaning as defined by section 9 of the *Fair Work (Registered Organisations) Act 2009*.
- (i) officer has the same meaning as defined by section 6 of the *Fair Work (Registered Organisations) Act 2009*.
- (j) related party has the same meaning as defined by section 9B of the *Fair Work (Registered Organisations) Act 2009*.
- (k) relative in relation to a person, means:
  - (i) parent, step parent, child, stepchild, grandparent, grandchild, brother or sister of the person; or
  - (ii) the spouse of the first mentioned person.
- (l) relevant remuneration in relation to an officer of the Institute/branch for a disclosure period is the sum of the following:
  - (i) any remuneration disclosed to the Institute/branch by the officer under sub-rule 22C(i) during the disclosure period;
  - (ii) any remuneration paid, during the disclosure period, to the officer by the Institute/branch;
- (m) relevant non-cash benefits in relation to an officer of the Institute/branch for a disclosure period means the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer's duties as an officer, by the Institute/Branch or by a related party of the Institute/branch.
- (n) remuneration
  - (i) includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but
  - (ii) does not include a non-cash benefit; and

## 22D - DISCLOSURE OF OFFICER'S MATERIAL PERSONAL INTERESTS

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(iii) does not include the reimbursement or payment of reasonable expenses for the costs incurred in the course of the officer carrying out his or her duties.

### **22C - DISCLOSURE OF OFFICER'S RELEVANT REMUNERATION AND NON-CASH BENEFITS**

- (i) Each officer of the Institute, and including each officer of each Branch of the Institute, shall disclose to the Institute any remuneration paid to the officer:
  - (a) 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 Institute; or
    - (ii) the officer was nominated for the position as a member of the board by the Institute, a branch of the Institute, or a peak council; or
  - (b) by any related party of the Institute in connection with the performance of the officer's duties as an officer.
- (ii) The disclosure required by sub-rule (i) shall be made to the Institute:
  - (a) as soon as practicable after the remuneration is paid to the officer; and
  - (b) in writing.
- (iii) The Institute shall disclose to the members of the Institute and its branches:
  - (a) the identity of the officers who are the five highest paid in terms of relevant remuneration for the disclosure period, and
  - (b) for each of those officers:
    - (i) the actual amount of the officer's relevant remuneration for the disclosure period, and
    - (ii) either the value of the officer's relevant non-cash benefits, or the form of the officer's relevant non-cash benefits, for the disclosure period.
- (iv) For the purposes of sub-rule (iii), the disclosure shall be made:
  - (a) in relation to each financial year;
  - (b) within six months after the end of the financial year; and
  - (c) in writing.
- (v) Each Branch of the Institute shall disclose to the members of the Institute and its branches:
  - (a) the identity of the officers who are the two highest paid in terms of relevant remuneration for the disclosure period, and
  - (b) for each of those officers:
    - (i) the actual amount of the officer's relevant remuneration for the disclosure period; and
    - (ii) either the value of the officer's relevant non-cash benefits, or the form of the officer's relevant non-cash benefits, for the disclosure period.
- (vi) For the purposes of sub-rule (v), the disclosure shall be made:
  - (a) in relation to each financial year;
  - (b) within six months after the end of the financial year; and
  - (c) in writing.

### **22D - DISCLOSURE OF OFFICER'S MATERIAL PERSONAL INTERESTS**

- (i) Each officer of the Institute, and including each officer of each Branch of the Institute, shall disclose to the Institute any material personal interest in a matter that:
  - (a) the officer has or acquires; or



## 22F - TRAINING FOR OFFICERS WITH FINANCIAL DUTIES

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- (b) a relative of the officer has or acquires;  
that relates to the affairs of the Institute.
- (ii) The disclosure required by sub-rule (i) shall be made to the Institute:
  - (a) as soon as practicable after the interest is acquired; and
  - (b) in writing.
- (iii) The Institute shall disclose to the members of the Institute and its branches any interests disclosed to the Institute pursuant to sub-rule (i).
- (iv) For the purposes of sub-rule (iii), the disclosures shall be made:
  - (a) in relation to each financial year;
  - (b) within six months after the end of the financial year; and
  - (c) in writing.

## 22E - DISCLOSURE BY INSTITUTE/BRANCH OF PAYMENTS

- (i) The Institute, and each Branch of the Institute, shall disclose to the members of the Institute and its branches either:
  - (a) each payment made by the Institute and each Branch of the Institute, during the disclosure period:
    - (i) to a related party of the Institute or to a related party of a branch of the Institute;  
or
    - (ii) to a declared person or body of the Institute or a declared person or body of a branch of the Institute; or
  - (b) the total of the payments made by the Institute and each Branch of the Institute, during the disclosure period:
    - (i) to each related party of the Institute or to a related party of a branch of the Institute; or
    - (ii) to each declared person or body of the Institute or a declared person or body of a branch of the Institute.
- (ii) Sub-rule (i) does not apply to a payment made to a related party if:
  - (a) the payment consists of amounts deducted by the Institute from remuneration payable to officers of the Institute; or
  - (b) the related party is an officer of the Institute, and the payment:
    - (i) consists of remuneration paid to the officer by the Institute; or
    - (ii) is reimbursement for expenses reasonably incurred by the officer in performing the officer's duties as an officer.
- (iii) For the purposes of sub-rule (i), the disclosures shall be made:
  - (a) in relation to each financial year;
  - (b) within six months after the end of the financial year; and
  - (c) in writing.

