

**RULES**  
**of**  
**THE MASTER LADIES' HAIRDRESSERS'**  
**INDUSTRIAL UNION OF EMPLOYERS OF W.A.**

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**RULES**  
  
**of**  
  
**THE MASTER ~~LADIES~~' HAIRDRESSERS'  
INDUSTRIAL UNION OF EMPLOYERS OF W.A.**

In these Rules words connoting the masculine shall include the feminine gender.

**1 - NAME**

The name of the Union hereinafter referred to as "the Association" shall be The Master Ladies' Hairdressers' Industrial Union of Employers of W.A.

**PARTIALLY DISALLOWED - NAME AMENDED BY PRES 3 OF 2020 (100 WAIG 1475)**

**2 - OFFICE**

The Registered office of the Association shall be situate in the office of J.E.L. Sands, Public Accountants, 168 St. George's Terrace, Perth at which place the business of the Association shall be conducted, or at such other place as may from time to time be decided upon by the Committee of Management.

**3 - AREA**

The area covered by the Association shall be the State of Western Australia.

**4 - OBJECTS**

The objects of the Association are:-

- (a) To raise the status of the industry in respect of which this Association is registered as described in Rule 5.
- (b) To protect and advance the interests of its members in its relationship with Government agencies and other bodies.
- (c) To monitor legislation and government proposals affecting its members.
- (d) To adopt whatever lawful procedure may be considered advisable for the purpose of protecting and furthering the interests of members.

- (e) To assist members of the Association when required in preparing evidence for the defence of their interests and prosecution of their claims or demands before the Western Australian Industrial Commission hereinafter called "the Commission" or the Western Australian Appeal Court (hereinafter called "the Court") or Industrial Magistrate, and to obtain legal advice and assistance for such purposes.
- (f) To act jointly with or without the co-operation of other public or representative bodies in representing the interests of members of the trade before the Government and Commonwealth or State Parliaments.
- (g) To regulate by means of awards or industrial agreements the rate of wages and conditions of employment and transact any other business that may arise between members and their employees.
- (h) To affiliate and co-operate with any association, society or body, which may promote or further the objects of this Association or the interests of its members.
- (i) To promote a better understanding and an atmosphere of co-operation among members for the solution of common problems and the betterment of the industry individually and collectively.

### **5 - QUALIFICATIONS FOR MEMBERSHIP**

Any bona fide person, firm or company engaged in the business of Ladies' Hairdressing, Cutting, Beauty Culture, Chiropody, Electrolysis, Light Therapy, Scalp Treatment, Hair Tinting and Dyeing, or other activities usually associated with Ladies' Beauty Salons, shall be eligible for election to membership as hereinafter prescribed. Provided that no person shall be a member of the Association (except in the capacity of an honorary member) who is not an employer within the meaning of the "Industrial Arbitration Act, 1912" as amended.

Wherever the words "person" is mentioned in these Rules in reference to membership of the Association such word shall be deemed to include a co-partnership firm and a company which is a member or eligible to be a member.

**PARTIALLY DISALLOWED - REMOVAL OF "LADIES" BY PRES 3 OF 2020 (100 WAIG 1475)**

### **6 - ADMISSION OF MEMBERS**

- (a) A person, firm or company seeking membership of the Association shall apply in writing to the registered office of the Association submitting, if required, evidence of good character.
- (b) All applicants must, in their application, undertake to be bound and abide by these rules of the Association.
- (c) Every application for membership shall contain the full name or names and address or addresses of the person or members of the firm applying as the case may be. In the case of a company the application shall contain the name of the company, the address of its registered office, the name and address of its public officer and the names and addresses of directors.
- (d) Every person applying for membership must certify his, their or its eligibility for membership in accordance with Rule 5 and shall pay immediately the joining fee

(as determined by the committee from time to time) and the subscription payable to the end of the calendar year in which application is made.

The sum so payable shall be for an application:

Made in the period up to and including March 31st in a year, the full annual subscription applicable for that year.

