

# **RULES & STANDING ORDERS**

**of the**

## **RAIL & MARITIME TRANSPORT UNION (INC)**



**2012**

**Incorporating Amendments made  
by Conference  
November 1995,**

**October 1996, 1997, 2000, 2001, 2002, 2003, 2004, 2008 & 2012**

**RULES & STANDING ORDERS**  
**of the**  
**RAIL & MARITIME TRANSPORT UNION (INC)**

**Table of Contents**

**SECTION ONE - GENERAL**

1. Glossary of Terms ..... 1  
2. Name ..... 1  
3. Registered Office ..... 1  
4. Objects ..... 1

**SECTION TWO - MEMBERSHIP & FEES**

5. Eligibility for Membership ..... 2  
6. Register of Members ..... 3  
7. Termination of Membership ..... 3  
8. Life Membership ..... 4  
9. Subscriptions ..... 4  
10. Arrears ..... 4  
11. Purging the Roll ..... 4  
12. Levies ..... 4

**SECTION THREE - MANAGEMENT AT NATIONAL LEVEL**

13. Management Structure ..... 5  
14. Constitution of Conference ..... 5  
15. Powers and Duties of Conference ..... 5  
16. Meetings of Conference ..... 6  
17. Constitution of National Management Committee ..... 6  
18. Powers & Duties of National Management Committee ..... 6  
19. Meetings of National Management Committee ..... 7  
20. Funds, Property & Assets ..... 7  
21. National Auditor ..... 7  
22. Financial Year ..... 7

**SECTION FOUR - ELECTIONS AT NATIONAL LEVEL**

23. Election of Conference Delegates ..... 8  
24. Election of National Management Committee ..... 8  
25. Removal of National Officials ..... 9  
26. Casual Vacancies ..... 9  
27. Duties of National President ..... 9  
28. Duties of National Vice-President ..... 10  
29. Duties of General Secretary ..... 10

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**SECTION FIVE - MANAGEMENT AT BRANCH LEVEL**

30. Branch Objects ..... 10  
31. Establishment of Branches ..... 11  
32. Powers and Duties of Branches ..... 11  
33. Management of the Branch ..... 11  
34. Branch Auditor ..... 11  
35. Branch Meetings ..... 11

**SECTION SIX - ELECTIONS AT BRANCH LEVEL**

36. Election of Branch Committee ..... 12  
37. Removal of Branch Officials ..... 13  
38. Casual Vacancies ..... 13  
39. Duties of Branch Chairperson ..... 13  
40. Duties of Branch Vice-Chairperson ..... 13  
41. Duties of Branch Secretary-Treasurer ..... 13

**SECTION SEVEN - ELECTION & BALLOT REQUIREMENTS**

42. Elections and Ballot Methods ..... 14

**SECTION EIGHT - DISCIPLINE & GRIEVANCE PROCEDURES**

43. Complaints and Charges ..... 15

**SECTION NINE - ADMINISTRATIVE REQUIREMENTS**

44. Seal & Execution of Documents ..... 16  
45. Representation at Formal Proceedings ..... 16  
46. Supply of Information ..... 17  
46.1 Inspection of Books ..... 17  
46.2 Copy of Rules ..... 17  
46.3 Annual Report, Accounts and Resolutions ..... 17  
47. Amendment to Rules ..... 17  
48. Dissolution of Union ..... 17  
49. Matters Not Provided For ..... 18

**APPENDIX A**

Standing Orders ..... 19

**SECTION ONE - GENERAL**

**1. GLOSSARY OF TERMS**

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“Conference”	means the Biennial Conference of the Union, elected in accordance with the Rules
“Committee”	means a Branch Committee
“Financial Member”	means any member who is not in arrears with the payment of any fee, subscription, fine or levy for more than one month beginning on the day after the date the payment was due
“Head Office”	means the registered office of the Union
“Management Committee”	means the National Management Committee of the Union elected in accordance with the Rules
“General Secretary”	means the General Secretary
“Officers of the Union”	means the President, Vice-President and the General Secretary
“Registrar”	means the Registrar of Incorporated Societies
“Union”	means the Rail & Maritime Transport Union Incorporated.

**2. NAME**

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The name of the Union shall be “Rail & Maritime Transport Union Incorporated”.

**3. REGISTERED OFFICE**

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The Union shall have a Registered Office which shall be at Level 1, Tramways Building, 1 Thorndon Quay, Wellington, or at such other place as the National Management Committee shall from time to time decide.

Any change of address of the registered office or in the postal address of the Union shall be forthwith notified to the Registrar by the General Secretary and will also be forthwith notified to members of the Union in such manner as the National Management Committee shall determine.

**4. OBJECTS**

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The objects of the Union shall be:

- 4.1 To combine in one union all workers in the transport sector of New Zealand.
- 4.2 To organise, educate and encourage full membership participation in the union so that members can collectively protect and advance their interests and the interests of workers generally in relation to their conditions of employment, standard of living, economic and social interests and quality of life.
- 4.3 To provide advice and assistance, where appropriate, in matters pertaining to members' employment, or in securing compensation for members who suffer injury by accident or occupational disease in their employment.
- 4.4 To use every effort to promote and maintain safety in the workplace.
- 4.5 To provide welfare funds, benefit funds and other similar schemes for the benefit of members of the union.

## RMTU

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- 4.6 To provide members with legal assistance in cases in which the rendering of legal assistance is within the objects of the union provided they are cases where the Conference or Management Committee deem such assistance to be necessary and appropriate
- 4.7 To improve the income and conditions of employment of union members and to generally protect their rights, interests and privileges through collective bargaining.
- 4.8 To ensure excellent communication within the union and in particular to publish such publications as may be conducive to the carrying out of the objects of the union.
- 4.9 To exercise all available powers and rights under, any industrial, health and safety, or accident compensation legislation affecting members.
- 4.10 To monitor and influence any other legislation or Government policies which may directly or indirectly affect the interests of members, and in particular any such legislation or policies relating to the transport sector.
- 4.11 To invest, lend or advance union funds in such manner as may from time to time be authorised in accordance with these Rules.
- 4.12 To borrow money for the purpose of furthering the interests of the union and its members, in such manner as may from time to time be authorised in accordance with these Rules.
- 4.13 To impose levies to further the lawful purposes of the union to acquire or sell any real or personal property as may be necessary for the purposes of furthering the interest of the union and its members.
- 4.14 To sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of any real or personal property of the union.
- 4.15 To affiliate with other organisations in the attainment of these objects.
- 4.16 Generally to do all things in the interest of the union which are authorised or permitted by these Rules. Provided that nothing in these Rules contained shall be deemed to limit the powers and functions of the union.

