

**5.1** The Union shall consist of:

**5.1.1** An unlimited number of persons (males and females) who are employed in connection with the industry or industries and/or occupations and/or vocations and/or industrial pursuits of the transport on land or by air of persons and/or passengers and/or goods, wares, merchandise or any other material whatsoever by or on vehicles or animals or by motor, steam, oil, electric or other mechanically propelled contrivances; drivers, assistants and conductors of same, and stable and yard work wherever performed, including the work of attendance on vehicles, horses and other beasts of burden, whether in stables or otherwise, training and breaking in of horses, loading and unloading on to and/or from any vehicles; shunting by horse power; sanitary carting and work connected therewith but excepting railways, tramways or lifts, bread carters, pastry carters.

**5.1.2** An unlimited number of persons (males and females) employed or engaged as milk carters, relief carters, ice carters, ice cream van salesmen, general relieving hands, drivers of horses and motor wagons, special delivery carters, bulk carters, brakesmen, fork lift drivers, calandria evaporator and by-product plant operators, automatic plant operators, extra hands, milk weighers, receivers, measurers, pasteurisers, tasters, testers, graders, washers of cans and tanks, vat or railway vat washers, can and tankroom employees, grooms, stablemen, yardmen, useful hands, bottle washers, bottle and carton fillers, butter room employees, (other than those employed in the butter factories) employees in the collection of bulk milk and/or cream at farms who are required to grade the same before collection (except such employees within the jurisdiction of the Butter and Cheese Factories Employees (Newcastle and Northern) Conciliation Committee as at the 10th day of August, 1971) and all assistants in such work employed by dairymen and/or milk vendors and/or others engaged in the distribution of milk and/or ice and/or ice cream.

**5.1.3** In addition to the persons specified in rule 5.1.1 hereof, any person (male or female):-

**5.1.3.1** Who, being the owner or hirer of a vehicle drives that vehicle when the same is being used in the carriage of ready mixed concrete or of materials to be made or mixed into concrete on the vehicle where such concrete or materials has or have been supplied to him for the purpose of or with a view to the delivery by the vehicle of ready mixed concrete and who is deemed to be an employee for the purposes of the Industrial Relations Act 1996, Annual Holidays Act and Long Service Leave Act pursuant to subsection (5) of section 5 of the Industrial Relations Act 1996 and Schedule 1 of the said Act and by virtue of Regulation 121(d) of the Regulations under the said Act.

Except persons who employ or are deemed by virtue of the said Act and/or regulations to be the employer of persons within the classifications and/or clauses referred to in rules 5.1.3.1 and/or 5.1.3.2.

**5.1.3.2** Who, being the owner or hirer of a motor lorry drives that motor lorry when it is being used in the carrying out of prescribed work for the Roads and Traffic Authority and who is deemed to be an employee for the purposes of the Industrial Relations Act 1996, Annual Holidays Act and Long Service Leave Act pursuant to subsection (5) of section 5 of the Industrial Relations Act 1996 and Schedule 1 of the said Act and by virtue of Regulation 121(d) of the Regulations under the said Act.

**5.1.4** Persons who are elected and/or appointed and/or employed as paid officers and/or paid officials of the Union. For the purposes of these rules, any reference to "paid officers" and "paid officials" shall refer to any person who is authorised by the Committee of Management to represent the Union at any meeting, and/or at any hearing or conference in the Industrial Commission of New South Wales, and is paid a salary for the performance of such duties by the Union.

**5.1.5** In any addition to the persons specified hereinbefore, any persons (male or female):-

**5.1.5.1** Who are contract drivers within the meaning of the Industrial Relations Act 1996; or

**5.1.5.2** Who are contract carriers within the meaning of the Industrial Relations Act 1996 engaged in the classes of work covered by this Union as a registered association of contract carriers.

**5.2**

**5.3**

**5.4** Should any member cease actively to work or to perform work which would make him or her eligible for membership pursuant to rules 5.1 hereof for a period of six months or more, such member shall notify the Secretary in writing. The Committee of Management shall have power, except in the case where the member is unemployed but seeking work in the industry or has suffered a disabling accident or illness, to cancel his/her membership or approve the continuance of his membership.