Made after March 31st but before June 30th in a year, three quarters of the full annual subscription applicable for that year.

Made after June 30th but before September 30th in a year, half of the full annual subscription applicable for that year.

Made after September 30th in a year, one quarter of the full annual subscription applicable for that year.

- (e) Membership may be refused to persons, firms or companies who or which are not eligible in accordance with Rule 5 or who or which cannot establish to the satisfaction of the Committee of Management their good character. The Committee of Management of the Association shall deal with all applications for membership within a reasonable time. If these Rules have been complied with and the applicant is eligible and of good character, the Committee shall admit such applicant to membership provided that the applicant has not been expelled from the Association pursuant to Rule 34 of these Rules in the 12 month period preceding the making of the application.

### **7 - RESIGNATION OF MEMBERS**

~~Any member desiring to resign his membership shall, unless the Committee of Management determines otherwise, give three (3) months' prior written notice of his intention to do so to the Secretary, or shall pay a sum equal to three (3) months' subscription in lieu of such notice and shall pay all subscriptions, fees, fines, levies, and other dues payable by him to the Association under these Rules up to the end of the period covered by the notice.~~

**DISALLOWED - SEE ORDER NO. 868 OF 1996 OF 4 JULY 1996**

### **8 - DISQUALIFICATION OF MEMBERS**

Any member who ceases to be eligible for membership of the Association under Rule 5 herein shall thereupon cease to be a member of the Association and shall have no further interest in, or claim on, the Association. Such member shall remain liable to the Association for payment of all subscriptions, fees, fines, levies, and other dues owing by him to the Association up to the date upon which he so ceased to be a member. It shall be the responsibility of any member becoming an employee to give immediately written notice of that fact to the Association.

In the event of a business which is a member changing hands, the new proprietor must apply and be admitted in accordance with the Rules before becoming a member of the Association.

### **9 - ANNUAL SUBSCRIPTIONS**

Each member shall pay to the Secretary/Treasurer an annual subscription of such amount as may be decided by General Meeting from time to time. The annual subscription is due on the first day of January in each year but members joining during a year shall only be liable to pay immediately the proportion of the year's subscription as set out in Rule 6.

### **10 - LEVIES**

Should it at any time be considered expedient or necessary in order to provide funds for the proper working of the Association, the Association may from time to time by ordinary resolution at a general meeting impose such levy or levies as may appear adequate for such purpose, and the same shall become due and payable by all members at the time and in the manner prescribed by such resolution or resolutions. A member shall not be called upon in any year to pay a levy or total amount of levies of greater amount than the amount of his annual subscription for the year.

### **11 - ENFORCEMENT OF PAYMENT**

All subscriptions, fees, fines, levies, dues and other moneys payable to the Association by a member may be sued for and recovered in any Court of competent jurisdiction by the Secretary/Treasurer, who shall have authority and is hereby empowered on behalf of the Association and the members thereof to sue for and recover such subscriptions, fees, fines, levies, dues and other moneys in such Court.

### **12 - MANAGEMENT OF THE ASSOCIATION**

The management and business of the Association shall be vested in the members thereof, provided that in the interval between General Meetings of the Association, the management and business shall be conducted by a Committee of Management, which shall have full power to act in the name of the Association.

### **13 - COMMON SEAL**

The Association shall have a Common Seal bearing the words "The Master ~~Ladies'~~ Hairdressers' Industrial Union of Employers of W.A.". Such Seal shall be in the custody of the Secretary/Treasurer at the Registered Office and all industrial agreements, deeds and instruments shall be made and executed on behalf of the Association by the President and Secretary/Treasurer and the Common Seal affixed thereto in accordance with the decision of the Committee of Management or of a General Meeting which may authorize any other officer to affix the Seal.