## **SECTION TWO - MEMBERSHIP & FEES**

### **5. ELIGIBILITY FOR MEMBERSHIP**

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- 5.1 Any person employed or about to become employed in the New Zealand transport industry shall be eligible for membership of the union. The union may also accept membership of other persons or groups approved by the union.
- 5.2 The General Secretary shall have a general discretion to accept or reject applications for memberships but if he/she declines membership to any person, full details and reasons shall be referred to the next meeting of the National Management Committee for its final consideration and decision. Provided that the Union shall not unreasonably and unfairly refuse membership.
- 5.3 Such persons accepted as members shall remain as members by payment of union fees as provided pursuant to Rules 9 and 10.
- 5.4 Where members sign an authority for the union to act as their representative pursuant to the relevant legislation they shall be bound by majority decisions made by union members regarding matters in respect of which representation is provided and the union shall have continuing authority to act and do anything, or take any action in the exercise of rights on behalf of those members under that legislation notwithstanding that the member may have been part of a dissenting minority in any such decisions.

**6. REGISTER OF MEMBERS**

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6.1 The General Secretary shall compile and maintain an up-to-date register of members of the Union containing the following information:

- 6.1.1 The member's full name
- 6.1.2 The member's home address
- 6.1.3 The address of the member's workplace
- 6.1.4 The member's occupation
- 6.1.5 The Employment Contract applicable to the member
- 6.1.6 The date on which the member joined the Union
- 6.1.7 The Branch to which the member belongs.

6.2 It shall be the duty of the member to provide the above information to the Branch Secretary (including any changes from time to time) and the Branch Secretary shall forward such information to the National Office.

6.3 The membership register shall show whether a member is for the time being a financial member of the Union.

**7. TERMINATION OF MEMBERSHIP**

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7.1 Membership will terminate when:

- 7.1.1 A member resigns his/her membership under 7.2 below; or
- 7.1.2 A member becomes unfinancial as provided in 10.2 below, or
- 7.1.3 The National Management Committee decides, given any action or inaction of a member, that the member shall be expelled from the Union. Any such decision may relate to a complaint received in respect of the member under Rule 43 of these Rules, or by virtue of a decision by the National Management Committee to investigate any action or inaction that it becomes aware of. Any expulsion of a member made under this Rule will be in accordance with the principles of natural justice which shall require the member to be told what is being alleged, and given a reasonable opportunity to respond in writing, to the National Management Committee, on the allegation(s) and on any penalty that might be imposed in respect of the allegation(s).

7.2 A member shall give two weeks' notice in writing to the Secretary of the Branch of which he/she is a member of his/her intention to resign from membership. Such resignation shall not be effective until all fees, subscriptions, fines and levies due at the effective date of resignation have been paid. The Branch Secretary may thereupon give him/her a clearance certificate to that effect if so requested.

7.3 Any person who resigns from the Union or who is expelled:

7.3.1 shall not be exempt from liability in respect of any action or omission while he/she was a member including liability in any form whatsoever under the disciplinary and grievance procedure provisions of these Rules; and

7.3.2 shall remain liable to pay all fees, subscriptions, fines and levies due to the end of the calendar year in which the membership was terminated; and

7.3.3 shall cease to hold himself or herself out as a member of the Union from the date of resignation or expulsion; and

7.3.4 shall return to the Union all material produced by the Union (including any membership certificate, handbooks or manuals).

**8. LIFE MEMBERSHIP**

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The Conference may, at its discretion, upon its own recommendation or that of a Branch, award honorary life membership to any member who has rendered conspicuous service to the Union and such member may attend and speak at any meeting of the Union but he/she shall not be entitled to vote on any business of the Union. In considering the suitability of any nominee for honorary life membership under this Rule, Conference shall have regard to the following criteria:

8.1 Length of union membership.

8.2 Length of services to Branch committees and official positions held.  
Length of service to National Union and official positions held.

8.3 Union activities, and whether the member is continuing active membership of the union.

8.4 All existing members (including Life Members) of the NZ Harbour Workers Union; NZ Combined Union of Railway Employees and the National Union of Railway Workers shall be deemed to be members of the Union provided that the Special Death Benefit Membership category of the National Union of Railway Workers Inc. shall not be accepted as members of the Union and a death benefit shall only be paid in respect of members of the Union who are financial members in accordance with Rule 7.

**9. SUBSCRIPTIONS**

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9.1 The subscriptions shall be fixed at such rates and payable in advance in such manner as shall be determined by Conference.

9.2 No member who is not in receipt of full pay during any period of sickness or disability which extends for more than one month shall be called on to pay contributions during any such period in which he/she is absent from duty.

**10. ARREARS**

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10.1 Any member who is in arrears for one month in payment of any Union fee subscription, fine or levy under these Rules, and remains in arrears shall not be eligible to nominate or second the nomination of any candidate for a position in the Union nor to stand for office or position in the Union, nor to vote at any ballot or election and any National or Branch Officer of the Union so in arrears shall be deemed to be suspended from continuing to hold such office while he or she remains in arrears.

10.2 Any member who remains in arrears for a period of three months in payment of any fee, subscription, fine or levy payable under these Rules shall automatically cease to be a member of the Union.

**11. PURGING THE ROLL**

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It shall be the duty of the Branch Secretary from time to time to purge the roll of membership by striking off the names of all persons who shall have died, resigned, or are in arrears of dues for three months, and a notice must be forwarded to the General Secretary as soon as possible, giving the names of the members who have been removed from the register of the branch, and it shall be the duty of the General Secretary to purge the roll of the Union accordingly.

**12. LEVIES**

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The Conference or National Management Committee may make a levy upon the members of the Union or upon the funds held by Branches for such purposes as are consistent with the objects of the Union, provided that any such decision shall be subject to ratification by majority vote of financial members in a secret ballot conducted in accordance with Rule 42.