## 22F - TRAINING FOR OFFICERS WITH FINANCIAL DUTIES

- (a) Each officer of the Institute, including an officer of a Branch of the Institute, whose duties include duties that relate to the financial management of the Institute or a Branch of the Institute (as the case may be) must undertake training that:
  - (i) Is approved for such purpose by the General Manager of the Fair Work Commission; and
  - (ii) Covers each of the officers' financial duties.
- (b) For the purposes of sub-rule (a), the officers must complete such training:

- (i) Within six (6) months after the officer begins to hold the office; or
- (ii) Within six (6) months of 1 January 2014.

### **23 - DUTIES OF AUDITORS**

- (i)
  - (a) Each Branch shall engage the services of a Registered Auditor to act as Branch Auditor;
  - (b) Each Branch Auditor shall be an approved Auditor within the meaning of the Fair Work (Registered Organisations) Act 2009.
  - (c) Each Branch Auditor shall perform such duties as are prescribed by the Fair Work (Registered Organisations) Act 2009 and the Regulations and such other functions not inconsistent with the Act and the Regulations as are required by the Branch or the Branch Executive;
  - (d) Each Branch Auditor shall have access to and examine if desired all books, papers, deeds, documents and accounts of the Branch and the Branch Executive and be empowered to question any office bearer or officer or employee of the Branch with regard to the same and to obtain from any bank or other institution at which the funds of the Branch are deposited or invested such information as the Auditor may require; and
  - (e) Have the power to place before the Branch Executive any suggestion the Auditor may desire to make concerning the financial affairs of the Branch.
- (ii)
  - (a) The Federal Auditor shall be a Registered Auditor appointed annually by the Federal Council;
  - (b) The Federal Auditor shall be an approved Auditor within the meaning of the Fair Work (Registered Organisations) Act 2009.
  - (c) The Federal Auditor shall perform such duties as are prescribed by the Fair Work (Registered Organisations) Act 2009 and the Regulations and such other functions not inconsistent with the Act and the Regulations as are required by the Federal Council or the Federal Executive;
  - (d) The Federal Auditor shall have access to and examine if desired all books, papers, deeds, documents and accounts of the Federal Council, the Federal Executive and the audits of each Branch and be empowered to question any office bearer or officer or employee of the Institute or any Branch thereof with regard to the same and to obtain from any bank or other institution at which the funds of the Institute or any Branch thereof are deposited or invested such information as the Auditor may require; and
  - (e) Have the power to place before the Federal Executive any suggestion the Auditor may desire to make concerning the financial affairs of the Institute or its Branches and before the Branch Executive any suggestion the Auditor may desire to make concerning the financial affairs of that Branch.

### **24 - PROPERTY OF THE INSTITUTE**

All property and moneys belonging to the Institute defined by Rule 20 as Federal Funds shall be vested in the Institute. The Federal President and the Federal Treasurer shall act jointly on behalf of the Institute in acquiring, holding, maintaining and disposing of such property under the directions of the Federal Council.

### **25 - INDEMNITY OF OFFICERS**

## 28 - FEES AND CONTRIBUTIONS

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- (i) All officers of the Institute shall be indemnified by the Institute from all losses and expenses incurred by them in or about the discharge of their respective duties except such as happen through their own wilful act or default.
- (ii) No officer of the Institute shall be liable for any other officer, or for joining in any receipt or other act for the sake of conformity, or for any loss or expense happening to the Institute, unless the same happen through the officer's own wilful act or default.

## 26 - ACCESS TO BOOKS OF THE INSTITUTE

The books of account of the Institute and of the Branches thereof shall be kept at the Registered Office of the Institute or the Branches as the case may be and such books shall be open to inspection by members of the Institute during ordinary office hours.

## 27 - PROPOSAL OF CANDIDATES FOR MEMBERSHIP

- (i) A Candidate for membership shall be informed, in writing, of
  - (a) the financial obligations arising from membership, and
  - (b) the provisions of Rule 31 which provide the circumstances, and the manner, in which a member may resign from the Institute.
- (ii) A candidate must be proposed and seconded by two financial members, complete and sign the Proposition Form and pay the Entrance Fee and contributions as required by Rule 28 prior to their admission. Admission will be considered by a Branch Meeting.
- (iii) Pending their application coming before a Branch Meeting, Candidates for membership, if considered duly qualified and who have paid the Entrance Fee, shall be granted a permit by a Branch Secretary to Sail with Institute Members.
- (iv) If any question arises as to the right of admission to membership of a candidate because of the question as to the candidate's qualifications as required by these Rules, or for any other reason whatsoever, three (3) or more members who have voted against the admission of such candidate to membership shall have the right to immediately state their objections to the admission of such candidate to the meeting, and shall have the right to appeal against the admission of such candidate to membership through the Branch to Federal Council and the Federal Council may in its absolute discretion uphold or reject such appeal.
- (v) The Branch Secretary shall forward to the Federal President the appeal signed by the objecting members together with the relevant facts and all documents appertaining to the application for membership and objection thereto. The decision of the Branch to admit such candidate to membership shall be suspended pending the decision of the Federal Council on any such appeal.

## 28 - FEES AND CONTRIBUTIONS

- (i) An applicant for membership shall pay an Entrance Fee of twenty five dollars (\$25).
- (ii) 'Seagoing Rate':  
A member covered by an Institute Award or Agreement employed on a vessel, propelled or non-self propelled, shall pay an annual contribution as determined by Federal Council.
- (iii) A member not covered by an Institute Award or Agreement employed on a vessel, propelled or non-self propelled, shall pay an annual contribution equal to one quarter of the Seagoing rate.

