

**RULES
OF THE
HEALTH SERVICES UNION OF
WESTERN AUSTRALIA (UNION OF WORKERS)**

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RULES

of the

HEALTH SERVICES UNION OF
WESTERN AUSTRALIA (UNION OF WORKERS)

1 - NAME OF UNION

The name of the Union shall be Health Services Union of Western Australia (Union of Workers).

2 - REGISTERED OFFICE

The registered office at which place the business of the Union shall be conducted shall be at 929 Wellington Street, West Perth, or at such other place as the Committee of Management may determine, and any change in such registered address shall be duly registered.

3 - CONSTITUTION

- (1) The Union shall consist of workers engaged in Professional, Administrative, Technical, Supervisory or Clerical capacities including workers employed in any classification of work which at the 1st day of July, 1982, was covered by an Award or a deemed consent Award to which the union was a party, employed by:-
- (a) Any private hospital.
 - (aa) Any public hospital and including all salaried employees (being professional, administrative, clerical, technical and supervisory employees) (including those listed in Schedule A to these Rules) employed by the boards of any public hospital constituted under the Hospital and Health Services Act 1927 (as amended) in such hospitals or for the provision of health services in any district or area in which such board or boards are required or have a duty to provide such services and also including all salaried employees (being professional, administrative, clerical, technical and supervisory employees) (including those listed in Schedule A to these Rules) employed by the Metropolitan Health Service Board in the Graylands Selby-Lemnos and Special Care health Services.

Provided that those persons who are employed in any hospital or institution established under the Mental Health Act 1962 (as amended) shall not be eligible for membership of the Union and provided further that the following persons shall not be eligible for membership of the Union: all salaried

employees (being professional, administrative, clerical, technical and supervisory employees) employed by the Metropolitan Health Service Board or by any other Western Australian State Government person, enterprise or corporation in the Perth Dental Hospital and Community Dental Services or any other entity howsoever described or named which provides any of the services provided by Perth Dental Hospital or by the Dental Services Branch of the Health Department of Western Australia as at 30 April 1998 (referred to collectively as the "Dental Hospital") other than employees who as at 6 May 1998 were financial members of the HSOA until such time as they resign, retire or are permanently transferred or redeployed from the Dental Hospital or cease to be a member of the HSOA.

- (ab) Any aged care facility, nursing home, and/or health care facility for the aged, chronically ill and or disabled including but not limited to any high care, low care, day care, respite care and/or rehabilitation and/or restorative service for the aged, chronically ill and/or disabled, and any residential and/or community care service or hostel in or about or in connection with and/or ancillary to the provision of such services including employees engaged as Physiotherapy, Occupational Therapy and/or Diversional Therapy Assistants and/or Activity Assistants but not including any other employee of such services who at the 30th of April 2004 was eligible for membership of the Australian Liquor, Hospitality and Miscellaneous Workers Union, Western Australian Branch, any employee of a local government authority in the provision of ancillary and community care services or any employee employed under Part 3 — Public Service, of the Public Sector Management Act, 1994, any employee of the Disability Services Commission of Western Australia, any employee of a public authority employed in residential facilities associated with state schools and/or juvenile hostels administered by the Department of Community Development.

- (b) The Hospital Laundry and Linen Service.

Provided that any classification of work covered by an Award or Agreement to which the Metropolitan Laundry Employees' Industrial Union of Workers or the Western Australian Clothing and Allied Trades' Industrial Union of Workers is a party as at the 24th of October, 1975, shall be excluded and any worker performing the duties of such classification of work shall not be eligible for membership of the Union.

- (c) The Western Australian School of Nursing or any service ancillary to the practice of medicine including institutions or facilities solely or substantially engaged in providing Medical Laboratory services, Radiological services, Physiotherapy services, Occupational Therapy services, Speech Therapy services or Social Work services.

Provided that any person who is employed as an officer or temporary employee under and within the meaning of the Public Service Act, 1904, or who is determined by the Western Australian Industrial Commission to be a "government officer" shall not be eligible for membership of the Union.

Provided further that any person employed in Doctors' surgeries or any wholesale or retail distributing or manufacturing organisation shall not be eligible for membership of the Union.

Provided also that any person who is employed by the St. John Ambulance Association for the purpose of operating first aid and/or ambulance services shall not be eligible for membership of the Union.

Provided further also that all salaried employees (being professional, administrative, clerical, technical and supervisory employees) employed by the Board of the Western Australian Centre for Pathology and Medical Research and/or any other Western Australian State Government controlled person, enterprise or corporation who is presently or henceforth the employer of employees in the said Western Australian Centre for Pathology and Medical Research shall not be eligible for membership of the Union.

- (d) The Western Australian Division of the Red Cross Society in facilities or services other than those referred to in paragraphs (a) and (c) of subrule (1) of this Rule.

Provided that any person who is employed as a Clerk shall not be eligible for membership of the Union under this paragraph.

- (e) The Spastic Welfare Association of Western Australia (Incorporated) in facilities or services other than those referred to in paragraphs (a) and (c) of subrule (1) of this Rule.

Provided that any person employed as a Tradesman and who is performing the usual duties of his trade shall not be eligible for membership of the Union.

- (f) The Silver Chain Nursing Association (Inc.) in facilities or services other than those referred to in paragraphs (a) and (c) of subrule (1) of this Rule.
- (g) The Slow Learning Children's Group of Western Australia (Inc.) in facilities or services other than those referred to in paragraphs (a) and (c) of subrule (1) of this Rule.
- (h) Dentists, provided that membership of the Union shall be limited to Dental Therapists.
- (i) Paraplegic-Quadriplegic Association of Western Australia (Inc.), Good Samaritan Industries or F.C.B. Industries in facilities or services other than those referred to in paragraphs (a) and (c) of subrule (1) of this Rule.

For the purposes of this paragraph only, the word "Supervisory" appearing in the preamble to subrule (1) shall include categories of work which oversee and/or supervise the execution or performance of tasks by or the actions and activities of persons who are not employees under Western Australian industrial law.