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## **SECTION THREE - MANAGEMENT AT NATIONAL LEVEL**

### **13. MANAGEMENT STRUCTURE**

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The Union shall be governed by:

- 13.1 A Conference, which shall be the highest decision-making authority of the union and
- 13.2 A National Management Committee which shall be the Management Committee of the Union and which shall have powers delegated from Conference
- 13.3 Branch Committees which shall have duties and powers provided for in the Rules from time to time
- 13.4 Industrial National Councils covering specific groups of members which shall have duties and responsibilities as provided for in the Policy and Rules of the Union from time to time.

### **14. CONSTITUTION OF CONFERENCE**

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For the supreme government of the Union there shall be a Conference consisting of representatives elected in accordance with these Rules, together with the General Secretary of the Union. The representational basis is to be decided at each previous Conference and notified to members promptly before nominations for Conference delegates are called under Rule 42.

### **15. POWERS AND DUTIES OF CONFERENCE**

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The Conference shall have the authority at any meeting to exercise all powers of the union not required by law or by these Rules to be exercised by a ballot of members such powers to include authority to:

- amend, rescind or make Rules of the Union. Alteration of Rules may be proposed by National Management Committee or by any Branch by resolution at a Branch meeting
- to receive and scrutinise reports from the President and General Secretary (on behalf of the National Management Committee);
- to receive a report from the National Auditor and to approve (if appropriate) the financial statements for the union for the previous financial year;
- formulate and provide for the implementation of the policies of the union;
- provide by way of welfare funds or otherwise for the retirement and welfare of members;
- adjudge all grievances of the branches of the membership arising out of their conditions of employment;
- discipline members;
- advise and assist on matters affecting the workers engaged in the industry;
- establish, dissolve, or reconstitute any Branch or Industrial Council;
- suspend from office for such period as it thinks fit any Branch Committee or Industrial Council who it considers to be acting contrary to the Rules and objects of the Union, and to assume responsibility for the administration of that Branch or Industrial Council until charges against the members of the Executive Committee or Industrial Council Representatives have been heard and dealt with in accordance with Rule 37;
- suspend from office any holder of any elected position in the union whom it has good reason to believe to be guilty of dishonesty or incompetence and appoint a person too temporarily carry out the duties of that office and to institute proceedings against that office holder. If dishonesty or incompetence is established following due process the person shall cease to hold office provided that the person may elect to have the decision further determined by secret ballot of the members of the union eligible to vote for the elected position involved in which case those members will be asked to confirm or reverse the decision of Conference on the basis of one written statement on behalf of Conference and one written statement on behalf of the person.



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- interpret doubtful Rules and determine anything in connection with the business of the union upon which the Rules may be silent.
- generally take any action as in its opinion may be necessary in carrying out of the objects of the Union contained in Rule 4.

### **16. MEETINGS OF CONFERENCE**

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16.1 The Conference shall meet bi-annually in October; Provided always that at least 6 weeks' notice thereof shall be given to each branch by the General Secretary.

16.2 A special meeting of the Conference may be convened by the National Management Committee in an emergency or if not less than two thirds of Conference delegates signify in writing that they desire to meet for some specific purpose. The notice convening the meeting shall specify the business to be transacted.

16.3 Two thirds of eligible conference representatives shall constitute a quorum for Conference Meetings.

16.4 All questions at Conference Meetings shall be decided on the basis of "one delegate, one vote" and by a show of hands or by a ballot of delegates present, if a majority of delegates so decide, such ballot to be conducted by the National Returning Officer.

16.5 A National Ports Forum will be held bi-annually in the year that the Conference is not held.

### **17. CONSTITUTION OF NATIONAL MANAGEMENT COMMITTEE**

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The general management of the Union shall be vested in a National Management Committee which shall consist of the President, Vice-President, General Secretary, and other National Management Committee members elected pursuant to ballot. The number and representational basis of National Management Committee shall be determined from time to time by Conference by the remit process.

### **18. POWERS & DUTIES OF NATIONAL MANAGEMENT COMMITTEE**

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18.1 The duties of the National Management Committee shall be to manage and superintend the affairs of the union in accordance with the policy laid down by Conference; to carry out and enforce observance of the Rules; to be responsible for the proper administration of the funds; to secure and maintain just and reasonable conditions of employment and otherwise to protect the interests of the members

18.2 The National Management Committee shall have the following additional powers and duties:

- institute any legal proceedings it may deem to be in the interests of members
- and to provide legal assistance at its discretion to members in matters pertaining to their employment
- to appoint special auditors to examine at any time the books and accounts of the union
- to propose or support remits at Conference
- to appoint either sub-committees or special committees for particular purposes and to adopt the Minutes or Reports of such committees
- to nominate any person to be a member of any Board or Committee or similar body to represent the union thereon (unless otherwise directed in respect of any particular position by the Conference)
- to present to the annual meeting of the Conference a report covering the activities of the National Management Committee during its term of office.
- to initiate and set up new or special ad hoc Industrial Councils for particular purposes or to cover specific groups of members. Such Industrial Councils to be confirmed by resolution at the next Conference.

**19. MEETINGS OF NATIONAL MANAGEMENT COMMITTEE**

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- 19.1 The National Management Committee shall hold meetings quarterly or oftener at such time and place as the General Secretary shall determine. Except as otherwise provided in these Rules, all meetings of the National Management Committee shall be called by the General Secretary.
- 19.2 A special meeting of the National Management Committee shall be convened by the President or the General Secretary when requested to do so by a majority of the branches forming the Union, subject to at least 2 weeks' notice being given.
- 19.3 At all meetings of the National Management Committee questions shall be decided on the basis of "one member - one vote"; provided that the presiding officer shall also have a casting vote.
- 19.4 A quorum for all meetings of the National Management Committee shall be two thirds of the members eligible to attend.
- 19.5 The President and the General Secretary shall have the power to jointly authorise a telephone conference call between members of the National Management Committee and to deem it to be a meeting of the National Management Committee. For any such telephone conference, all other provisions of these Rules in regard to quorum and meeting conduct shall apply in the same manner as for a normal meeting. Any vote on any question shall be a voice vote.

**20. FUNDS, PROPERTY & ASSETS**

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- 20.1 All funds, property and assets derived from any source shall be the property of the Union and shall be administered as directed by the National Management Committee.
- 20.2 The funds of the Union shall be provided by the payment of entrance fees, union fees, fines and levies, or other source as determined by Conference or National Management Committee from time to time, such monies (where necessary) to be collected by the Branches and forwarded to Head Office no later than 14 days from the date of receipt.