## 30 – LIFE MEMBER

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- (iv) ‘Power Rate’:  
A member other than a member referred to in sub-clauses (ii) and (iii) of this clause covered by an Institute Award or agreement, shall pay an annual contribution equal to one quarter of the Seagoing rate.
- (v) A member other than a member referred to in sub-clauses (ii), (iii) and (iv) of this clause, shall pay an annual contribution equal to one tenth of the Seagoing rate.
- (vi) Associate members shall pay an annual contribution equal to the amount specified for the particular section in which they are employed.
- (vii) Contributions shall be assessed and be payable on the 1st July in each year, however members on payroll deductions or other periodic payment arrangements shall be deemed to be Financial. Members three (3) months in arrears shall pay a fine to ten per centum on all arrears; members six months in arrears shall be liable for exclusion by the Branch of which they are a member.
- (viii) Funds may be supplemented by levies as determined by the Federal Council and those members so levied shall be subject to the payment of such levies and liable for exclusion from membership if not paid within six months of being struck.
- (ix) Nothing in these rules shall prevent or impose a penalty on a member who pays his/her annual contributions by a payroll deduction scheme approved by the Federal Council.
- (x) Members employed by Queensland Port Authorities on dredges confined to harbour limits shall pay one-third of the Seagoing rate.
- (xi) Members employed on tourist vessels of less than 1500 KW, or otherwise requiring under the relevant legislation an Engineer with less than a class 3 Certificate, shall pay one-half of the Seagoing rate. Members who are NMITC Trainee Engineers and have not yet achieved the Engineer Watchkeeper Certificate, or equivalent, shall also pay this rate.

## 29 - MEMBERS ELIGIBLE FOR TRANSFER TO HONORARY LIST

- (i) Any financial member may upon written request to the Branch Secretary be transferred to honorary membership by decision of the Branch Executive.
- (ii) Honorary members may attend meetings, speak but not vote.

## 30 – LIFE MEMBER

The Federal Council may approve the appointment of a life membership or a number of them. Granting of life member status to existing members of AIMPE shall be subject to the following:-

- i) The nomination must be in writing, commencing with the heading “**Nomination for AIMPE Life Membership**” and setting out immediately thereunder:-
- The name of the Member/Honorary Member who is being nominated; and
  - The names and dated signatures of the [at least] 3 members of Federal Council who propose the nomination; and
  - The names and dated signatures of the [at least] 2 OTHER members of Federal Council who second the nomination; and
  - The nomination must then set out the nominee’s history of AIMPE membership and of any positions/offices held by the nominee; and

## 31 - RESIGNATIONS AND EXCLUSIONS

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- The nomination must then set out the reasons/grounds the Proposers and Seconders contend the nominee warrants the bestowing of Life Membership consistent with this rule
- ii) The nominee cannot be a Proposer or Secunder.
  - iii) The member nominated must be a member of AIMPE and must have held uninterrupted financial membership for the preceding twenty (20) years; Honorary membership is included.
  - iv) It must be demonstrated that the nominee has worked assiduously and tirelessly in pursuit of the objectives of AIMPE and has achieved an outcome of substantial benefit or advantage to the union, its good name and its members.
  - v) The Federal Executive shall receive and process nominations. Where a member of the Federal Executive is the nominated person he/she shall not participate in the selection process. The Federal Executive shall do one of the following:
    - Support the nomination and forward it to Federal Council for decision.
    - Reject the nomination and advise the Proposers and Seconders and Federal Councillors why it is rejected
    - Request further supporting evidence from the Proposers and Seconders.
  - vi) Decisions of the Federal Council in respect of bestowing Life Member are final and no plebiscite under rule 6 or other appeal is allowed.

### 31 - RESIGNATIONS AND EXCLUSIONS

- (i) Notice in writing of resignation shall be addressed and delivered to the Branch Secretary of the Branch to which the member currently belongs.
- (ii) A member may resign from membership by written notice which shall take effect:
  - (a) Where the member ceases to be eligible to become a member of the Institute:
    - on the day on which the notice is received; or
    - on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;whichever is later; or
  - (b) in any other case:
    - at the end of two (2) weeks after the notice is received; or
    - on the day specified in the notice;whichever is later.
- (iii) Any dues payable but not paid by a former member, in relation to a period before the member's resignation took effect, may be sued for and recovered by the Institute, as a debt due.
- (iv) A notice delivered as required by Rule 31(i) shall be taken to have been received by the Institute when it was delivered and such notice is not invalid because it was not addressed and delivered in accordance with Rule 31(i).

### 33 - ELECTIONS

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- (v) A resignation from membership is valid even if it is not effected in accordance with this Rule if the member is informed in writing by or on behalf of the Institute that the resignation has been accepted.
- (vi) A member excluded for arrears may rejoin, subject to Rule 27, and shall comply with the provisions of Rule 28 and pay all arrears owing by the member at the date of his/her exclusion.
- (vii) The Branch Secretary or any person designated by the Federal President/Federal Executive has discretion to apply an alternative arrangement to 31(vi) to the mutual benefit of the AIMPE and the rejoining member.

### 32 - BRANCH EXECUTIVE

Each Branch shall have an Executive Committee which shall consist of the President, Secretary and Treasurer. The Branch President and Branch Treasurer shall be nominated and elected by members of the Branch in accordance with the provisions of these Rules. The said Committee is referred to in these Rules as the Branch Executive.