- (j) Any non-Government employer engaged primarily in health services, provided that membership of the Union shall be limited to Audiologists, Chiropodists, Clinical Psychologists, Dietitians, Occupational Therapists, Nucleographers, Physiotherapists, Psychologists, Social Workers, Speech Therapists and Welfare Officers, howsoever designated.

Provided further that an employee who is solely or substantially engaged in providing his services to other employees of his employer and who is

eligible for membership as at the 30th April, 1985, of another registered State organisation within the meaning of the Industrial Relations Act, 1979, shall not be eligible for membership of the Union under this paragraph.

Provided also that persons employed by the University of Western Australia or by the Western Australian Institute of Technology or by Murdoch University shall not be eligible for membership of the Union.

Any person who is eligible for membership in accordance with the registered rules of the Royal Australian Nursing Federation (Western Australian Branch) Industrial Union of Workers as at the 1st of August, 1966, shall not be eligible for membership of the Union.

- (k) Notwithstanding any preceding provision of this rule, employers in or in connection with the industry of compounding, dispensing, preparation, manufacture, distribution and sale of drugs, medicines, chemicals and medicinal substances and without limiting the forgoing, also including persons who are:
- (i) registered Pharmacists employed as Managers or Managing Assistants of a Friendly Society, a retail pharmacy, the dispensary of a Medical Practitioner or Hospital or Public Institution;
 - (ii) assistants who are Registered Pharmacists;
 - (iii) students who are undergoing training prescribed by the Australian Pharmacy Council, engaged or usually engaged in Western Australia as prescribed by law in retail pharmacies and dispensaries connected with Friendly Societies or Hospitals or Public Institutions or conducted as part of the practice of duly qualified Medical Practitioners in the compounding dispensing preparation manufacture distribution and sale of all those drugs medicines chemicals and medical substances which are included in the British Pharmacopoeia, the British Pharmaceutical Codex, the Australian Pharmaceutical Formulary and the formularies issued on behalf of any Public Hospital or similar institution or are used for the alleviation treatment of cure of diseases of the human body.
- (l) Subject to subrule (aa) of this rule, Dentist's, employers in the industry of Dental Mechanics including dental prosthetics and/or dental laboratories associated therewith, and the term "Dental Mechanics" shall be construed to cover the following:-
- (i) Dental Technicians, meaning and including dental mechanics skilled in the mechanics of prosthetic dentistry;
 - (ii) Dental Trainee Technicians;
 - (iii) Dental Attendants and Assistants;
 - (iv) Dental Receptionists; and

- (v) all persons in the industry not registered as dentists.
- (2) (a) A member who has given long and distinguished service to the Union may be awarded Life Membership by the Committee of Management which shall determine, from time to time, the benefits to be granted to Life Members.
 - (b) Upon retirement from employment, a Life Member shall become an Honorary Life Member.
 - (c) Honorary Life Members shall retain all the rights and benefits of Union membership except in the following:-
 - (i) the right to nominate for election to any office in the Union;
 - (ii) the right to nominate, second or endorse any candidate for election to any office in the Union;
 - (iii) the right to vote in any election for an office in the Union.
 - (3) Where a member's employment terminates and that member is in receipt of financial assistance from the Union involving worker's compensation, dismissal or other employment related matter, the member may retain financial membership of the Union.
 - (4) Subject to sub-rule (3) hereof, no person shall be eligible for membership of the Union who is not an employee within the meaning of the Industrial Relations Act, 1979.

4 - OBJECTS

The objects of the Union shall be:-

- (1) To protect and further the interests of its members by any lawful means.
- (2) To secure for its members preference in employment and promotion, and the right of appeal.
- (3) To raise funds by means of contributions, subscriptions and/or levies for the purpose of carrying out the objects of the Union.
- (4) To conduct negotiations with the employers, or make application to industrial tribunals, or effect industrial agreements to regulate conditions under which members of the Union shall be employed.
- (5) To acquire any rights and privileges which the Union may regard as necessary, and ensure the preservation to members of the Union of all rights and privileges now enjoyed.
- (6) At the discretion of a general meeting, or by a ballot of members to amalgamate, affiliate, or co-operate with other industrial organisations, whose constitutions and rules are not repugnant to, nor inconsistent with this constitution and rules.
- (7) To publish a periodical to be known as "The Hospital Salaried Officer". Issues to be made at least quarterly and all copies posted to the private address of members

and forwarded regularly. The price of five cents to be included in the members' Union Subscriptions. Twenty cents per annum from each member's Annual Subscriptions shall be set apart for the Journal and be separately accounted for in the Annual Balance Sheet and be duly audited.

5 - COMMITTEE OF MANAGEMENT

- (1) The Governing body of the Union shall be a Committee of Management consisting of a President, a Vice-President, a Secretary, a Treasurer and nine Committee Members.
- (2) (a) The members of such Committee, with the exception of the Secretary or any other paid officer of the Union, shall be elected by secret postal ballot, as hereinafter provided, and shall hold office for thirty-six months, following the Returning Officer's Report at the Annual Meeting.

One third of the Committee of Management shall retire each year and may offer themselves for re-election. Initially, the order of retirement shall be arranged by agreement, or if necessary by the drawing of lots to be conducted by the Secretary. Thereafter, the Committee members shall hold office for three years, retiring in strict rotation.
- (b) The Committee shall have the power to appoint a Secretary or any other paid officer of the Union from applications received after a suitable advertisement has appeared twice in a daily paper. Such position to be held indefinitely. The Committee shall have power to terminate the appointment of any paid officer at any time it thinks fit.
- (3) The Committee of Management shall have the general management and control of the affairs of the Union, subject to any direction given to it by a majority of the members present at any general meeting.
- (4) It may expend the funds of the Union in accordance with these rules, and may do all the things necessary to give effect to those rules, and to protect and further the interests of members of the Union.
- (5) The President, Vice-President, Secretary and Treasurer shall act as an Executive and shall be empowered to investigate such matters as is deemed necessary.
- (6) The Committee of Management may act notwithstanding a casual vacancy in its membership and no act, proceeding or decision shall be invalid or void by reason only of the existence of a casual vacancy.

