

RULES

of

WESTERN AUSTRALIAN GRAIN HANDLING SALARIED OFFICERS ASSOCIATION UNION OF WORKERS

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S. HUTCHINSON
DEPUTY REGISTRAR
9 October 2012

RULES
of
WESTERN AUSTRALIAN GRAIN HANDLING
SALARIED OFFICERS ASSOCIATION
UNION OF WORKERS

1 - NAME OF UNION

The name of the Union shall be Western Australian Grain Handling Salaried Officers Association (Union of Workers).

2 - REGISTERED OFFICE

The registered office at which place the business of the Union shall be conducted shall be at Room GO7, 22 Delhi 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

- (a) The Union shall consist of an unlimited number of members engaged in professional, executive or technical capacities in the grain handling industry.
- (b) Honorary members may be admitted to membership by the Committee of Management (but without the right to vote) but, except in the capacity of Honorary Member, no person shall be a member who is not a worker, as defined in the "Industrial Arbitration Act, 1912."

4 - OBJECTS

The objects of the Union shall be to protect or further the interests of workers in, or in connection with the grain handling industry.

5 - COMMITTEE OF MANAGEMENT

- (a) The governing body of the Union shall be the Committee of Management consisting of a President, a Secretary, a Treasurer, and four members.
- (b) The members of such Committee shall be elected by secret postal ballot, as hereinafter provided, and shall hold office until the close of the second Annual Meeting following their taking office.

- (c) One half of the Committee of Management shall retire each year and may offer themselves for re-election.

Thereafter the members of the Committee of Management shall hold office as provided in Rule 5(b), and retiring in strict rotation.

- (d) The Committee of Management may co-opt a member onto the Committee from any section of the company which is not represented on the Committee of Management, if deemed necessary.

Any such co-opted member shall not be a member of the governing body for the purpose of Rule 5.

- (e) The Committee shall have the power to appoint paid officers of the Union, decide the salary of such officers and terminate the services of any such paid officers at any time it thinks fit.

No person shall be appointed under this subrule to occupy any office on the governing body but nothing in the subrule shall be deemed to preclude the Committee from paying an office holder for his services.

- (f) 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.

- (g) 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.

- (h) It may expend the funds of the Union in accordance with these rules, and may do all things necessary to give effect to these rules, and to protect or further the interests of members of the Union.

- (i) The President, Secretary and Treasurer shall act as an Executive and shall be empowered to investigate such matters as is deemed necessary.

6 - RETURNING OFFICER

- (a) At or before the Committee Meeting in August each year, the Committee of Management shall appoint a Returning Officer and such Deputy Returning Officers as may be necessary.

- (b) The following persons shall be ineligible for appointment as a 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.

- (c) The Returning Officer shall determine the times and dates of the commencement and close of the period for lodging nominations of candidates for election for an office having regard to -

- (i) the date of expiration of the term of office of the holder of the office;

- (ii) the time required to lodge nominations;
 - (iii) the time required to complete the election; and
 - (iv) the other provisions of these rules relating to the times and dates of the commencement and close of the period for lodging nominations in respect of the elections.
- (d) The Returning Officer shall, not less than 14 days and not more than 21 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 "The West Australian" newspaper and posted at the Registered Office a notice setting out -
- (i) the name of the Union;
 - (ii) title of the office or offices;
 - (iii) the form in which nominations are to be made;
 - (iv) the place for lodging nominations;
 - (v) 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 under these rules, to stand as candidates for election for the office or one of the offices specified.
- (e) Nominations shall be in writing signed by the candidate signifying his willingness to accept the office if elected and endorsed by two financial members. Only financial members shall be eligible for office and no member shall nominate for more than one office.
- (f) Where the Returning Officer finds that a document lodged at the place and within the period determined by him under subrule (c) 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 subrule (c), 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 ten (10) days after the date of sending the telegram.
- (g) A person nominated as a candidate may, by notice signed by him, witnessed by a financial member 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 nominated.

7 - INSUFFICIENT NOMINATIONS

- (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 subrule (b) hereof 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.