### 33 - ELECTIONS

#### A. Federal Executive Elections

- (i) A Federal President, three (3) Vice Presidents and a Treasurer shall be elected only by the members of the Federal Council from amongst their own number, for a term of one (1) year or until the next annual meeting of the Federal Council.
- (ii) The Federal Council shall appoint a Returning Officer, not being a holder of any office in, nor being an employee of the Institute or of a Branch, Section or Division of the Institute, for the purpose of conducting elections for the positions set out in sub-clause (A)(i) of this Rule.
- (iii) Nominations shall be made in writing and shall be lodged with the Returning Officer before the time so fixed by the Returning Officer for the closing of nominations. Each nomination shall be signed by the Nominee, the Proposer and Seconder. The elections of these officials shall be conducted on the first day of the Annual Meeting of the Federal Council. Nominations shall close on that day at a time fixed by the Returning Officer.
- (iv) The Returning Officer shall have power to accept or reject any nominations in accordance with these Rules; provided that before the Returning Officer rejects any nominations the following shall have effect:-
  - (a) The Returning Officer shall notify the person concerned of the defect in the nomination; and
  - (b) The Returning Officer shall, where it is practicable to do so, give the person concerned the opportunity of remedying the defect as soon as possible after close of nominations.
  - (c) If the person concerned within such period is able to and does in fact remedy the defect in the nomination, the Returning Officer shall thereupon accept such nomination.
- (v) Subject to sub-clause (iv), if the number of valid nominations received does not exceed the number of positions to be filled the Returning Officer shall declare those persons nominated as being elected.
- (vi) If there be no valid nomination received for any office, nominations for such office shall be called by the Returning Officer from the Federal Councillors present at the Meeting. The provisions of sub-clauses (iii) to (v) of this Rule shall apply to such nominations.

- (vii) If more than one nomination is received for any office a secret ballot for that Office shall be conducted by the Returning Officer.
- (viii) Any Federal Councillor unable to attend the Federal Council meeting at where a ballot is to be conducted may, by writing under the Councillor's hand, appoint another member of Federal Council as the Councillor's proxy in connection with such election and the same shall be delivered to the Returning Officer before the commencement of the election.
- (ix) In the event of a ballot being required the Returning Officer shall prepare ballot papers with candidates' names set out in alphabetical order. The Returning Officer shall mark each ballot paper issued with the Returning Officer's initials, provide voting instructions to voters and do all things necessary to ensure ballot papers do not disclose the identity of the Federal Councillor voting. Ballot papers shall be distributed to all Councillors or to their proxies. The Returning Officer shall provide a receptacle into which all ballot papers shall be placed by the voter when voting. On completion of the ballot the Returning Officer shall count all formal votes and immediately declare the result of the ballot; in the event of a tie the Returning Officer shall determine the result by lot.
- (x) Each candidate shall have the right to appoint one scrutineer who may attend at all stages of the ballot and whose duties shall be to watch the interests of the candidates. A candidate shall notify the Returning Officer of the appointment of a scrutineer in writing.
- (xi) Extraordinary vacancies for the positions of Federal President, Vice President and Federal Treasurer shall be filled by election by a postal ballot of the remaining members of the Federal Council. The provisions of this Rule shall apply, mutatis mutandis to such election. An extraordinary vacancy shall exist when:-
  - (a) an officer is removed under Rule 41;
  - (b) an officer dies or resigns from office; and
  - (c) an officer ceases to be eligible to hold office.

B. Branch Elections

- (i) The Branch Secretaries shall be elected for a term of four (4) years, the other members of the Branch Executive shall be elected for a term of two (2) years and ordinary members of Federal Council shall be elected for a term of two (2) years by the financial members of the Branch.
- (ii) The Branch Secretary shall make all necessary arrangements for the appointment of a Returning Officer, not being a holder of any office in, nor being an employee of the Institute or of a Branch, Section or Division of the Institute, for the purpose of conducting elections for the positions set out in paragraph (i) above. All elections shall be by secret postal ballot by members of the Branch, provided that if only one nomination is received for the position, the person nominated will be declared elected. In the event of the Returning Officer becoming at any stage unable to act, the Branch Secretary shall appoint some person to act in the Returning Officer's place.
- (iii) Notice that nominations are required and specifying the opening and closing dates for nominations shall be given by the Returning Officer by publication in the Institute magazine "On Watch" at least one (1) month before the date fixed for the election.
- (iv) Each nomination shall be in writing, signed by the nominee and proposer and seconder, all of whom shall be financial members.
- (v) Upon the closing of nominations the Returning Officer shall determine whether and if so, which, of such nominations are in order and if more than the required number of nominations have been received and are in order, the Returning Officer shall conduct a secret postal ballot of the members of the Branch, provided that, in the event of the Returning Officer finding a nomination to be defective, the Returning Officer shall before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, give the person the opportunity of remedying the

defect within, where practicable, not less than seven days after being so notified. The Returning Officer shall cause a ballot paper to be prepared containing in alphabetical order the names of the candidates so nominated and such directions as the Returning Officer shall deem fit as to the marking of the votes and the closing of the ballot. The Returning Officer shall, at least fourteen (14) days before the opening of the election cause to be sent by prepaid mail to each financial member of the Branch a ballot paper together with two (2) envelopes, a "declaration envelope" with a removable flap or label and a prepaid envelope. Both envelopes must comply with the forms prescribed by the Fair Work (Registered Organisations) Regulations 2009. The Returning Officer shall also provide facilities for the return of completed ballot papers by the voter without expense to the voter.