**21. NATIONAL AUDITOR**

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- 21.1 A National Auditor (who shall be a member of the New Zealand Society of Accountants) shall be appointed by the Conference who shall audit the accounts of the Union every year, and to whom all books and vouchers shall be submitted by the General Secretary.
- 21.2 The Auditor shall audit the accounts of any Branch on the request of the National Management Committee, and the General Secretary and/or the Secretary-Treasurer of that Branch shall submit all books and vouchers to him/her on request.
- 21.3 The Auditor shall have the power to demand the books and vouchers of any branch of the Union for audit.
- 21.4 The Auditor shall hold his/her position, subject to the provisions of Rule 21.1 until he/she dies, resigns or his/her successor is appointed, whichever shall first occur, and shall be eligible for reappointment.

**22. FINANCIAL YEAR**

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The Union's financial year shall be from July 1 to June 30 in each year.

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**SECTION FOUR - ELECTIONS AT NATIONAL LEVEL**

**23. ELECTION OF CONFERENCE DELEGATES**

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Conference shall consist of delegates from electorates as determined by conference from time to time (if there is more than one branch or sub-branch in the electorate the right to elect delegates shall rotate biennially) together with members of the National Management Committee. At least 28 days prior to the date of the Conference provided for in Rule 16 each electorate shall elect its delegate to the Conference in accordance with Rules 36.5 and 42, and shall forward the name of the delegate to the General Secretary.

**24. ELECTION OF NATIONAL MANAGEMENT COMMITTEE**

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24.1 The financial members of the Union shall elect for a term of four years a General Secretary (who need not be a member of the Union but who will if elected be deemed to be a member) and who shall, together with the further persons elected in accordance with Rule 24.2 constitute the National Management Committee.

24.2 The financial members of the Union shall also elect for a term of two years a President and other National Management Committee members the numbers and the representational basis of which shall be determined from time to time by Conference by the remit process.

24.3 As soon as practicable following a National Management Committee election a Vice-President shall be elected from a candidate or candidates nominated from the national Management Committee Members (other than the President and General Secretary) who shall, together with the President and the General Secretary be the officers of the union. In the event of more than one National Management Committee member being nominated for the position of Vice-President an election shall be conducted by postal ballot of the Conference Delegates in accordance with Rule 42.

24.4 A National Returning Officer (who shall not be a candidate for office) shall be appointed by the Conference for the purpose of conducting the election of the National Management Committee and any other national ballots. The National Returning Officer shall issue written instructions to each Branch Returning Officer as to the conduct of each such national election or ballot. When an election or ballot has been conducted (other than a Branch election or ballot) all rolls, papers, lists and other documents used in connection with or relevant to the election shall be retained at the office of the Union for a period of at least one year.

24.5 Nominations for the positions of President, Vice-President, General Secretary and other National Management Committee members shall be proposed and seconded by financial members of the union. Nominees for positions other than the General Secretary shall be financial members of the Union. No person may hold more than one of the positions of President, Vice-President or General Secretary and in the event of any person being so elected he/she shall make an election as to which position he/she is intending to take up prior to assuming office. Votes for any such person in respect of the position not taken up shall then be reallocated to the other candidates in accordance with Rule 42 or, in the event that there was only one other candidate for the position he/she shall be declared elected by the Returning Officer.

24.6 Nominations for National Management Committee positions shall be called for by the National Returning Officer as directed by Conference at the Conference prior to the year in which National Management Committee elections are due to be held. If only sufficient nominations are received to fill the positions required the results shall be declared without election by the National Returning Officer. In the event of there being more nominations than positions to be filled an election shall be conducted pursuant to these Rules by the National Returning Officers.

24.7 As soon as practicable following a National Management Committee election, nominations shall be called for positions on Industrial Councils that remain vacant after eligible members of the National Management Committee have been appointed to respective Industrial Councils.

## RMTU

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24.8 The financial members of the union shall elect the Industrial Council Representatives not previously filled by a National Management Committee member for a term of 2 years on a representational basis as determined from time to time by Conference by the remit process.

24.9 Elections for Industrial Council Representatives shall be held under the same provisions as those set out in procedures for the National Management Committee contained in this section.

### **25. REMOVAL OF NATIONAL OFFICIALS**

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25.1 Any member of the National Management Committee not performing his/her duties in a manner satisfactory to the Conference may be suspended, or removed from office, by a two-thirds majority of the Conference ascertained by secret ballot, and subject to ratification by majority vote of financial members of the union in a secret ballot conducted in accordance with the Rule 42.

25.2 Any Branch may at any time remove from his/her position the member of the Conference representing such branch for conduct that may be deemed unsatisfactory by a majority of the valid votes cast at a secret ballot of the financial members of the Branch taken in accordance with these Rules.

25.3 Any Auditor may be removed from his/her position only by a resolution of the Conference.

25.4 Any removal of an official made under this section will be in accordance with the principles of natural justice which shall require the official to be told clearly what is being alleged and given a meaningful opportunity to state his or her views on the allegation(s).

### **26. CASUAL VACANCIES**

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26.1 Should any casual vacancy occur on the Conference through any cause whatever, the Branch affected shall forthwith proceed to fill such vacancy in the manner prescribed by the Rules.

26.2 Should any casual vacancy occur in the position of Auditor, the vacancy may be filled only by a resolution of the National Management Committee or Conference.

26.3 Should the office of the President or General Secretary become vacant by death, resignation or the operation of Rule 25 then an election shall be conducted in the same manner as prescribed in Rule 24 except that the National Management Committee shall decide the date and time at which the election shall be held and shall appoint the two scrutineers for the purposes of Rule 24.3. The successful candidate shall then hold office for a period of two years (President) for four years (General Secretary) from the date of election provided that the normal re-election process shall be conducted in accordance with Rule 24 prior to the expiration of the term and provided that if the casual vacancy occurs within six months of the expiry of the term the National Management Committee may appoint a replacement to act for the remainder of the term.

26.4 Should the office of the Vice President become vacant by death, resignation or the operation of Rule 25 then the vacancy shall be filled by a majority of the votes cast in a secret ballot by post of the remaining members of the Conference Delegates.