6 - POWER TO CO-OPT

The Committee of Management shall have power to co-opt one member from any major metropolitan hospital, and one member from the Medical Department Group of Hospitals, if such hospital or group is not represented on the Committee of Management after the annual election and to co-opt any other member with special knowledge in a given field. Any such co-opted member shall not be a member of the governing body for the purpose of Rule 5.

7 - RETURNING OFFICER

- (1) (a) At or before the September Committee meeting each year the Committee of Management shall appoint a Returning Officer and such Deputy Returning Officers as may be necessary. A Returning Officer shall hold office until a successor is duly appointed.
- (b) The following persons shall be ineligible for appointment as Returning Officer or Deputy Returning Officer:-
 - (i) Any person who is to be a candidate in any election under these Rules; or
 - (ii) Any person who is the holder of any other office of the Union; or
 - (iii) Any person who is an employee of the Union.
- (2) The Returning Officer shall, not less than fourteen days and not more than twenty-one days before the date of commencement of the period for lodging nominations of candidates for an election for an office, cause to be published in a newspaper or newspapers circulating widely within the State a notice setting out:-
 - (a) The name of the Union;
 - (b) The title of the office;
 - (c) The form in which nominations are to be made;
 - (d) The place for lodging nominations;
 - (e) The times and dates of the commencement and close of the period for lodging nominations, which shall be a period of not less than seven days, and inviting nominations of persons, eligible for election for the office or offices under the Rules of the Union, to stand as candidates for election for the office.
- (3) Nominations shall be in writing signed by the candidate and endorsed by two financial members and shall be posted to the Returning Officer so as to be in his hands not later than 5.00 p.m. on 31st October. Only financial members shall be eligible for office and any member may nominate for more than one office provided that should he be elected to an executive position his nomination for a lower office shall be discarded from the poll. Nomination for the lower office shall be valid in the event of non-election to the higher office.
- (4) Where the Returning Officer finds that a document lodged at the place and within the period determined by the Returning Officer under sub-rule (2) and purporting to be the nomination of a person as a candidate for an election for an office is not a nomination in accordance with the provisions of sub-rule (3), the Returning Officer shall, if practicable, give notice to that person by telegram of the reasons why the document is not a nomination in accordance with those provisions and advise that person that a proper nomination may be lodged within a period of seven days after the date of sending the telegram.
- (5) A person nominated as a candidate may, by notice signed by him witnessed by an elector and addressed to and lodged with the Returning Officer before the time fixed for the expiry of the period for lodging nominations, withdraw his consent to

- the nomination and that person shall thereupon be deemed not to have been nominated.
- (6) (a) Where on the expiry of the period for lodging the nomination of a candidate for election for an office, only one candidate is nominated for election for the office, the Returning Officer shall declare in accordance with these Rules that the candidate has been elected to that office.
- (b) Where on the expiry of the period for lodging the nomination of a candidate for election for an office no nomination for that office has been received, the Returning Officer shall as soon as practicable after the expiry of that period so advise the Union.
- (c) Where pursuant to paragraph (b) the Returning Officer advises the Union that no nomination for an office has been received the Committee of Management may thereupon appoint a person eligible to hold that office and a person so appointed shall for all purposes be deemed to have been elected by the members of the Union.
- (7) The full names and addresses of the members of the Union who are entitled under the Rules of the Union to vote in that election shall form the electoral roll for the election.

8 - ELECTION TO OFFICE

- (1) Where an election is necessary the returning Officer shall be provided by the Union with a roll of all financial members as at the 21st day before commencement of the issue of ballot papers and that roll shall:-
- (a) Be so provided fourteen days before the date so determined under paragraph (a) of sub-rule (4) of this Rule;
- (b) Be certified as correct by an authorised officer of the Union;
- (c) Show the full names in alphabetical order of surname, and where the surnames are identical in alphabetical order of Christian or given names, (the surname being in each case given before the Christian or given names relating thereto) with a consecutive number against each name in a margin at the left hand side of the surname;
- (d) The Returning Officer shall add to the roll referred to herein the names and addresses of persons who, after the day referred to, become entitled to vote in the election; and
- (e) The Returning Officer shall delete from the roll referred to herein the names of persons who, after the day referred to, cease to be entitled to vote in the election.
- (2) The Returning Officer shall, at the place where he carries out his functions as Returning Officer, make the electoral roll applicable to an election for an office available for inspection by members of the Union, or by any person authorised by the Returning Officer, during the ordinary hours of business in the period that commences on the day referred to in sub-rule (1) and ends on the day on which the result of the election is declared.

- (3) The Returning Officer shall use, for the purpose of receiving ballot papers in respect of an election, a private box at a post office, being a private box used exclusively for that purpose.
- (4) (a) Where more than one candidate is nominated for election for an office, the Returning Officer shall determine the date of commencement of issuing ballot papers and the time and date of the close of the ballot having regard to:-
- (i) The date of expiration of the term of office of the holder of the office;
 - (ii) The time required to send and return ballot papers by post;
 - (iii) The time required to complete the election; and
 - (iv) The provisions of the Rules of the Union relating to the times and dates of the commencement and close of the ballot in respect of the election.
- (b) As soon as practicable after the date determined under paragraph (a) of this sub-rule for the commencement of issuing ballot papers in respect of an election, the Returning Officer shall issue, by posting by pre-paid post, to each person:-
- (i) Whose name is on the roll referred to in sub-rule (1) of this Rule;
 - (ii) Who, after the day referred to in sub-rule (1), became entitled to vote in the election and was added to the roll by the Returning Officer; and
 - (iii) Whose name has not, before the issue of the ballot paper, been deleted from the roll by the Returning Officer because of ceasing to be entitled to vote in the election.
- at the address shown on the roll, a ballot paper and the other ballot material in a sealed envelope and provide for the return of the ballot paper without expense to the voter.
- (c) Where in respect of an election the Returning Officer has, under this sub-rule, issued a ballot paper to a person whose name is, after the issue of the ballot paper, deleted from the roll under paragraph (e) of sub-rule (1) of this Rule, the person shall be deemed to be entitled to vote in the election.
- (d) The envelope referred to in paragraph (b) shall bear an instruction that, if it is not delivered to the addressee, it should be returned to the private box referred to in sub-rule (3) of this Rule.
- (e) The envelope referred to in paragraph (b) shall contain:-
- (i) A ballot paper initialled by the Returning Officer or bearing a facsimile of those initials;
 - (ii) An envelope marked "ballot paper"; and
 - (iii) An envelope addressed to the Returning Officer at the private box referred to in sub-rule (3), being an envelope that may be posted

without expense to the voter, the back of which envelope may be used as a counterfoil and, where the back of that envelope is not so used, a separate counterfoil, the counterfoil being numbered to coincide with the number shown against the name of that person on the electoral roll.