8 - ELECTORAL ROLL

- (a) Where an election is necessary, the full names and addresses of the financial members of the Union shall form the electoral roll for the election.
- (b) The Secretary shall provide the Returning Officer with a roll of the persons who, on the twenty first day before the date determined for the commencement of issuing ballot papers, are entitled to vote.
- (c) The electoral roll shall be supplied fourteen days before the date determined for the commencement of issuing ballot papers, certified as correct by the Secretary, and shall show the full names in alphabetical order of surname. Where the surnames are identical they shall be 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 electoral roll the names and addresses of persons who, after the day referred to in subrule (b) hereof, become entitled to vote in the election and shall delete from the roll the names of persons who, after the day referred to in subrule (b) hereof, cease to be entitled to vote in the election.
- (e) 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 authorized by the Returning Officer, during the ordinary hours of business in the period that commences on the day referred to in subrule (b) and ends on the day on which the result of the election is declared.

9 - ELECTION TO OFFICE

- (a) The Returning Officer shall rent and 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.
- (b) 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) any provisions of these rules relating to the times and dates of the commencement and close of the ballot in respect of the election.
- (c) As soon as practicable after the date determined under subrule (b) for the commencement of issuing ballot papers in respect of an election, the Returning Officer shall issue, by posting by prepaid post, to each person -
 - (i) whose name is on the electoral roll;
 - (ii) whose name is, under Rule 8(d), added to the roll; and
 - (iii) whose name has not, before the issue of the ballot paper, been deleted from the roll under Rule 8(d),

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.
- (d) Where the Returning Officer has under subrule (c) hereof, issued a ballot paper to a person whose name is after the issue of the ballot paper, deleted from the roll under Rule 8(d), the person shall be deemed to be entitled to vote in the election.
- (e) The envelope referred to in subrule (c) hereof shall bear an instruction that, if it is not delivered to the addressee, it should be returned to the private box referred to in subrule (a) hereof.
- (f) The envelope referred to in subrule (c) hereof shall contain -
 - (i) a ballot paper initialled by the Returning Officer or bearing a facsimile of those initials;
 - (ii) an envelope marked "ballot paper";
 - (iii) an envelope addressed to "The Returning Officer" at the private box referred to in subrule (a) of this rule; 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.
- (g) 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 -
 - (i) the office or offices to which the election relates;
 - (ii) the full name of the voter;
 - (iii) the address of the voter; and
 - (iv) the signature of the voter.
- (h) The Returning Officer shall arrange for, and obtain from the printer of the ballot paper a certificate stating the number of ballot papers printed in respect of the election.

- (i) The Returning Officer shall draw for the order in which names are to appear on the ballot papers in the presence of the President and Secretary or such other persons authorized by the Committee of Management and/or the scrutineers.
- (j) The Returning Officer shall include on the ballot paper information and instructions to the voter in the following form:-
 - (i) the title of the office to which the election relates;
 - (ii) the time and date of the close of the ballot;
 - (iii) how to mark the ballot paper in order to record a formal vote, such matter being determined by the Returning Officer;
 - (iv) not to put on the ballot paper any mark or writing by which the voter can be identified;
 - (v) to place the ballot paper when completed in the envelope marked "ballot paper" and then to seal that envelope;
 - (vi) to complete the details on the counterfoil; and
 - (vii) 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.
- (k) 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.

Such application 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.

10 - COUNTING OF THE BALLOT

- (a) 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 11(b) but is not present at the appointed time in his absence, the Returning Officer shall -
 - (i) collect all envelopes from the private box at the post office;
 - (ii) take all the envelopes so collected to the place of count and proceed to make the count; and
 - (iii) keep all those envelopes in safe custody until the count is complete.
- (b) 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.

- (c) The votes shall be counted on the preferential system and where the voting is equal in any election conducted under these rules then in the event of one only 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.
- (d) 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.
- (e) 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 Rule 9(f)(i);
 - (ii) has upon it a mark or writing by which the voter can be identified; or
 - (iii) is not marked substantially in accordance with the instructions referred to in Rule 9(j)(iii).
- (f) Where, during the scrutiny, the Returning Officer is informed by a scrutineer appointed under Rule 11, 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.
- (g) The Returning Officer may direct a scrutineer to leave the place where the scrutiny is being conducted if that scrutineer interrupts the scrutiny otherwise than in accordance with paragraph (g) of Rule 11, or fails to carry out a lawful request by the Returning Officer.
- (h) The Returning Officer shall report in writing to the Union the result of the election. Such report shall show -
 - (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 Rule 9(h); and
 - (vii) the number of votes admitted as recorded in favour of each candidate.