Any person appointed under this Rule shall hold his/her office or position, subject to Rule 24, only for the unexpired period of his/her predecessor's term, but shall be eligible for re-election.

26.5 Notwithstanding any other provision in this Rule, should any casual vacancy occur on the National Management Committee, the National Management Committee shall have the power to appoint a conference delegate to fill the vacancy.

### **27. DUTIES OF NATIONAL PRESIDENT**

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Subject to the provisions of the Act and these Rules, the duties of the President shall be to:

27.1 Preside over all meetings of the National Management Committee and the Conference, to keep order, to conduct the business and to decide all points of order.

27.2 Obey all lawful instructions, and do all lawful things as may be given or required to be done by the National Management Committee for time to time.

## **RMTU**

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27.3 At all meetings the President shall have the right to speak and vote on all questions and shall in the event of equal voting (except in elections) have a casting vote on any question.

### **28. DUTIES OF NATIONAL VICE-PRESIDENT**

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Subject to the provisions of the Act and these Rules, the duties of the Vice-President shall be as follows:

In the absence of the President, the Vice-President shall carry out the duties of the President. If the President and Vice-President are absent, the other National Management Committee members present shall appoint one of their number to be Chairperson of the meeting, and while so acting he/she shall carry out the duties of the President.

### **29. DUTIES OF GENERAL SECRETARY**

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29.1 The General Secretary shall, without in any way limiting these duties, and subject to the provisions of these Rules:

29.1.1 Attend all meeting of the Conference and National Management Committee with the right to speak and vote on any matter;

29.1.2 Carry out such work as may be directed by the Conference or the National Management Committee;

29.1.3 Carry out the duties specified in these Rules, and discharge all duties required of them by law;

29.1.4 Be responsible for the administration of the Union;

29.1.5 Provide service and assistance in the areas of advocacy, negotiation and research;

29.1.6 Be responsible for the finances of the Union and keep the national financial accounts.

29.2 Additional staff may be appointed by the General Secretary with the prior approval of the National Management Committee, to assist in the carrying out of his/her duties.

29.3 The General Secretary shall be employed under a written contract of employment for the term of elected office, negotiated with a committee appointed by the National Management Committee, which shall be responsible for determining the employment terms and conditions.

## **SECTION FIVE - MANAGEMENT AT BRANCH LEVEL**

### **30. BRANCH OBJECTS**

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The objects of a branch shall be to exercise all the power provided for in the Union Rules.

30.1 To protect in every lawful way the interests of members of the branch in relation to their conditions of employment.

30.2 To carry out the policy of and further the objects of the Union as may be provided in the Rules or decided from time to time by the Conference.

30.3 To take every lawful and reasonable step in co-operation with the National Management Committee and officers of the Union to procure redress for any member or members who shall have been victimised or otherwise unjustly treated by his/her or their employers in respect of his/her or their conditions of employment.

30.4 To provide means of social relaxation and enjoyment for its members.

30.5 Generally to exercise all other powers conferred on the branch by the Conference or by the Rules of the Union.

**31. ESTABLISHMENT OF BRANCHES**

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Branches shall be those existing at the date of the coming into effect of these Rules or as determined by Conference from time to time.

**32. POWERS AND DUTIES OF BRANCHES**

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Subject to the approval of the Branch Committee of the Branch, the Secretary-Treasurer of any branch may admit without payment of an entrance fee a member of another Branch on production of a clearance from the branch of which he/she was a member, showing that he/she has paid all fees and other monies payable to the Union before such clearance was issued.

**33. MANAGEMENT OF THE BRANCH**

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33.1 Subject to the control of the ordinary or special meetings of the Branch and the Rules of the Union, the property and funds of the Branch shall be controlled and its business affairs managed by a Branch Committee which shall consist of a Chairperson, a Vice-Chairperson and a Secretary-Treasurer (who shall be deemed to be the officers of the Branch) and not less than three other members. Where possible Committee representation should be on a sectional basis the objective being to ensure that the views of all groups of members are represented.

33.2 The officers and Committee members shall be elected annually in accordance with the Rules. Officers and Committee members shall, subject to the provisions of Rule 37, hold their offices or positions until they die or resign or their successors are appointed and shall be eligible for re-election.

33.3 It shall be the duty of the members of the Branch Committee to attend all ordinary and special meetings of the Branch, and any member absent from three consecutive meetings shall, unless excused by the Branch, be deemed to have forfeited his/her position thereon.

33.4 The Branch Committee shall meet monthly, on a date to be fixed by resolution of the Branch, but the Chairperson or Secretary-Treasurer may summon a meeting of the Branch Committee at any time, and in such case the Secretary shall notify each member. A majority of all the members (including the officers) of the Branch Committee shall constitute a quorum at any meeting of the Branch Committee.

**34. BRANCH AUDITOR**

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34.1 An Auditor shall be appointed by each Branch at its annual meeting, who shall annually audit the accounts of the Branch, and to whom all books and vouchers shall be submitted by the Branch Secretary-Treasurer and/or Trustees. The Auditor appointed by any Branch shall hold his/her position subject to Rule 37, or until he/she dies or resigns, or his/her successor is appointed, whichever shall first occur, and shall be eligible for re-election.

34.2 The National Auditor shall audit the accounts of any Branch on the request of the National Management Committee, and the Secretary-Treasurer and/or Trustees of that branch shall submit all books and vouchers to him/her on request.

34.3 The officers of the Union and the National Auditor shall have power to demand the books and vouchers of any branch of the Union for audit.

**35. BRANCH MEETINGS**

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35.1 The ordinary meeting of the Branch shall be held monthly or quarterly, or as decided by the Branch, at such time and place as decided by the Branch Committee. The annual meeting shall be held in August or September of each year. Not less than seven (7) days' notice shall be given of an ordinary meeting and not less than fourteen (14) days' notice of the annual meeting. The business of the annual meeting of the branch shall include receipt and scrutiny of reports from the Branch Committee and by or on behalf of the General

## RMTU

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Secretary, an audited financial report for the previous financial year from the Branch Treasurer, and the declaration of results of ballots for Branch Committee and/or the election of Branch Committee and delegates.