- (5) The counterfoil shall be numbered with a number coinciding with the voters consecutive number on the electoral roll, and shall make provision for the endorsement thereon of:-
 - (a) The office or offices to which the election relates;
 - (b) The full name of the voter;
 - (c) The address of the voter; and
 - (d) The signature of the voter.
- (6) The ballot paper for an election for an office shall be in a form determined by the Returning Officer. The order in which the names of candidates are to appear on the ballot paper shall be determined by draw conducted by the Returning Officer subject to Rule 9 of these Rules, in the presence of the President and Secretary or their nominees.
- (7) The Returning Officer shall obtain from the printer of the ballot papers a certificate stating the number of ballot papers printed in respect of the election.
- (8) The Returning officer shall include on the ballot paper information and instructions to the voter that is substantially in accordance with the following form:-
 - (a) The title of the office to which the election relates;
 - (b) The time and date of the close of the ballot;
 - (c) How to mark the ballot paper in order to record a formal vote, so that such instructions shall comply as far as possible with the provisions contained in these Rules;
 - (d) Not to put on the ballot paper any mark or writing by which the voter can be identified;
 - (e) To place the ballot paper when completed in the envelope marked "ballot paper" and then to seal that envelope;
 - (f) To complete the details on the counterfoil; and
 - (g) To place the ballot paper envelope (and the counterfoil if a separate one is used) in the envelope addressed to the Returning Officer, and then to seal the envelope addressed to the Returning Officer and post it to reach the Returning Officer before the time of the close of the ballot.
- (9) The ballot shall be conducted on a primary or first-past-the-post system, the voter recording his vote by an "X" in the space provided on the ballot paper. A voter may cast a valid vote by voting for less than the number of vacancies, but if the number of votes recorded exceed the number of candidates for any position, such ballot must be ruled informal.

- (10) (a) Where, on application before the time of the close of the ballot in an election, the Returning Officer is satisfied that a ballot paper or return envelope issued to a person whose name is on the electoral roll, has not been received or has been lost, destroyed or spoiled, he shall issue to that person a duplicate ballot paper, or return envelope, as the case may be.
- (b) An application under paragraph (a) by a person for a duplicate ballot paper, or return envelope, for an election shall be in writing setting out the grounds on which the application is made and declaring that the person has not voted in the election and shall, if practicable, be accompanied by any evidence that is available of that non-receipt, loss, destruction or damage.
- (11) At the time of the close of the ballot but not before, and in the presence of the scrutineers, or where a scrutineer has been informed in accordance with Rule 9 but is not present at the appointed time in his absence, the Returning Officer shall:-
- (a) Collect all envelopes from the private box at the post office;
- (b) Take all the envelopes so collected to the place of count and proceed to make the count; and
- (c) Keep all those envelopes in safe custody until the count is complete.
- (12) (a) The Returning Officer before proceeding to count the number of votes to ascertain which candidate is successful in the election shall:-
- (i) Check each counterfoil against the member's name on the electoral roll and, if the voting papers are in order, mark the roll;
- (ii) Remove the ballot paper envelope from the envelope addressed to the Returning Officer and place the ballot paper envelope unopened into a separate container until all counterfoils are checked; and
- (iii) When all the counterfoils are checked and cleared, open the ballot paper envelopes,
- and shall then proceed with the count.
- (b) Where any voting papers are rejected the Returning Officer shall replace the counterfoil and the envelope marked "ballot paper" in the envelope in which they were received, endorse the latter envelope "rejected" with the reasons for rejection and set it aside for safe keeping.
- (c) The Returning Officer shall reject as informal a ballot paper that:-
- (i) Does not bear the initials of the Returning Officer or the facsimile of those initials that is referred to in placitum (i) of paragraph (d) of sub-rule (4) of this Rule;
- (ii) Has upon it a mark or writing by which the voter can be identified; or
- (iii) Is not marked substantially in accordance with instructions referred to in paragraph (c) of sub-rule (8) hereof.
- (d) Where, during the scrutiny, the Returning Officer is informed by a scrutineer appointed under Rule 9 that the scrutineer objects to a ballot paper being

admitted as formal, or rejected as informal, as the case may be, the Returning Officer shall decide the matter and endorse his decision on the ballot paper.

- (13) (a) Where practicable, the Returning Officer shall, in accordance with the Rules of the Union declare the result of an election.
- (b) Where it is not practicable for the Returning Officer to declare the result of an election under paragraph (a) of this sub-rule, the Returning Officer shall declare the result of the election by giving notice of the result in writing to the Union at its registered office.
- (c) The Returning Officer shall, in the manner and at the time of declaring the result of an election under paragraph (a) or (b), as the case may be, declare in respect of the election:-
- (i) The number of ballot papers, other than duplicate ballot papers issued;
 - (ii) The number of duplicate ballot papers issued;
 - (iii) The number of ballot papers admitted as formal;
 - (iv) The number of ballot papers rejected as informal;
 - (v) The number of unused ballot papers;
 - (vi) The number of ballot papers certified by the printer pursuant to sub-rule (7) of this Rule; and
 - (vii) The number of votes admitted as recorded in favour of each candidate.
- (14) (a) The Returning Officer, or a person taking a step in or in connection with an election, may take such action and give such directions as he considers necessary in order to ensure the secrecy of the ballot and that no irregularities occur in or in connection with the election or to remedy any inconsistency or inadequacy that arises in the application of the Rules to the conduct of an election for an office.
- (b) A person shall not:-
- (i) Refuse or fail to comply with a direction given under paragraph (a) hereof; or
 - (ii) Obstruct or hinder:-
 1. A person referred to in paragraph (a) in the performance of his functions in relation to an election or in the taking of any action under paragraph (a); or
 2. Any other person in the carrying out of a direction under paragraph (a).
- (c) An election, or a step taken or in connection with an election, is, notwithstanding anything contained in these Rules, not invalid by reason only of:-

- (i) An act done under this sub-rule; or
- (ii) An act done in compliance with a direction under this sub-rule.