- (i) The Returning Officer's Report shall be presented at the Annual Meeting and the successful candidates in the election shall take office at the close of that Annual Meeting.
- (j) 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 these rules to the conduct of an election for an office.

Any omission or error in the carrying out or observance of these rules shall not invalidate an election unless such omission or error is shown to have affected the result of the election.

- (k) The Returning Officer in consultation with the Committee if Management shall make provision for the preservation in the custody of the Union of -
 - (i) all ballot papers admitted as formal;
 - (ii) all ballot papers rejected as informal;
 - (iii) all counterfoils relating to the ballot papers, whether formal or informal;
 - (iv) all envelopes received after the close of the ballot;
 - (v) the marked electoral roll against which the counterfoils were checked; and
 - (vi) 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 - SCRUTINEERS

- (a) Each candidate nominated for election may, by written notice given to the Returning Officer not less than seven (7) days prior to the close of the ballot, appoint a scrutineer, 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.
- (b) A scrutineer appointed under subrule (a) hereof 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.
- (c) A scrutineer appointed under this Rule may, subject to Rule 10(g), be present while the Returning Officer carries out his functions under subrules (a) and (b) of Rule 10 and he may 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.
- (d) A scrutineer appointed under this Rule may attend the drawing for the order in which names are to appear on the ballot papers.

12 - THE DUTIES OF THE COMMITTEE OF MANAGEMENT

- (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 25% of the financial members of the Union being presented to the Committee of Management requesting any matter therein specified be put to the vote of the members in general meeting, the Committee of Management shall cause a special general meeting to be called and shall give effect to any decision arrived at by a majority of the members voting personally or by post. The Secretary shall give to each member of the Union 21 clear days' notice of the calling of such special general meeting and any member who, due to absence from the district or ill health, desires to record his vote by post shall apply in writing to the Secretary and thereafter the provisions of Rule 22(b) shall apply.

Provided that where the business of meeting is to consider amendments to any of these Rules, the foregoing provisions relating to postal voting shall not apply.

- (c) The Committee of Management shall investigate all disputes between the Union and any of its members and shall, if the dispute cannot be resolved, call a Special General Meeting. The decision of the Special General Meeting shall be final and conclusive and binding upon both the Union and the individual member or members. The Committee of Management may impose a penalty upon a member who fails to observe such decision.
- (d) The Committee of Management may call a Special General Meeting to discuss an industrial dispute between the Union and any other party.

13 - DUTIES OF PRESIDENT

The duties of the President shall be to preside at all Special, General and Annual Meetings of the Union, and at all Committee Meetings, 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 – (Rule Deleted)

Rule 14 – Duties of Vice-President deleted by Appl 53 of 2012 effective 9 October 2012.

15 - DUTIES OF SECRETARY

The Secretary shall convene and attend all meetings of the Union or of the Committee, and shall keep a correct report of all business transacted thereat. In particular the Secretary shall:

- (a) Ensure the following records are kept:
 - (1) A register of Union members, showing the name and postal address of each member;

- (2) A list of the names, postal addresses and occupations of the persons holding offices in the Union;
 - (3) An account, in proper form of the receipts, payments, funds and effects of the Union; and
 - (4) Such other records as may from time to time be prescribed under the provisions of the Industrial Relations Act 1979.
- (b) Sign every resolution appointing or removing the Treasurer or Trustees of the Union and in the case of an appointment shall cause such resolution to be signed by the appointee and shall within sixty days from the passing thereof send a copy thereof to the Registrar.
 - (c) Once in every year cause the accounts of the Union to be properly audited by a duly qualified public accountant and he shall within one calendar month after the completion of the yearly audit of the accounts of the Union deliver 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 the subject of such audit.
 - (d) 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 (a) hereof and shall by Statutory Declaration certify such copy to be a correct statement of the information contained therein.
 - (e) File with the Registrar notification of changes in the holding of offices.
 - (f) 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 moneys 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.

The salary of the Secretary shall be as decided by the Committee of Management from time to time.