35.2 The quorum at any Branch meeting shall be not less than five financial members including the Chairperson.

35.3 A special meeting of the branch may be called at any time by the Secretary-Treasurer, and it shall be the duty of the Secretary-Treasurer to call a special meeting if requested to do so by;

- (1) the Branch Chairperson;
- (2) the majority of the Branch Committee;
- (3) the National Management Committee,
- (4) by a requisition signed by not less than 10 financial members stating the purpose for which it is proposed to call the meeting and undertaking to pay the cost of calling the meeting.

35.4 Any officer of the Union shall be admitted to any Branch meeting, and shall have speaking rights, but no voting rights.

35.5 At all Branch meetings questions shall be decided on the basis of "one member, one vote".

## **SECTION SIX - ELECTIONS AT BRANCH LEVEL**

### **36. ELECTION OF BRANCH COMMITTEE**

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36.1 The officers and members of the Branch Committee shall be elected either prior to the annual meeting by ballot or at the annual meeting of the Branch. Not less than 21 days' notice of the proposed election shall be given to members of the Branch by appropriate internal advertising. Nominations (signed by a proposer and seconder each of whom shall be a financial member of the Union) shall be received in writing by the Branch Returning Officer prior to the election. However, if insufficient written nominations are received, further nominations may be accepted from the floor of the meeting for the remaining vacancies and voted on by the meeting.

36.2 No candidate shall be eligible to fill the positions of Branch Officers unless he/she has been a financial member of the Union for 12 months prior to his/her nomination except in exceptional circumstances and with the approval of the National Management Committee.

36.3 A Returning Officer and two Scrutineers shall be elected at a meeting prior to the Annual Meeting for the purposes of conducting the election.

36.4 The election shall be by secret ballot of the members, and the results shall be declared at the annual meeting.

36.5 The Branch Delegates to the Conference (each of whom must be financial members of the Union) shall be elected in the same manner as Branch officers, at a Branch meeting prior to the Conference. They shall be elected for a period of one year, or until the election prior to the next Conference. National Management Committee members (other than the President and General Secretary) shall be deemed to be the delegate for the Branch to which they belong provided that in the event that there is more than one such National Management Committee member one person shall be nominated by the Branch as its Conference Delegate.

36.6 Subject to Rule 23 the delegate to the Conference (who must be a financial member of the Union) shall be elected in the same manner as Branch Officers, at a Branch meeting prior to the Conference. The delegate shall be elected for a period of one year, or until the election prior to the next Conference. A National Management Committee member may be elected as delegate for the electorate to which they belong.

**37. REMOVAL OF BRANCH OFFICIALS**

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37.1 The whole or any of the Branch Committee, including the Chairperson, Vice-Chairperson and Secretary-Treasurer, the Trustees, and any Auditor appointed in accordance with Rule 34, may at any time be suspended or removed from office for breach of trust or duty by a resolution adopted at a special meeting of the branch called for the purpose. At least one week's notice shall be given by the Secretary-Treasurer or Chairperson of the branch of such a meeting. However, in the case of any branch officer or other member of the Committee no such resolution shall be or become effective unless and until it is confirmed by secret ballot of the financial members of the Branch.

37.2 Any charge of breach of trust or duty against an officer, member of the Branch Committee, Trustee or Auditor of the Branch must be submitted in writing to the Secretary-Treasurer of the Branch, who shall acknowledge receipt of same within 14 days. The person charged shall be given written notice, fully specifying the charge, at least 3 days before the date of the special meeting called in accordance with 35.3 above. He/she shall be afforded a reasonable opportunity of being heard in his/her own defence at the special meeting called to consider the charge before the charge is finally dealt with.

37.3 The Branch Committee or the National Management Committee of the Union shall have the power to suspend any Branch officer or Trustee or Auditor at any time pending the holding of a special meeting of the Branch, or consideration of the matter by National Management Committee.

**38. CASUAL VACANCIES**

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38.1 Any one or more vacancies occurring during the year in the Branch Committee or in any other office or position in the branch by reason of death, resignation, removal from office, or otherwise, shall be filled at a special meeting of the branch as soon as practicable after the occurrence of such vacancy or vacancies, and in the event of there being more candidates than vacancies the method of election shall be in accordance with these Rules.

38.2 Notice of such special meeting specifying details of the proposed election shall be given not less than 14 days prior to members of the Branch by appropriate internal advertising.

**39. DUTIES OF BRANCH CHAIRPERSON**

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The Chairperson shall preside at all meeting of the Branch and of the Branch Committee, and shall conduct such meetings in accordance with proper standing orders. He/she shall see that the business of the Branch is efficiently conducted at all times.

**40. DUTIES OF BRANCH VICE-CHAIRPERSON**

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The Vice-Chairperson shall assist the Chairperson in his/her duties, and in the absence of the Chairperson, shall have all the powers and carry out the duties of the Chairperson. If both the Chairperson and Vice-Chairperson are absent, the members present at a meeting shall appoint one of their number as chairperson.

**41. DUTIES OF BRANCH SECRETARY-TREASURER**

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41.1 The Secretary-Treasurer shall be a person qualified to perform all duties appropriate to his/her office, and without in any way limiting those duties, he/she shall conduct the correspondence of the Branch under the guidance of the Chairperson and the Committee. He/she shall keep a copy of all official letters received by him/her, and a copy of all letters written by him/her, and submit them, when required, to the meetings of the branch and the Committee.

41.2 He/she shall attend all meetings of the Branch and the Committee and keep correct minutes of the proceedings. He/she shall have the right to speak and vote on all questions under discussion.

41.3 He/she shall account for all monies received and expended by him/her on behalf of the branch. He/she shall prepare and forward to Head Office a yearly audited balance sheet: he/she shall submit his/her books to the Branch auditor for audit each year, and to Head Office when required. He/she shall submit



quarterly membership returns to Head Office with the up to date addresses of members and immediately inform the National Secretary of the names of any members who have been struck off the roll.

41.4 He/she shall do his/her utmost to further the interests of the members of the Branch in connection with their employment, and shall at all times carry out the decisions of Branch meetings, and of the Branch Committee so long as they are lawful and in accordance with the Rules of the Union.

41.5 In the event of the resignation of the Secretary-Treasurer or the election of another in his/her place, he/she shall be allowed 14 days to present an audited balance sheet, and shall hand over to his/her successor all books, papers and other possessions held by him/her belonging to the Union. In the absence of an immediate successor, the National Management Committee shall take charge of all books, papers and possessions belonging to the Branch until a new Secretary-Treasurer is elected.