- (vi) Voters shall indicate their vote(s) as directed by the Returning Officer. Voters shall also comply with the Returning Officer's instructions regarding the return of ballot papers.
- (vii) Any ballot paper which in the opinion of the Returning Officer plainly indicates the voter's intention shall be valid but otherwise any vote contrary to these Rules or which otherwise fails to observe the directions contained on the ballot paper shall be deemed informal.
- (viii) The Returning Officer shall certify to the Federal President or the Branch Secretary, as the case may be, the names of the candidates elected and thereupon they shall assume office in place of the retiring members. The result of the ballot as so certified shall be declared by the Returning Officer in the next succeeding issue of "On Watch".
- (ix) Subject to the provisions of the Fair Work (Registered Organisations) Act 2009 the decision of the Returning Officer shall be final and binding with regard to any matter touching or concerning such election and the conduct thereof.
- (x) It shall be the right of any candidate to appoint a member who is not a candidate for election to be a scrutineer on the candidate's behalf. Such scrutineer shall be appointed only with the scrutineer's consent in writing which shall be given to the Returning Officer not later than the closing time for the return of the ballot papers. Any such scrutineer shall be notified by the Returning Officer of the time and place for the counting of votes and may attend at the counting of votes and examine any ballot paper and demand a recount if the scrutineer is not satisfied that the original count is correct.
- (xi) The Returning Officer shall take such actions and give such directions as are reasonably necessary to ensure that no irregularities occur in or in connection with the election and in order to remedy any procedural defects.
- (xii) Financial members only shall be entitled to vote. The roll of voters shall be closed 7 days before the opening of nominations.
- (xiii) If a nomination is not received for any position the Branch Executive shall have power to appoint a person to fill the vacancy until a new election can be arranged, provided that the term of appointment shall not exceed six (6) months. Any such new election shall be conducted in accordance with the provisions of this Rule. A temporary position may be resolved by a meeting of members at a special meeting called for this purpose by the Branch Executive or Federal President.
- (xiv) In all elections the candidate or candidates receiving the greatest number of votes shall be elected according to the number to be elected and in the event of an equality of votes the Returning Officer shall determine the issue by lot.
- (xv) All candidates for election to a position provided for in these Rules may submit a resume not exceeding 300 words, for inclusion with the ballot paper, should such ballot be held.

C. Casual Vacancies

- (i) In the event of a casual vacancy occurring on the Federal Executive, the position shall be filled by the Federal Council at the first meeting of Federal Council subsequent to the vacancy arising. The



procedures to be followed shall be the same as those laid down in Clause A of this Rule except that the person elected shall only be elected for the balance of the original term of office.

- (ii) In the event of a casual vacancy occurring on a Branch Executive or among the ordinary members of Federal Council, the position shall be filled by an election conducted among the members of the Branch. The procedures to be followed shall be the same as those laid down in Clause B of this Rule except that the person elected shall only be elected for the balance of the original term of office. Should the unexpired portion of the term of office in question be less than twelve months, the Branch Executive may appoint a member of the Branch to fill the vacancy.

D. Plebiscites

- (i) All plebiscites whether of the Institute as a whole or of a Branch, shall be conducted by secret postal ballots. The Returning Officer shall fix the dates for the ballot. The Returning Officer shall cause the ballot paper(s) to be prepared containing the terms of the decision(s) that has (have) been objected to and such directions as the Returning Officer shall deem fit as to the marking of the votes and the closing of the ballot. The Returning Officer shall, at least fourteen (14) days before the opening of the plebiscite cause to be sent by prepaid mail to each financial member of the Institute or the Branch the ballot paper(s) together with two (2) envelopes, one to be an outer envelope marked ballot paper(s) and addressed to the Returning Officer, and the other to be an inner envelope. The Returning Officer shall also provide facilities for the return of the completed ballot papers by the voter without expense to the voter.
- (ii) Voters shall indicate their vote(s) as directed by the Returning Officer. Voters shall also comply with the Returning Officer's instructions regarding the return of ballot papers.
- (iii) Any ballot paper which in the opinion of the Returning Officer plainly indicates the voter's intention shall be valid but otherwise any vote contrary to these Rules or which otherwise fails to observe the direction contained on the ballot paper shall be deemed informal.
- (iv) Any financial member who has acted pursuant to Rule 6(ii) or Rule 13(ix) and any member of the Federal Executive may submit a statement, not exceeding 300 words, for inclusion with the ballot paper(s).
- (v) It shall be the right of any financial member who has acted pursuant to Rule 6(ii) or Rule 13(ix) and any member of the Federal Executive to appoint a member to be a scrutineer for the counting of the plebiscite. Such scrutineer shall be appointed by written authorisation which shall be given to the Returning Officer not later than the closing time for the return of ballot papers. Any such scrutineer shall be notified by the Returning Officer of the time and place for the counting of votes and may attend at the counting of votes and examine any ballot paper and demand a recount if the scrutineer is not satisfied that the original count is correct.

### **34 - DUTIES OF THE BRANCH EXECUTIVE**

The Branch Executive shall:-

- (i) Manage the affairs of the Branch in accordance to the Rules of the Institute.
- (ii) The President or Treasurer of a Branch may in the event of an extraordinary vacancy on the Federal Council caused by death, resignation or removal from office of the Secretary of the Branch or during the absence of the Secretary on annual or long service leave, occupy such vacancy pending the election of a successor to the Secretary or during the Secretary's absence on such leave which said election shall be held within six (6) months from the occurrence of such extraordinary vacancy.
- (iii) Deal with any matters which in the opinion of the Executive may affect the Branch and for which no provision is made in these Rules.