(15) Candidates Statements

In an election conducted by secret postal ballot pursuant to this rule, each candidate may, on or before the close of nominations, submit to the Returning Officer a statement (together with a photograph of the candidate if desired) in support of the candidature. Such statement (together with any photograph so supplied) shall be capable of being reproduced on one side of an A4 Sheet. The Returning Officer shall reject any statement or photograph which does not comply with this rule and may reject any statement or photograph the publication of which may be defamatory or in breach of law. A candidate whose statement or photograph is rejected shall be given not more than seven working days from the close of nominations to supply a replacement statement or photograph that complies with this rule and remedies the defect. The Returning Officer shall arrange the printing of the statements and/or photograph in support of each candidate on a separate A4 sheet for each candidate. The Returning Officer shall include with the ballot paper delivered to each voter a copy of the statement and/or photograph printed in relation to each candidate. Where no statement or photograph has been submitted to the Returning Officer by a candidate, the Returning Officer shall indicate this on a separate sheet which shall be delivered with each ballot paper.

- (16) When the voting is equal in any election conducted under these Rules then in the event of only one of the candidates being the retiring office holder then such candidate shall be declared elected.

In other cases in which a tie occurs the matter shall be decided by the drawing of lots.

9 - SCRUTINEERS

- (1) Any candidate may appoint a scrutineer who shall be entitled (at the expense of the candidate) to be present at any event in connection with the ballot.
- (2) Each candidate desiring to appoint a scrutineer may, by written notice given to the Returning Officer not less than seven days prior to the close of the ballot, appoint to be a scrutineer a person who is eligible, under the Rules, to be a scrutineer in respect of that election, being a person other than a candidate, and may by notice in like manner appoint another such person to carry out the functions of scrutineer where the first-mentioned person does not carry out those functions.
- (3) A scrutineer appointed under sub-rule (2) shall be given sufficient notice, in writing by the Returning Officer prior to the date and time when the Returning Officer opens the private box at the post office, to enable him to be present while the Returning Officer performs his functions.
- (4) Subject to sub-rule (5), a scrutineer appointed under this Rule may:-
 - (a) Be present while the Returning Officer carries out his functions under sub-rules (11) and (12) of Rule 8 of these Rules;
 - (b) Direct the attention of the Returning Officer to any irregularity concerning the issue of ballot papers, the admission of any envelope to scrutiny, the

admission of a ballot paper as formal, the rejection of a ballot paper as informal or the counting of the votes; and

- (c) Carry out any other functions of a scrutineer under the Rules of the Union.
- (5) Where a scrutineer appointed under this Rule:-
- (a) Interrupts the scrutiny otherwise than in accordance with paragraphs (b) or (c) of sub-rule (4); or
 - (b) Fails to carry out a lawful request by the Returning Officer,
the Returning Officer may direct the scrutineer to leave the place where the scrutiny is being conducted.
- (6) A scrutineer appointed under this Rule shall comply with a direction by the Returning Officer given under sub-rule (4).

10 - ELECTION DOCUMENTS

Pursuant to Section 36L of the Industrial Arbitration Act the Returning Officer in consultation with the Committee of Management shall make provision for the preservation in the custody of the Union of:-

- (a) All ballot papers admitted as formal;
- (b) All ballot papers rejected as informal;
- (c) All counterfoils relating to the ballot papers, whether formal or informal;
- (d) All envelopes received after the close of the ballot;
- (e) The marked electoral roll against which the counterfoils were checked; and
- (f) Unused ballot papers, counterfoils and other documents prepared in connection with the election,

which shall be respectively placed in separate containers each endorsed with the name of the Union and the office to which the election relates and shall be sealed, signed and dated by the Returning Officer and retained for a period of not less than one year after the date of the election.

11 - CASUAL VACANCY

- (1) Subject to sub-rule (3) hereof, every casual vacancy occurring in the Committee of Management shall be filled by election in accordance with Rules 7, 8, 9 and 10 of these Rules.
- (2) The term of office of a person entitled to fill a casual vacancy on the Committee of management shall be limited to the unexpired portion of the term for which the previous holder of the office vacated was elected.

- (3) The Committee of Management may, in its discretion, decide not to fill a casual vacancy if the unexpired portion of the term for which the previous holder of the office vacated was elected is less than twelve months.

Provided that the casual vacancy shall be filled in accordance with these Rules if the members, at a Special General Meeting called for that purpose, so decide, or if a requisition signed by not less than 25% of the membership so requests.

12 - DUTIES OF THE COMMITTEE OF MANAGEMENT

- (1) (a) The Committee of Management shall meet at least quarterly and at any such meeting a majority of the Committee shall form a quorum, but if a quorum be not present the meeting shall lapse. It shall conduct all business of the Union and its decision on all matters shall be final, subject to the following paragraph:
- (b) Upon a petition signed by not less than sixty financial members of the Union being presented to the Committee of Management requesting a referendum of the whole of the members of the Union to be taken on any question the Committee of Management shall cause a Special Meeting of all members to be called prior to such referendum being taken.

If a majority of members at that Special Meeting determine that a referendum should so be taken, the Committee of Management shall cause the referendum to be taken and shall give effect to the result of any majority decision.

If, however, a majority of members at that Special Meeting determine that the request for a referendum is frivolous, each member who signed the petition shall be jointly and severally responsible for the costs associated with calling the Special Meeting provided that each member shall not be liable to pay more than twenty dollars.