**PARTIALLY DISALLOWED - NAME AMENDED BY PRES 3 OF 2020 (100 WAIG 1475)**

### **14 - COMMITTEE OF MANAGEMENT**

- (a) The Committee of Management shall consist of the President, Senior Vice-President, Vice-President and at least three (3) other Committee members as may be elected in accordance with these rules or appointed by the Committee to fill a casual vacancy.
- (b) The President, Senior Vice-President and Vice-President and all other Committee members, in accordance with these rules, shall hold office for a period from the

conclusion of the annual meeting at which they are elected to the conclusion of the next annual General Meeting. In the event of any vacancy on the Committee of Management occurring in the course of a year, the Committee shall appoint a successor to the position, and any member so appointed shall hold office for the unexpired period of his predecessor's term of office.

- (c) In the event of any member of the Committee of Management being absent from three (3) consecutive meetings without leave of the Committee, he may be declared to have forfeited his position. The Committee of Management or any officer or member thereof, may be retired by a General Meeting of the members called for that purpose.

### **15 - POWERS AND PROCEEDINGS OF COMMITTEE**

- (a) The Committee of Management shall meet as often as it deems necessary for the benefit of the Association.
- (b) In addition to other powers given to it by these rules, the Committee of Management shall have power to regulate its own proceedings.
- (c) The Chairman plus three (3) committee members shall constitute a quorum.
- (d) The Committee of Management shall have power to appoint from time to time such sub-committees as it may deem necessary and may delegate such of its powers other than this power of delegation as it may deem necessary to any such sub-committees.
- (e) The President shall act as Chairman at all meetings of the Committee of Management at which he is present. In the absence of the President, the Senior Vice-President or Vice-President in that order shall preside. If neither are present, the members of the Committee may elect one of their number to chair the meeting.
- (f) Each member of the Committee shall attend all meetings unless sick or given leave of absence. He shall faithfully and conscientiously comply with these rules and serve the Association.

### **16 - CHARGES AND COMPLAINTS**

- (a) The Committee of Management shall have power to investigate charges or complaints made to the Association by any Member against or regarding another member.
- (b) If any member has any charge or complaint to make against another member or any officer or member of the Committee of Management, such complaint or charge shall be made in writing and addressed to the Committee of Management. The Committee of Management may require the complainant to deposit a sum of money as a deposit.
- (c) Prior to the hearing of such charge or complaint by the Committee, notice of the time and place appointed shall be posted by the Secretary/Treasurer to both or all parties concerned seven (7) clear days prior to the hearing.
- (d) In the event of the charge or complaint not being sustained, the Committee of Management may direct that the said deposit be forfeited.

- (e) If the Committee of Management deems that any such charge or complaint has been proved, it shall have the power to fine any member and/or remove from office any officer or member of the Committee of Management so charged. A fine imposed under this sub-rule shall not be for a greater sum than the amount of the annual subscription.
- (f) The Committee or any party to the complaint may require the matter to be dealt with by General Meeting, or appeal to the General Meeting against a decision or penalty imposed by the Committee of Management.

### **17 - OFFICERS**

The Officers of the Association shall be:-  
President, Senior Vice President, Vice President, Members of the Committee of Management.

### **18 - DUTIES OF OFFICERS**

#### **PRESIDENT**

At all meetings of the Association and Committee of Management the Chairman shall have the same right of speaking on any question under discussion as any other member and shall have one vote. In the event of an equality of votes the Chairman shall have a casting vote as well. Should the President be absent from three (3) consecutive General Meetings without leave of the Committee, he may be declared to have forfeited his position and shall thereupon forfeit his position as President.

#### **VICE-PRESIDENTS**

Vice Presidents shall carry out the duties of the President in his absence. They shall carry out such various executive duties as are necessary.