- (iv) Recommend to the Federal Council for suspension or exclusion from membership any member who has:-
- (a) Persistently, wilfully or maliciously injured or attempted to injure the Institute.
  - (b) Refused to comply with a resolution duly passed at a properly constituted meeting of members of the Institute.
  - (c) Refused to abide by the Rules of the Institute or any Branch thereof.
  - (d) Misrepresented the affairs of the Institute.
  - (e) Made false statements or given false information in relation to the affairs of the Institute or any Branch thereof.

### **35 - DUTIES OF BRANCH PRESIDENT**

The President shall preside at all branch meetings and preserve order so that business may be conducted in due form and with propriety, and upon the minutes being confirmed, shall sign the minute book in the presence of the meeting. In the event of the President being absent, the meeting shall elect one of their number to act as Chairman, with full power of President, for such meeting.

### **36A - DUTIES OF FEDERAL TREASURER**

The duties of the Federal Treasurer shall be as follows:-

The Federal Treasurer will be available to act conjointly with the Federal President to cause all cheques to be signed and drawn on the bank accounts of and under the control of the Federal Council and shall have access to the accounts and financial records of the Institute.

The Federal Treasurer shall, jointly with the Federal President, hold in trust for the Institute, all real property, chattels and moneys belonging to the Institute. The Federal Treasurer shall, with the Federal President sign leases for the tenancy of buildings owned or leased by the Institute as approved by the Federal Executive.

The Federal Treasurer shall arrange for the investment of the funds of the Institute and realize such investments in such manner, in such securities and for such purposes and on such terms and for such periods as the Federal Council of the Institute may from time to time decide.

### **36B - DUTIES OF BRANCH TREASURER**

The Branch Treasurer will be available to act conjointly with the Branch Secretary to cause all cheques to be signed and drawn on the bank account of and under the control of the Branch and shall have access to the accounts and financial records of the Branch.

### **37 - SUBMISSION OF MATTERS TO THE BRANCH EXECUTIVE**

Any member of the Institute may submit motions, amendments to motions, and proposals, for decisions by the Branch Executive, in the following manner:-

- (i) The member shall forward the proposal to the Branch Secretary.

### 39 - DUTIES OF A BRANCH SECRETARY

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- (ii) The proposal shall be properly set out as a motion and shall be accompanied by an outline of the reason therefor.
- (iii) After considering the same the Branch Executive shall submit the same to a Branch Meeting for decision.

### 38 - ALTERATION OR RESCISSION OF RULES

- (i)
  - (a) The Federal Council shall have the power to make new Rules or to add to, amend, rescind, or otherwise alter these Rules subject to the endorsement of the financial members assembled in a special meeting of the Institute.
  - (b) Notice of any proposal for the making of a new Rule or for the adding to, amendment, rescission or other alteration of any of these Rules shall be given in writing to each member of Federal Council by the Federal President or his/her Deputy at least thirty (30) days prior to the relevant meeting of the Federal Council provided that any such proposal may be amended when being considered by the relevant meeting of Federal Council.
  - (c) The form of a resolution referred to in sub-clause (b) may be submitted to Federal Council by any member of the Institute.
  - (d) The Federal Council shall have the power at any time to make, add to, amend, rescind or otherwise alter those Rules so that the Rules comply with the requirements of the Fair Work (Registered Organisations) Act 2009 and Regulations made thereunder.
- (ii) To expedite action taken in sub-clause (i)(d) the Federal Executive shall be empowered to obtain the approval of Federal Council in writing as per Rule 5(ii).
- (iii) Other than in matters covered by sub-clause (ii) of this Rule, the Federal Executive may, between meetings of the Federal Council, submit a Rule Change to Federal Council in writing or by facsimile, email or telegram in accordance with Rule 5 (ii) allowing 60 days notice prior to the postal vote confirming or disapproving of such Rule Change.

### 39 - DUTIES OF A BRANCH SECRETARY

- (i) The Branch Secretary shall give notice to the members of the Branch of all meetings of such Branch, shall attend all meetings, except when absent on business or authorised leave, and cause Minutes of all proceedings to be taken, and to enter same in the Minute Book as a true and correct report of the proceedings of such meetings.
- (ii) The Branch Secretary shall have a register of the names, addresses and occupations of the Officers and Members of the Branch. Such Register shall be kept at the Branch Office, and shall be open at any time for inspection by the Industrial Registrar or any person appointed by the Branch Secretary.
- (iii) The Branch Secretary shall prepare and forward to the Federal President all returns required by or under the Fair Work (Registered Organisations) Act 2009 and Regulations made thereunder.
- (iv) The Branch Secretary shall receive and answer all relevant correspondence and forward a copy to the Federal President and Branch Secretaries, take copies of all important letters, and perform such other duties as may be necessary to carry out the objects and rules of the Branch.
- (v) The Branch Secretary shall consult with the President of the Branch on any information the Branch Secretary may officially receive, and

#### 40 - QUALIFICATIONS AND ELECTION OF BRANCH SECRETARY

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in conjunction with the President, may decide on the course of action to be pursued until the next meeting or as directed by the Federal President.