41.6 The duties of the Branch Secretary-Treasurer may be divided into two positions, a Branch Secretary who shall discharge the duties in 41.1 and 41.2 and a Branch Treasurer who shall discharge the duties in 41.3 and 41.4, 41.5 and 41.6 shall apply to both such positions.

## **SECTION SEVEN - ELECTION & BALLOT REQUIREMENTS**

### **42. ELECTIONS AND BALLOT METHODS**

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42.1 The Union shall conduct a ballot of members in the following circumstances:

42.1.1 For the election of officers at National or Branch level where more than one nomination is received for any vacant position.

42.1.2 Where decided at any time by the Conference or National Management Committee.

42.1.3 On the question before any meeting of the Union where a secret ballot is called for by the meeting.

42.1.4 On the question of an amalgamation with another Union.

42.1.5 On the question of winding up the Union.

42.1.6 Where otherwise called for by these Rules.

42.1.7 Where a secret ballot of members is required by statute.

42.2 Unless already provided for in these Rules, the type of ballot shall be decided by the Conference or the National Management Committee prior to the ballot taking place. The type of ballot chosen shall be by either:-

42.2.1 Secret postal ballot by the members; or

42.2.2 Secret ballot of the members at Branch meetings;

42.2.3 In the case of elections for President, General Secretary, National Management Committee Members and Conference Delegates by secret ballot of the members of the Union where members have been first issued with a ballot paper by the Branch Returning Officer.

42.3 Branches shall conduct secret ballots of the members of the Branch on any matter (including a Branch election) particular to that Branch in accordance with this Rule, with modifications as appropriate for Branch ballots.

42.4 In all elections at National or Branch level, where more than two nominations are received for any one position the election shall be by preferential voting. The candidate obtaining the majority of the votes after the final count shall be declared elected.

42.5 In all ballots it is the duty of the National Returning Officer or Branch Returning Officer, as the case may be, to:

42.5.1 Ensure that rolls of eligible persons are compiled.

42.5.2 Post or distribute one ballot paper to each eligible voter on the roll.

42.5.3 At the close of voting:-

(i) In the case of national elections, or a ballot on the question of the winding-up of the Union or other national ballot, the Branch Returning Officer shall comply with the written instructions issued by the National Returning Officer with respect to the conduct of the ballot and the collection and return of ballot papers.

(ii) In the case of Branch elections, the Branch Returning Officer shall accurately count the valid votes and then issue a statement declaring the results of the ballot or election to the Branch Committee.

42.6 Candidates at elections, and at their own expense, may appoint an observer to attend the counting of the ballot.

42.7 Other than any ballot on a notified issue, where a secret ballot is called for by a meeting on any question before a meeting of the Union, a secret ballot shall be conducted as follows:

42.7.1 In the absence of the appropriate Returning Officer, each meeting shall elect a Returning Officer and Scrutineers where required.

42.7.2 The Returning Officer shall ensure that sufficient ballot papers are made available to voting members. Those voting shall cast their vote so as the secrecy of their vote is ensured. The Returning Officer and Scrutineers shall count the votes, and setting aside any informal votes, the Returning Officer shall advise the outcome of the voting to the person chairing the meeting. The Chairperson shall thereby advise the state of the voting to the meeting, declaring the motion won or lost according to the valid votes cast for and against the question. In the event of a tied vote the motion is lost.

42.8 Where any secret ballot of members is required by statute, a secret ballot shall be conducted as follows:

42.8.1 The Union (via the General Secretary or his/her nominee) shall, at its sole discretion, determine the form of the secret ballot, which may include, but is not limited to, a secret postal ballot, or a secret ballot of the members at a meeting(s), or a combination of any form of ballot as the Union decides.

42.8.2 The ballot will cover the question required to be posed by the statute.

42.8.3 The ballot will be determined by a simple majority of those members who are entitled to vote, and who do vote.

## **SECTION EIGHT - DISCIPLINE & GRIEVANCE PROCEDURES**

### **43. COMPLAINTS AND CHARGES**

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43.1 If any member wishes to lay a complaint or charge against any officer of the Union or the National Management Committee, or against any member of the Union, he/she shall submit a complaint or charge in writing to the General Secretary for referral to the National Management Committee. The General Secretary shall acknowledge receipt of the same within 14 days.

43.2 If the complaint or charge is about a member of the Union, the National Management Committee may take such action as it sees fit, which may include, but is not limited to, the following:

43.2.1 Dismiss the complaint and/or charge; or

43.2.2 Uphold the complaint and/or charge and:

- Reprimand or admonish the member; or
- Suspend the member from membership for a specified period; or
- Alter the membership classification of the member; or
- Expel the member.

## RMTU

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43.3 If the complaint or charge is about an officer of the Union, the NMC may take such action as it sees fit, which may include, but is not limited to, the following:

43.3.1 require that complaint or charge is to be addressed under other processes set out in these Rules, such as Rules 25 and/or 37 (if applicable); and/or

43.3.2 address the complaint and/or charge under this Rule 43 if the official is also a member of the Union, in which case the National Management Committee may take such action as it sees fit, including, but not limited to, any of the actions set out in Rule 43.2.

43.4 Any expulsion of a member or officer made under this Rule will be in accordance with the principles of natural justice which shall require the member or officer to be told what is being alleged, and given a reasonable opportunity to respond in writing, to the National Management Committee, on the allegation(s) and on any penalty that might be imposed in respect of the allegation(s).

43.5 The date of expulsion, shall be the date the decision to expel is made by the National Management Committee.

43.6 The decision of the National Management Committee in relation to any complaint shall be final and binding on the complainant and the member/officer complained of, and shall not be the subject of any review or challenge.

43.7 Any person who is expelled from the Union:

43.7.1 shall not be exempt from liability in respect of any action or omission while he/she was a member or officer including liability in any form whatsoever under the disciplinary and grievance procedure provisions of these Rules; and

43.7.2 shall remain liable to pay all fees, subscriptions, fines and levies due to the end of the calendar year in which the membership was terminated; and

43.7.3 shall cease to hold himself or herself out as a member or officer of the Union from the date of expulsion; and

43.7.4 shall return to the Union all material produced by the Union (including any membership certificate, handbooks or manuals).