### **19 - ELECTION OF OFFICERS**

- (a) Subject to the provisions of the Industrial Relations Act 1979 (as amended) ("The Act") officers shall be elected by secret postal ballot.
- (b) The Committee of Management shall in its discretion either:
  - (i) appoint a Returning Officer in compliance with section 56(1)(a) of the Act. The Returning Officer shall make all arrangements necessary for the holding of the election, prepare and issue ballot papers to such Deputy Returning Officers as may be appointed and/or elected and procure an adequate ballot box which he shall seal; or
  - (ii) authorise the President to make a request of the Registrar of the Commission pursuant to section 69 of the Act.
- (c) Nominations for election shall be called by notice mailed to each member at his address appearing in the register of members at least 21 days before the meeting. The notice shall state the names of all candidates the offices to which election is to be made and details of the time, date and location of the proposed meeting.

- (d) Candidates for an office shall be proposed and seconded by two members of the Association and shall sign an undertaking to carry out faithfully the duties of office if elected. Undertakings and written nominations must be lodged with the Returning Officer at the Association office at least ten (10) days before the meeting.
- (e) A candidate shall not be eligible to nominate unless he is a financial member of the Association. The Returning Officer shall scrutinise each nomination and reject any where the candidate is ineligible but before so doing the Returning Officer shall notify the candidate of the defect in the nomination and the reason for the ineligibility and where practicable give the candidate an opportunity to remedy the defect.
- (f) If there is only one candidate for an office and these Rules have been complied with, the Returning Officer shall report such fact to the Chairman of the meeting who shall declare that candidate duly elected. If there is more than one candidate for an office then a secret ballot shall be held.
- (g) One Deputy Returning Officer shall be appointed by the Chairman and one shall be elected by the meeting.
- (h) The Returning Officer or one of the Deputy Returning Officers shall distribute voting papers and after voting, the Returning Officer or one of the Returning Officers shall scrutinise and count the votes in the presence of the candidates if they so request and the scrutineers if any and report the result to the Chairman.
- (i) The candidate with the greatest number of votes shall be declared elected.
- (j) In the event of a tied vote, members of the retiring Committee of Management present at the meeting shall select one of the two tying candidates by a secret ballot and report such selection to the Chairman who shall declare the candidate selected duly elected to the Office.
- (k) If the foregoing procedure also produces a tie then the existing Officer shall remain in office pending the election of another at a Special General Meeting convened for the purpose for which purpose nominations shall be called again for that office in the manner prescribed by this Rule.
- (l) All ballot papers used at an election for office under these Rules shall be issued by the Returning Officer or a Deputy Returning Officer who shall mark them for identification by placing his initials on them. Ballot papers shall be issued only to members whose names appear on a list of financial members supplied by the Secretary/Treasurer and the names of those receiving ballot papers shall be struck off the list by the Returning Officer or Deputy Returning Officer so that a record of those receiving ballot papers is available.
- (m) Members who do not intend to attend the meeting may in writing request the Returning Officer to allow them to vote as absentees. Where such a request is received by the Returning Officer no later than seven (7) days before the meeting, the Returning Officer shall post or deliver to the member concerned not later than the next normal working day a ballot paper initialled by him. He shall strike the name of the member from the list of financial members referred to above. The member shall record his vote on this ballot paper and enclose it in a sealed envelope which he shall enclose in a second sealed envelope marked on the outside with his name and stating that the envelope contains an absentee vote, the date of the meeting and the office for which the vote is applicable. This vote must be in the hands of the Returning Officer not later than noon on the day of



the meeting and on receipt by him shall be placed unopened in the ballot box to be counted at the election.

- (n) Each candidate may nominate a scrutineer to represent him in connection with the ballot. The meeting may appoint a second scrutineer for each office.
- (o) The Returning Officer shall report the result of each ballot to the Chairman, who shall declare the successful candidate duly elected.
- (p) Voting shall not be compulsory.
- (q) Each financial member shall have one vote for each office for which an election is held.
- (r) A vote shall be informal if it is not in writing and not on a ballot paper issued in accordance with these Rules or if it is not completed by the voter as directed on the ballot paper.
- (s) A vote shall be informal if the voter is not the member he claims to be, if in any respect the ballot paper does not comply with these Rules, or, if being a postal vote, it is received by the Returning Officer later than noon on the day of the meeting. A ballot paper shall not be informal otherwise than for one of the above reasons and shall be given effect to according to the voter's intention insofar as that intention is clear.
- (t) The Returning Officer or a Deputy Returning Officer shall not count any vote cast by an informal ballot paper and shall notify the Chairman of the meeting of all informal votes when reporting the result of the election to the Chairman.