- (vi) The Branch Secretary may, with the approval of the Federal President engage such clerical or other assistance as may be necessary for the proper functioning of the Branch.
- (vii) The Branch Secretary shall receive all moneys from members paid in respect of contributions or otherwise and shall issue receipts therefor.
- (viii) The Branch Secretary shall pay all amounts passed for payment and authorised by the Branch Executive. The Branch Secretary must not hold the funds of the Institute but bank the same as soon as practicable in the name of the Branch in such Bank as the Branch Executive may direct.
- (ix) When requiring funds for the payment of accounts, the Branch Secretary shall sign a cheque or order for the amount required, and shall obtain the necessary signature to same.
- (x) The Branch Secretary shall keep a correct account of all income and expenditure and shall not later than the 31st July in each year submit a properly audited balance sheet showing the receipt and expenditure of the Branch to the Federal President.
- (xi) The Branch Secretary shall, to the best of the Branch Secretary's ability assist the Auditor in carrying out the Auditor's duties.
- (xii) The Branch Secretary shall produce all books, vouchers, or other documents for inspection at Meetings of the Executive, and to the auditor when required.

#### 40 - QUALIFICATIONS AND ELECTION OF BRANCH SECRETARY

##### A Qualifications and Election

- (i) There shall be a position of Branch Secretary in each Branch.
- (ii) The term of office for a Branch Secretary shall be four (4) years subject to Rule 33 C Casual Vacancies;
- (iii) The position of Branch Secretary shall be an honorary position;
- (iv) Federal Council may determine an honorarium to be paid to the Branch Secretary;
- (v) The Branch Secretary shall reside within the boundaries of the Branch;
- (vi) A candidate for the position of Branch Secretary must be a financial member of the Institute and shall have been a financial member of the Institute for the two (2) years prior to their nomination;
- (vii) The Branch Secretary shall have practical knowledge and experience of at least one of the Industries covered by the Institute.

##### B Transitional Provisions

- (i) The Branch Secretaries covered by the AIMPE Branch Secretaries & Senior Officials Agreement will, for the balance of their current term of office, continue to be entitled to receive the remuneration and conditions prescribed by the Agreement and any subsequent Agreements;

At the expiry of their current term of office the current incumbent Branch Secretaries [Mr R. Ashton and Mr P. Olsen] will be employed as industrial organisers on conditions decided by Federal Council.

#### **41 - REMOVAL FROM OFFICE OR SUSPENSION FROM OFFICE**

- (a) The Federal Council may remove or suspend from office any officer or member of the Federal Council at a meeting of the Federal Council to which the person concerned has been summoned in writing to show cause why such person should not be so removed or suspended. Provided that such person shall not be removed or suspended from office unless such person has been found guilty of misappropriation of the funds of the Institute, a substantial breach of these Rules, or gross misbehaviour or gross neglect of duty, or has ceased, according to these Rules, to be eligible to hold the Office.
- (b) A person summoned to show cause pursuant to sub-clause (a) of this Rule shall be given at least fourteen (14) days notice of the time and place of the meeting of the Federal Council to which such person is summoned, and the notice summoning such person shall also specify the ground or grounds upon which it is proposed to consider such removal or suspension. The Federal Council may proceed to hear and determine a matter under this Rule notwithstanding the absence of the person summoned if due notice of the hearing has been given in accordance with this Rule.
- (c) The Branch Executive may remove or suspend from office any officer or member of the Branch Executive at a meeting of the Branch Executive to which the person concerned has been summoned in writing to show cause why such person should not be so removed or suspended. Provided that such person shall not be removed or suspended from office unless such person has been found guilty of misappropriation of the funds of the Institute, a substantial breach of these Rules, or gross misbehaviour or gross neglect of duty, or has ceased, according to these Rules, to be eligible to hold the Office.
- (d) A person summoned to show cause pursuant to sub-clause (c) of this Rule shall be given at least fourteen (14) days notice of the time and place of the meeting of the Branch Executive to which such person is summoned, and the notice summoning such person shall also specify the ground or grounds upon which it is proposed to consider such removal or suspension. The Branch Executive may proceed to hear and determine a matter under this Rule notwithstanding the absence of the person summoned if due notice of the hearing has been given in accordance with this Rule.
- (e) A suspension imposed under this Rule shall not exceed three (3) months.

#### **42 – DELETED**

#### **43 - SHIPBOARD AND INDUSTRY MEETINGS**

- (i) Meetings of members in any workplace may be held during their lunch hour or other meal break for the purposes of electing a delegate for the Institute.
- (ii) Where there is more than one (1) member situated in the one workplace and working for the one employer, they may hold a meeting to elect a delegate.
- (iii) When any such delegate is so elected he/she shall forthwith inform the Institute of his/her election and the Institute shall thereupon inform the Employer concerned of the election of such delegate.
- (iv) The duties and responsibilities of such delegate shall be as follows:-
  - (a) To call and preside over members' meetings. These meetings to be held outside of working time unless a special stopwork meeting is called for by the Institute.

#### 48 - MEMBERS TO NOTIFY CHANGE OF ADDRESS AND EMPLOYMENT

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- (b) To ascertain if all members are familiar with all items of importance published in the National Industrial Report and "On Watch".
- (c) To record and forward to the Institute any motions passed at the meetings.
- (d) In the company of another member, the delegate is to approach the Senior Employer's Representative with any requests or complaints arising from motions passed at the meetings.
- (e) To keep the Institute informed about the progress or otherwise of these requests.
- (f) To see that all financial members hold a current membership card on and from 1st October of each financial year.
- (g) To see that all members attend the Day Meeting whenever possible.
- (h) To call special meetings to discuss any urgent business if requested by the Institute and to inform them of the result as soon as possible.