- (2) The Committee of Management shall investigate all disputes reported to it in writing and be empowered to call a Special Meeting of the Union when it deems it necessary.
- (3) Any officer of the Union may be removed by a majority vote at a Special Meeting of the Union summoned for this purpose, or for failure to attend three consecutive meetings without leave of absence.

13 - DUTIES OF PRESIDENT

The duties of the President shall be to preside at all Special General, and Annual General Meetings of the Union, and at all Committee Meetings. He shall preserve order, and give an impartial report upon all votes, and he shall not vote on any motion but shall be empowered to give a casting vote on any motion where the voting is even. He shall be empowered to call Special Meetings of the Committee of Management when he thinks it expedient in the interests of the Union.

14 - DUTIES OF VICE-PRESIDENT

The duties of the Vice-President shall be to assist the President and in the absence of the latter at any meeting of the Union or Committee, to occupy the chair and to conduct the business. He shall perform (pro tem) all functions indicated for the President, if the latter, through illness or other cause, is unable to do so.

15 - DUTIES OF SECRETARY

The Secretary shall be appointed by the Committee of Management as provided for in Rule 5 and shall hold office indefinitely. The salary of the Secretary shall be as decided by the Committee of Management from time to time.

In particular, the Secretary shall:

- (1) Convene and attend all meetings of the Union or of the Committee, and shall keep a correct report of all business transacted thereat.
- (2) Keep the following records:
 - (a) A register of Union members, showing the name and postal address of each member;
 - (b) A list of the names, postal addresses and occupations of the persons holding offices in the Union;
 - (c) An account, in proper form, of the receipts, payments, funds and effects of the Union;
 - (d) Such other records as may from time to time be prescribed under the provisions of the Industrial Arbitration Act, 1912-1966.
- (3) Once in every year cause the accounts of the Union to be properly audited by a duly qualified accountant and he shall within one calendar month after the completion of the yearly audit of the accounts of the Union delivered to the Registrar a duly audited balance sheet of the assets and liabilities of the Union made up to the date of closing the accounts and also a duly audited statement of the income and expenditure of the Union during the year subject of such audit.
- (4) File with the Registrar once in each year at such time as may be prescribed a copy of the records required to be kept under sub-paragraph (2) of this rule and shall by Statutory Declaration certify such copy to be a correct statement of the information contained therein.
- (5) File with the Registrar notification of changes in the holding of offices.
- (6) At all times during which a person is a member of the Union keep a record of the receipt or other documents acknowledging or certifying that such person is a member of the Union or has paid any dues or other monies payable in respect of his membership or in respect of the renewal of his membership and such receipt or other document shall show the member's name and usual postal address.

16 - DUTIES OF TREASURER

It shall be the duty of the Treasurer to pay all accounts certified by the Secretary and having the Union seal thereon, and he shall produce for the inspection of the Auditor all books, papers and entries in his possession whenever required to do so.

The Treasurer shall ensure that all money is paid into the Bank to the credit of the Union's account within 48 hours of the receipt of same.

17 - APPOINTMENT OF AND DUTIES OF AUDITOR

An Auditor shall be appointed at the Annual General Meeting in December. The appointment shall be for a term of one year and the person so appointed shall be eligible for re-appointment. The auditor shall be a duly qualified public accountant. The auditor shall once in every year audit the accounts of the Union and he shall on the completion of such audit deliver to the Secretary a duly audited balance sheet of the assets and liabilities of the Union made up to the date of closing the accounts and also a duly audited statement of the receipts and expenditure of the Union during the year the subject of such audit.

The auditor shall receive for his services such remuneration as the annual meeting shall from time to time decide.

18 - MEMBERSHIP

~~Candidates for membership shall be elected by a majority vote at any meeting of the Union. No member shall discontinue his membership without paying a sum equal to three months' contributions or giving three months' notice in writing to the Secretary, provided that he shall not discontinue membership until he has paid all fees, fines, levies or other dues payable by him under these Rules or has obtained a clearance card signed in accordance with these Rules.~~

DISALLOWED - SEE ORDER NO. 856 OF 1996 OF 4 July 1996

19 - SUBSCRIPTIONS

- (1) The fortnightly subscriptions for membership of the Union shall be such as may be determined from time to time and from such date as may be determined by a General Meeting of the Union.
- (2) Members employed where membership subscriptions may be deducted from salaries will be required to sign a Procuracy Order in favour of the Union authorising the deduction of the appropriate amount fortnightly; members employed where arrangements for subscriptions to be deducted from salaries do not exist, or who neglect or refuse to sign a Procuracy Order shall pay their subscriptions direct to the Secretary or his duly authorised agent.
- (3) All contributions, levies, fines, etc., due to the Union by members for any period subsequent to registration may be sued for and recovered in the name of the Union in any court of summary jurisdiction by the Secretary or any person the Union may empower to do so. Any member whose contributions are eight weeks, or more in arrears shall be deemed to be unfinancial.
- (4) The Committee of Management may, if it deems it necessary, strike a levy not exceeding the amount of One Dollar (\$1.00) per member per annum.

20 - FUNDS

- (1) The funds of the Union shall be deposited in the Commonwealth Savings Bank, or any other Bank carrying on business in Western Australia, in the name of the Union. The signatures of three of the President, Vice-President, Treasurer or the Secretary shall be required for the withdrawal of all or part thereof.
- (2) The President and the Treasurer shall have (subject to the direction of the Union from time to time) the control of the property of the Union and of the investment of the funds of the Union.