## **20 - CASUAL VACANCIES**

- (a) If an Officer other than the Secretary/Treasurer shall resign, die or become ineligible to continue in office a casual vacancy shall exist.
- (b) In the case of the President the Senior Vice-President shall assume the office of President until the next normal election. Similarly the Senior Vice-President shall be replaced by the Vice-President. Any casual vacancy in the office of Vice-President or Committee of Management member shall be filled by the Committee of Management until the next normal election Meeting.
- (c) A casual vacancy shall exist where no nomination for an office is received where a vacancy occurs by the operation of these Rules

In such case the existing officer shall remain in office for the subsequent period. If the existing officer is not available the Committee of Management shall appoint a member to fill the office until the next meeting at which elections to office are considered.

- (d) All casual vacancies shall be considered for election at the next Annual General Meeting.

## **21 - SECRETARY/TREASURER**

- (a) The Secretary/Treasurer shall be appointed and engaged by the Committee of Management and shall hold office during the pleasure of the Committee of

Management. He shall only be removed from his office by the Committee of Management or he may resign.

- (b) Subject to the directions of the Committee of Management, the Secretary/Treasurer shall attend all meetings of the Association and record minutes of the same. He shall prepare, under instructions from the Committee or any sub-committee, reports to be submitted to general or other meetings of the Association, submit to each Annual General Meeting properly audited books of account, showing receipts and expenditure for the previous year and prepare a list of unfinancial members. He shall keep all accounts of the Association, receive all subscriptions, fines, etc., and pay the same into the bank of the Association. He shall receive, submit to the President and answer all correspondence, lay the same before the Committee of Management and perform such other duties as may be necessary to carry out the objects and rules of the Association.
- (c) The Secretary/Treasurer shall be paid such amount for his services as may from time to time be fixed by the Committee of Management.
- (d) The Secretary/Treasurer shall, if required by the Committee of Management, provide a fidelity bond to an amount to be fixed by the Committee of Management, the premium to be paid by the Association.
- (e) The Secretary/Treasurer shall not vote in any matter of the Association or the Committee of Management.
- (f) The Secretary/Treasurer shall lodge with the Registrar, Industrial Commission of W.A. such information as is required to comply with the Act. He shall take all necessary steps to comply with section 63 of the Industrial Relations Act 1979 as amended.
- (g) The Secretary/Treasurer shall take such steps as are necessary to ensure that ballot papers, envelopes, lists and other documents used in connection with or relevant to an election for an office are preserved and kept at the registered office of the Association for a period of at least one (1) year following the completion of the election.

## **22 - AUDITOR**

An Auditor shall be elected annually at the Annual General Meeting of the Association and shall hold office until a successor is appointed or until he may resign or be dismissed from office. The Auditor shall thoroughly audit the accounts, vouchers and records of the Association for the period since the last audit, satisfy himself as to the correctness of the cash balance and the balance at the bank and sign the balance sheet. The Auditor need not be a member of the Association. He shall audit the accounts at least once in every year.

## **23 - GENERAL MEETINGS OF THE ASSOCIATION**

- (a) An Annual General Meeting shall be held once each year and General Meetings may be held on such dates as the Committee of Management shall from time to time decide.
- (b) Special General Meetings may be called at the instance of the President or on the written application of any five (5) or more members who shall specify in such application the business to be considered. The Annual General Meeting of the Association shall be held during or as soon after the months of February or

March in each year as is practicable. Seven (7) days' notice of each General, Special General or Annual General Meeting shall be given by circular posted to the members. In addition to the powers assigned to them elsewhere in these Rules, all General Meetings shall have full power to govern the activities of the Association in accordance with these Rules.