#### 44 - REPORTING A MEMBER

No member shall report another to a superintending or supervising Engineer, employer, employer's representative or the Institute without first having intimated to the other member in writing or in the presence of a member, his/her intention and reasons for doing same, under a penalty not exceeding Twenty dollars (\$20).

#### 45 - MEMBERS VIOLATING ANY INSTITUTE AWARD ETC.

Any member violating any Institute Award, Agreement Rule or by-law, or proved guilty of misconduct or divulging any Institute business to a non-member, shall be liable to a fine not exceeding Twenty Dollars (\$20), suspension for a period not exceeding three (3) months or expulsion.

#### 46 - LOANS, GRANTS AND DONATIONS EXCEEDING \$1,000

A loan, grant or donation of an amount exceeding \$1,000 shall not be made by this organization or any branch thereof as the case may be unless the Federal Council or Branch Executive, as the case may be:-

- (a) has satisfied itself:-
  - (i) that the making of the loan, grant or donation would be in accordance with the other Rules of the organization or of the Federal Council or Federal Executive as the case may be; 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 proposed arrangements for the repayment of the loan are satisfactory; and
- (b) has approved the making of the loan, grant or donation.

#### 47 - NOT CERTIFIED

#### 48 - MEMBERS TO NOTIFY CHANGE OF ADDRESS AND EMPLOYMENT

- (i) Members must register with the Institute the address of their normal place of residence. Any member changing their normal place of residence shall notify the Branch Secretary in writing of such change within two (2) weeks. Failing to comply will entail a fine of Twenty Dollars (\$20). Any member not

informing the Branch Secretary within two (2) weeks of their change from seagoing employment shall pay seagoing rates until the member gives such notification. Any member changing from shore to seagoing employment or vice versa, who fails to give notice of such change in writing, shall pay the seagoing rate of contributions as from the date of such change and shall be liable to a fine not exceeding Two Dollars (\$2).

- (ii) In the event of a Branch Secretary receiving a notification that a Branch Member is changing their normal place of residence to a place within the boundaries of another Branch (hereinafter referred to as "the other Branch") the Branch Secretary shall, upon being satisfied that the said member is currently a financial member, immediately forward a clearance in respect of the said member to the Secretary of the other Branch. Upon receipt of the said clearance by the Secretary of the other Branch, the member shall become a member of the other Branch.

#### **49 - CHARGES OF AN OFFENCE AND APPEALS - PROCEDURE**

- (i) Any member except an office holder, charged with any offence under the Rules of the Institute, shall be notified by registered post of the exact nature of the charge laid against the member and of the time and place of the hearing thereof at least fourteen (14) days before such hearing.
- (ii) If after such notice, the member fails to appear at such hearing and makes no request for an adjournment, the hearing of the charge may proceed in the member's absence.
- (iii) Any such charge may be heard and determined by members present and voting at a Branch meeting or by a Branch Executive. Any fine or penalty provided for by these Rules may be imposed if the charge is found proved.
- (iv) No member who has formulated a charge or who acts as prosecutor or who has any personal interest in the prosecution of the charge shall take part in the adjudication at the hearing.
- (v) Any member of the Institute aggrieved by any decision of his/her Branch or Branch Executive may appeal against such decision, fine, suspension or expulsion, to the Federal Council.
- (vi) Such appeal shall be in writing and shall be lodged with the Branch Secretary within one month after the decision objected to has been communicated to such member. The Branch Secretary shall submit the notice of appeal to the next meeting of the Federal Council through the Federal President, together with all correspondence and papers relating to the appeal.
- (vii) No appeal shall be entertained which involves the payment of any fine or monetary consideration unless such payment be first made.
- (viii) Any fines imposed by a Branch Executive shall be paid within thirty (30) days.

#### **50 - LEGAL ASSISTANCE**

- (i) Legal assistance may be provided for financial members in relation to matters concerning their employment provided application therefor is made by the member concerned before any expense is incurred. Such legal assistance shall however only be provided at the discretion of the Federal Council.
- (ii) No member shall be entitled to make any agreement, contract or arrangement for legal assistance which will bind the Institute to defray the expense thereof except with the authority of the Federal Council in writing having first been obtained.
- (iii)(a) The Institute may make provision for legal assistance for the dependants of a deceased member in respect to any claim for damages at Common Law, compensation under any Commonwealth or

## 52 - DISSOLUTION OF THE INSTITUTE

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State Law or under any Employers Liability Act provided such claim arises out of or in connection with the service of a deceased member in an occupation covered by the constitution of the Institute.

- (iii)(b) In the event that any such claim is successful and costs are awarded to the applicant any moneys advanced by the Institute may to the extent to which they are recoverable by the dependant be refunded to the Institute.

## 51 - SEAL

The Common Seal of the Institute shall be kept in the custody of the President. Such seal shall not be affixed to any instrument without the authority of the Federal Council and shall only be affixed by the President and Federal Treasurer both of whom shall subscribe their signatures to the instrument to which the seal is affixed.

## 52 - DISSOLUTION OF THE INSTITUTE

The Institute shall not be dissolved unless seventy-five per centum (75%) of the total number of the financial members of the Institute vote in favour of such dissolution. Upon a vote in favour of the dissolution being cast the Institute shall be dissolved and the assets and funds remaining after liabilities have been discharged shall be divided equally among the financial members as at the date of dissolution.

\*\*\*END OF RULES\*\*\*