21 - MEETINGS

- (1)
 - (a) The Union shall hold its Annual General Meeting during December of each year and shall hold additional General Meetings if the Committee of Management considers it necessary.
 - (b) Notices of Motion to be discussed at any General Meeting must be forwarded in writing to the Secretary not less than twenty-one days prior to the date of the General Meeting.
- (2) Annual General Meetings and Special General Meetings shall be convened by at least seven days previous notice specifying the time, place and objects of the meeting being given by publishing a copy of a notice thereof in a newspaper circulating generally in the district in which the office of the Union is situated and by posting a copy of the notice in a conspicuous place outside that office and in addition (if the Committee Of Management deems it necessary or advisable to do so) by a circular delivered or posted to each member by ordinary pre-paid post at least three clear days before the holding of the meeting and by posting a copy of the notice in a conspicuous place on the Union's notice board at the place of employment of each member.
- (3) Quorum: Twelve members shall constitute a quorum at all meetings under this Rule and if within half an hour from the time appointed for a meeting of the Union a quorum of members be not present the meeting shall lapse.
- (4) Voting: The manner of voting at all General Meetings shall be by show of hands or division or secret ballot. A secret ballot shall be taken at the meeting (or adjourned meeting) if demanded by any three members.
- (5)
 - (a) If a petition signed by at least thirty financial members is received by the Committee of Management, the Executive shall investigate the subject matter contained therein and shall advise the signatories to the petition, in writing, of the results of its investigation.
 - (b) If a further petition signed by at least one hundred financial members is received by the Committee Of Management after a report has been made by the Executive in accordance with paragraph (a) hereof, the Committee Of Management shall call a Special General Meeting within fourteen days of receiving the petition. The business of the meeting shall be confined to the subject matter of the petition.

If a majority of members at that Special Meeting determine that the request for the meeting is frivolous, each member who signed the petition

requiring such meeting shall be jointly and severally responsible for the costs associated with calling the Special Meeting provided that each member shall not be liable to pay more than ten dollars.

22 - SETTLEMENT OF DISPUTES

- (1) Subject to (3) of this Rule and to any decision of a majority of the members at any special general meeting of the Union, the Committee of Management shall have complete and absolute control over the industrial affairs of the Union and shall conduct all negotiations on behalf of the Union or any member thereof who may be directly involved in any industrial dispute or any industrial matter.
- (2) All industrial disputes in which the Union or any of its members may be concerned shall unless settled by mutual consent be referred for settlement pursuant to the Industrial Arbitration Court, 1912-1966.
- (3) In the event of the views of the members of the Union on any matter being ascertained by vote by secret ballot, pursuant to an order on that behalf made by the Industrial Commission in the exercise of its powers under the Industrial Arbitration Act, 1912-1966, then the view so ascertained shall be the decision of the Union, and it shall in so far as it is lawful, and notwithstanding any decision of a majority of the members at any special general meeting of the Union, be carried into effect by the Committee of Management.

23 - DISSOLUTION

This Union shall not be dissolved while there are fifteen or more financial members in favour of carrying on the Union. No vote shall be taken for the dissolution of the Union while a case is before the Industrial Commission in which the Union is directly interested.

24 - SEAL

The device of the Seal shall be as follows: A Circle containing the words: "Health Services Union of Western Australia (Union of Workers)".

The Secretary shall have the custody and use of the Seal, but shall not affix it to any document without the consent of the Committee of Management.

25 - AGREEMENTS

All industrial agreements, deeds, or other instruments in writing, to which the Union is a party, shall be executed for and on behalf of the Union by the President and Secretary, who shall affix the seal thereto.

26 - INSPECTION OF BOOKS

The books of the Union and the register of members shall be open at all reasonable times for inspection by any person having an interest in the funds of the Union.

27 - ALTERATION OF RULES

- (1) The Union shall have the right to make Rules for its own use and guidance. Rules may be amended, added to, varied or repealed by notice of any proposed alteration to the Rules being given by any member to the Secretary in writing. The same shall be laid before the next meeting of the Committee of Management or before a special meeting of the Union which may amend, add to, vary or repeal the Rules or any part of them in accordance with the proposal in the said notice or any reasonable amendment of same.
- (2) No amendment, addition to, variation, repeal, or substitution, of these Rules shall be made unless a notice of the proposed alteration, and the reasons therefore is:-
 - (a) sent to each work place for the attention of all members; or
 - (b) published in a Union publication which shall be distributed to all members.
- (3) In the notice referred to in sub-rule (2) members are to be informed that they or any of them may object to the proposed alteration by forwarding a written objection to the Industrial Registrar to reach him no later than 21 days after the date of issue of the notice in (2)(a) above or 21 days after the date of issue of the publication as in (2)(b) above, as the case may be.

28 - REPRESENTATION

The Secretary or such other person (including any industrial association of workers representing the Union) as the Committee of Management shall from time to time appoint either generally or with respect to any specific industrial matter shall represent the Union in all negotiations or disputes with employers and any proceedings before the Western Australian Industrial Commission or the Western Australian Industrial Appeal Court.

29 - CLEARANCES

Clearances referred to in Rule 18 shall only be issued by the Secretary, and provided that any member claiming or requesting a clearance has paid all fines, dues and levies.

30 - SERVICE OF NOTICES

Any notice or other document under these Rules required to be posted or served upon any member shall be deemed to have been duly posted or served if duly addressed and posted to the member concerned at his or her address in the Register and any such notice or document shall be deemed to have been received when the same would in due course of post have been delivered.

31 - STRIKES

No part of the funds or property of the Union shall be paid or applied for or in connection with or to aid or assist any person or persons engaged in any strike or lock out in the State of Western Australia.

32 - PURGING OF REGISTER

~~The register of members shall be purged by striking off members who are in arrears of dues for 12 months but without freeing such person from such arrears.~~

DISALLOWED - SEE ORDER NO. 856 OF 1996 OF 4 July 1996

SCHEDULE "A"

TO RULE 3(1)(aa) OF THE RULES OF THE HSU

Architect
Audiologist
Bio-Chemist
Bio-Engineer
Chemist
Clinical Psychologist
Dental Officer
Dentist
Dietitian
Engineer
Librarian
Medical Imaging Technologist
Medical Scientist
Nuclear Medicine Technologist
Occupational Therapist
Pharmacist
Psychologist
Physicist
Physiotherapist
Podiatrist
Radiation Therapist
Research Officer
Scientific Officer
Social Worker
Speech Pathologist
Ultrasonographer