#### **24 - QUORUM AT GENERAL MEETINGS**

Five (5) members shall constitute a quorum at General, Special General or Annual General Meetings. If the quorum be not obtained within one hour of the time notified for the commencement of the meeting no meeting shall be held that day but the meeting shall be deemed to be adjourned to a date to be fixed by the Chairman.

#### **25 - REGISTER OF MEMBERS**

A Register of Members shall be kept by the Secretary/ Treasurer. The register shall show the names and addresses of all members, the date of joining the Association and of resignation, contributions, levies and all dues paid into the funds of the Association by each member and must comply with the requirements of section 63(1)(a) of the Act. Every person having an interest in the funds of the Association may inspect the Register and books of the Association at any reasonable time upon reasonable notice being given to the Secretary/Treasurer.

#### **26 - MEMBERS IN ARREARS**

~~Members in arrears with their subscriptions for a period of six (6) months shall be struck off the register but such action shall not release those members from liability for arrears due.~~

**DISALLOWED - SEE ORDER NO. 868 OF 1996 OF 4 JULY 1996**

#### **27 - INTERPRETATION OF RULES**

In case a question at any time arises which is not provided for in these Rules, or any doubt exists as to the interpretation thereof, the same shall be determined by a General Meeting, whose decision shall be final, subject to compliance with the Act.

#### **28 - AMENDMENT OF RULES**

The rules of the Association may be amended in the manner prescribed by section 62 of the Act.

#### **29 - STRIKES OR LOCK OUTS**

No part of the funds or property of the Association shall be expended or used for or in connection with or to aid or assist any person engaged in any strike or lock out.

#### **30 - DISSOLUTION**

So long as there are eight (8) members of the Association whose subscriptions and levies have been paid to the Association and who are not in default to the Association in any

matter, the Association shall not be dissolved nor its funds appropriated to any purpose other than those set forth in these Rules. This Rule shall not be rescinded or amended unless twelve (12) months' notice has been given to that effect at a General Meeting of members of the Association.

### **31 - VOTING**

Except where these Rules provide for a ballot all shall be decided on the voices or show of hands of those present provided also that when a ballot on any question is requested by any member the voting on that question shall be by ballot. No proxy voting shall be permissible. No member whose subscription or fines, levies, or dues are unpaid shall be entitled to vote at any meetings of the Association.

### **32 - CONTROL OF PROPERTY AND INVESTMENT OF THE FUNDS**

The members shall have the control of all property belonging to the Association and shall by resolution, passed at a General or Committee of Management Meeting, decide any question as to the acquisition, use or disposal of such property and in the same manner determine the investment of the funds. The Committee of Management shall carry out all such resolutions in conformity with these Rules.

### **33 - DISPUTES AND PROCEEDINGS BEFORE THE INDUSTRIAL COMMISSION**

All industrial disputes in which the Association or any of its members may be concerned shall, unless settled by mutual consent, be referred for settlement pursuant to the Act.

### **34 -**

The Association may be represented in all proceedings before The Western Australian Industrial Relations Commission an Industrial Magistrate and the Full Bench of the Western Australian Industrial Relations Commission by the President or Secretary/Treasurer or other person duly appointed in writing by the Committee of Management.

### **35 - PENALTY FOR BREACHES**

- (a) If the Committee of Management is of opinion that any member has performed any act or engaged in a course of action which is detrimental to the interests of the Association or its members or committed a breach of these Rules, or failed or refused to comply with all the legal or reasonable requirements or instructions of the Committee of Management or of the Association, it may impose a fine in a sum not exceeding the amount of the current year's subscription.
- (b) The Association may, in General Meeting, resolve that a member who has performed an act or engaged in a course of action which is detrimental to the interests of the Association or its members or committed a breach of the Rules of sufficient gravity be suspended or expelled from the membership of the Association forthwith.