## **SECTION NINE - ADMINISTRATIVE REQUIREMENTS**

### **44. SEAL & EXECUTION OF DOCUMENTS**

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44.1 The Union shall have a seal which shall be kept by the General Secretary, and shall be affixed by him/her to any document requiring the affixture of the seal. It shall not be altered except pursuant to a resolution of the National Management Committee.

44.2 Every agreement or deed shall be made in such a way as may be determined by the National Management Committee.

### **45. REPRESENTATION AT FORMAL PROCEEDINGS**

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The Union may be represented at any formal proceedings affecting the Union by the General Secretary or such other person as may be approved by the National Management Committee.

**46. SUPPLY OF INFORMATION**

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**46.1 Inspection of Books**

Any member or previous member having an interest in the funds of the Union may inspect the accounting records and/or the register of officers upon giving 48 hours' notice to the General Secretary of his/her desire to inspect the same.

The President or General Secretary of the Union shall have the right to inspect the books of any of the branches, upon giving 48 hours' notice to the Branch Secretary who shall make available all books and vouchers for such inspection.

**46.2 Copy of Rules**

A copy of the Rules of the Union as for the time being amended shall be supplied to new members by Branch Secretaries forthwith and without charge.

A copy of any amendment made to the Union Rules shall be supplied to each financial member of the Union within 30 days after the date on which the amendment is made.

In no case shall a plea of ignorance of the Rules be accepted as an excuse for non-compliance with them.

**46.3 Annual Report, Accounts and Resolutions**

46.3.1 One copy of:-

- The Union's annual report
- Income and expenditure account and balance sheet together with the auditor's report on the accounts
- Any resolution passed at any general or special meeting of the Union shall be supplied to any financial member who requests it.

46.3.2 The annual balance sheet of the Union shall be published in the union magazine.

**47. AMENDMENT TO RULES**

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The Rules of the Union shall not be altered, amended, or rescinded except by Conference or National Management Committee pursuant to Rules 15 and 18 respectively. Any Branch desiring to alter, amend or rescind any of these Rules must subject the same to Conference as a remit after securing majority support of Branch members by resolution at a Branch meeting.

**48. DISSOLUTION OF UNION**

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Where a majority of financial members of the union vote in favour of amalgamation of the union with one or more other unions all assets and liabilities of the union shall be transferred to the new amalgamated union (subject to such conditions as may be decided by the Conference) and application shall be made to the Registrar to dissolve the union on the ground that the union is no longer carrying on its business.

The Union may be put into liquidation if a resolution appointing a liquidator is carried by a majority of the financial members of the union casting a valid vote at special meetings of the Branches of the union and that resolution is confirmed by a similar vote at special meetings of the Branches held not earlier than 30 days after the date of the resolution to be confirmed was passed (such date being the date upon which the aggregated vote of all Branch meetings is counted).

On the liquidation of the union all surplus assets after the payment of all costs, debts, and liabilities shall, subject to any trust affecting the same, be transferred to such other union as the Conference shall in its absolute discretion determine to be the most likely to achieve or advance the objects specified in Rule 4.

**49. MATTERS NOT PROVIDED FOR**

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Matters not provided for in these Rules shall be decided by the Conference or Management Committee.

## APPENDIX A

### STANDING ORDERS

1. For the management of meetings, the order of business may be as follows:-
  - (a) apologies;
  - (b) reading of minutes of any meeting not previously confirmed, and their adoption or otherwise;
  - (c) correspondence;
  - (d) accounts;
  - (e) notices of motion;
  - (f) general business.
2. Notices of motion for hearing shall be signed for the purpose and handed to the Secretary during the meeting, and the member giving the notice shall read it aloud so that it may be considered by the Chairperson as to its being in order, and at the time of hearing it shall not be proceeded with in the absence of the proposer, unless by some other member present duly authorised in writing to take up the motion during such absence.
3. Any member who wishes to move a resolution or amendment shall submit the same in writing, sign it, and shall hand it to the appropriate Secretary who shall add the name of the seconder. If the seconder merely seconds it, he/she shall not be deemed to have spoken at this stage to the matter.
4. No motion or amendment shall be entertained or discussed until it has been seconded, and one amendment only shall be discussed at the one time. But all amendments shall be considered and put before the original motion.
5. Any proposition to proceed with the next business shall be regarded simply as an amendment, and in no case shall it be put to the meeting before the discussion of the original motion has ceased.
6. On the adoption of any amendment, such shall be held to have quashed the original motion, and for all purposes and subsequent discussion the amendment so carried shall be acted upon as the original motion, and two other amendments only shall be received.
7. No member shall be allowed to speak more than once, except strictly in explanation of, or in contradiction to, a misstatement, but the mover of the original motion shall have the right of reply, and be allowed 15 minutes to open and 10 minutes to reply, and no other speaker shall occupy a longer period than 10 minutes. No further discussing shall take place after the mover has replied.
8. On any member rising to a point of order during discussion, the speaker shall sit down and the person so rising shall state the point of order, when the Chairperson shall rule thereon, which ruling, unless challenged, shall be final.
9. No amendment shall be received by the Chairperson which shall be direct negative to the motion of which notice has been given, or which does not preserve the substance of such motion, excepting always notices of motion for alteration of rules, which may be dealt with in the usual way.
10. No question touching upon the interpretation of the Rules need to be answered unless the same shall have been sent to the Chairperson seven days prior to a committee meeting.
11. A book shall be kept, wherein shall be recorded all rulings of the Chairperson, who shall refer to such book for any previous decision, and shall, as far as possible, rule in accordance with them.
12. It shall be incumbent upon members when about to speak to rise and address the Chairperson, and to conduct themselves in a respectful manner towards the meeting.

## **RMTU**

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13. Any member acting contrary to any of these Standing Orders shall be called to order, and should the member persist, shall be asked to withdraw from the meeting.
14. In any case where these Standing Orders do not apply, the Standing Orders of Parliament shall be adopted.
15. Voting at special or general meetings shall be by show of hands or by ballot of the members present, if demanded by a majority of members. The ballot shall be conducted pursuant to Rule 42. of these Rules.
16. The Chairperson of any meeting of the Union at a National or Branch level, shall have a deliberative as well as a casting vote.