Accountant
Accounting Officer
Accounting Services Officer
Administrative Assistant
(Administrative/Manager)
Administrative Officer
Administrator
Admissions Officer
Asset Management Officer
Auditor
Bereavement Officer
Budgeting Officer
Casemix Officer
Cashier
Catering Manager
Catering Officer
Claims Management Officer
Cleaning Services Officer
Clinic Liaison Officer
Co-ordinator Allied Health
Co-ordinator Allied Health Early Discharge
Co-ordinator Patient Information Systems
Co-ordinator Transport
Co-ordinator Human Resources

PAGE 2 OF SCHEDULE A TO RULE 3(1)(aa) OF THE RULES OF THE HSU

Co-ordinator Support Services
Community Health Officer
Computer Assistant
Computer Services Officer
Computer Systems Officer
Consultant (Not medical)
Curator of Art
Data Manager
Director (Finance & Information Technology)
Director - Other than Director of Nursing or Medicine
Director of Administration Services
Director of Information Services
Engineer
Establishments Officer
Executive Assistant
Executive Officer
Farm Supervisor
Finance Officer
Fire and Safety Officer
General Manager
General Services Supervisor
Graduate Assistant
Grounds Supervisor
Health Education Officer
Human Resources Officer
Industrial Officer
Information Planning Officer
Information Services Officer
Language Services Officer
Linen Services Manager
Manager (CSSD)
Manager Accounting Services
Manager Information Systems
Manager Orderly & Transport Services
Manager, Other than Nurse Manager
Manager - Human Resources
Materials Management Systems Co-ordinator
Medical Records Officer
Morbidity Coding Officer
Museum Curator
Occupational Health & Safety Officer
Occupational Health Officer
Patients' Fees Officer
Paymaster
Personnel Officer
Pharmacy Store Officer
Planning Officer
Policy Officer/Analyst
Principal Industrial Officer
Project Officer
Property Officer
Public Relations Officer
Purchasing & Stores Officer
Purchasing Officer

PAGE 3 OF SCHEDULE A TO RULE 3(1)(aa) OF THE RULES OF THE HSU

Purchasing Supply Officer
Quality Assurance Officer
Quality Improvement Officer
Rehabilitation Officer
Relieving Officer
Risk Management Officer
Salaries Officer
Security Officer
Senior Aboriginal Health Officer
Services Officer
Staff Clerk
Stores Officer
Superintendent
Supply Manager
Supply Officer
Systems Administrator
Training Officer
Transplant Co-ordinator
Transport Liaison Officer
Warden
Warehouse Controller
Workers Compensation Officer

Accounts Clerk
Administrative Assistant
Assistant Cashier
Assistant Medical Records Officer
Assistant Patients' Fees Officer
Clerk
Community Health Clerk
Data Processing Officer
Engineering Clerk
Enquiries Clerk
Filing Clerk
Junior Administrative Assistant
Key Punch Operator
Mailroom Clerk
Medical Records Clerk
Medical Secretary
Medical Typist
Morbidity Coding Clerk
P.A.T.S. Clerk
Public Relations Assistant
Purchasing Clerk
Receival Liaison officer
Receptionist
Research Assistant
Salaries Clerk
Secretary

PAGE 4 OF SCHEDULE A TO RULE 3(1)(aa) OF THE RULES OF THE HSU

Shorthand Typist
Stores Assistant
Surgical Appliance Clerk
Switchboard Operator
Telephonist
Transport Clerk
Typist
Workers Compensation Clerk

Anaesthetic Technician
Animal House Technician
Architectural Draughtsperson
Art Therapist
Assistant Cath Lab Technician
Assistant in Pharmacy
Audio Metrician
Audio visual Assistant
Bio-Engineering Technician
Cardiac Technician
Cardiology Technician
Catering Officer
Cath Lab Technician
Clinical Perfusionist
Craft Worker
Cytotechnician
Dark Room Assistant
Dental Therapist
Draughtsperson
E.C.G. Recordist
EEG/EMG Recordist
Film Processor
Handicraft Instructor
Handicraft Worker
Laboratory Technician
Library Assistant
Library Technician
Maintenance Engineer
Maxillo Facial Technician
Medical Artist
Medical Photographer
Mortuary Technician
Neurophysiology Technician
Occupational Therapy Assistant
Orthopaedic Appliance Assistant
Orthopaedic Appliance Technician
Orthopaedic Footwear Maker
Orthopaedic Technician
Orthotist
Orthotic Technician
Orthotist
Outreach Worker
Pharmacy Assistant
Pharmacy Intern/Trainee

PAGE 5 OF SCHEDULE A TO RULE 3(1)(aa) OF THE RULES OF THE HSU

Phlebotomist
 Physiotherapist Assistant
 Production Assistant
 Rehabilitation Technologist
 Research Officer
 Respiratory Technician
 Security Officer
 Shift Engineer
 Specimen Control Officer
 Technical Assistant
 Technical Officer
 Technician
 Technician (Air Systems)
 Technician (Bioengineering)
 Technician (Condition Monitoring)
 Technician (Dialysis)
 Technician (Electrical Systems)
 Technician (Electronics)
 Technician (Instruments)
 Technician (Mechanical)
 Technician (Physics)
 Technician (Radioisotopes)
 Theatre Technician
 Therapy Assistant
 Trade Instructor
 Urology Assistant
 Urology Technician
 Welfare Officer
 X-Ray Assistant

Catering Services Supervisor
 Cleaning Services Supervisor
 Clerk in charge
 CSSD Supervisor
 Food Services Supervisor
 Office Supervisor
 Supervisor (Administration)
 Supervisor Admission Centre
 Supervisor Coding
 Supervisor Filing Systems
 Supervisor Preparation
 Supervisor-Cardiac Catheter Laboratory

Any of the above callings may be read as appropriate in conjunction with the following prefixes * suffixes.

Assistant
 Chief
 Co-ordinator
 Deputy
 Director
 In-Charge
 Manager

PAGE 6 OF SCHEDULE A TO RULE 3(1)(aa) OF THE RULES OF THE HSU

Officer
Regional
Senior
Superintendent
Supervisor
Trainee

*NOTE: In some cases, the use of the prefix may cause some callings/classes of employees to be considered under more than one heading.