16 - DUTIES OF TREASURER

It shall be the duty of the Treasurer to receive at the close of each meeting of the Union, 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 receive all money from the Secretary or other officers, and remit same to the Bank of the Union pursuant to Rule 21 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 meeting each year and the term of such appointment shall expire at the next Annual Meeting. 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 - REMOVAL OF COMMITTEE OF MANAGEMENT

- (a) Any officer of the Union may be removed by a majority vote at a special general meeting of the Union summoned for this purpose, and he shall by force of this rule be removed from office upon his failure (without first obtaining leave of absence from the Committee of Management) to attend three consecutive meetings of the Committee of Management.
- (b) Should the Secretary or Treasurer be unable to act through illness or any other cause, the Committee of Management shall at its discretion appoint an Acting Secretary or Acting Treasurer as the case may be, or declare the position vacant. A person so appointed in an acting capacity shall be a member of the Committee of Management in lieu of the person in whose office he is acting, and he shall while so acting, enjoy all the privileges of and perform all the duties of that office.
- (c) Should a vacancy occur in any office of the Union other than a vacancy caused by the effluxion of time, the Committee of Management shall fill such office pending the holding of a secret postal ballot at the next annual election.

19 - MEMBERSHIP

- (a) Except for initial or foundation members, candidates for membership shall be proposed and seconded by financial members of the Union and elected by a majority vote at any meeting of the Union.
- (b) Termination of membership of the Union shall be effected by the giving of written notice of intention to resign. The notice of resignation shall be delivered in person or by certified mail to the Union office. The resignation takes effect from the day on which it is received by the Union or on such later date as may be specified in the notice but the member remains responsible for any subscription fees, levies or fines owing up to and including the date of termination of membership.
- (c) Where a member's subscription has expired and has not been renewed, on expiration of a period of three months, the membership is terminated but the member shall be responsible for any subscriptions, fees, levies or fines owing up to and including the date of termination of membership.

20 - SUBSCRIPTIONS

- (a) Subscriptions payable by members to the Union shall be at such rates and shall be paid at such times as the Committee of Management may from time to time decide.
- (b) The Committee of Management may, if it deems it necessary, strike a levy of not more than \$10.00 per member per annum.
- (c) 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.
- (d) Any member failing to pay the subscription or any levy for a period of 4 weeks from the date upon which it became payable shall not be entitled to take part in or vote on any business nor be entitled to any benefits of the Union until he has paid the same, and until such time he shall be deemed an unfinancial member.

21 - FUNDS

- (a) The funds of the Union shall be deposited in the Rural and Industries Savings Bank or such other Bank or Credit Union or Credit Society as the Committee of Management shall from time to time decide, in the name of the Union, and the signatures of at least two of the Executive shall be required for the withdrawal of all or part thereof.
- (b) 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.
- (c) 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 lockout in the State of Western Australia.

22 - MEETINGS

- (a) The Union shall hold its Annual Meeting during August of each year or as near to this month as practicable and additional General Meetings may be held whenever the Committee of Management considers there is sufficient business to be transacted.

General Meetings, the Annual Meeting and subject to the provisions of the "Industrial Relations Act 1979," Special General Meetings of the Union shall be convened by circular served to each member at least twenty one clear days before the holding of the meeting.
- (b) Quorum: Six members shall constitute a quorum at all meetings under this Rule and if within half an hour from the time appointed for a General Meeting of the Association a quorum of members be not present the meeting shall lapse.
- (c) Voting: The manner of voting at all General Meetings shall be by show of hands or division or secret ballot. A ballot or secret ballot shall be taken at the meeting (or adjourned meeting) if demanded by any three members.

- (d) Any member who, due to absence from the district or ill health, desires to record a vote by post on any subject listed on the agenda at any General Meeting, shall apply in writing to the Secretary at the registered office of the Union for a ballot paper and he shall return such ballot paper to the Secretary at such address in time to reach him at or before the time of such General Meeting. Such ballot papers shall be returned in a sealed envelope endorsed "vote" and all such envelopes shall be retained by the Secretary until the counting of the vote on that subject at the meeting. The Secretary shall keep a record of those members voting by post and such records shall correspond with the number of ballot papers so given out.

Provided that this subrule shall not apply to any Special General Meeting called for the purpose of amending, repealing or altering these Rules.

23 - SETTLEMENT OF DISPUTES

- (a) 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 Relations Act 1979.
- (b) 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 Court in the exercise of its powers under the Industrial Relations Act 1979, then the view so ascertained shall be the decision of the Union, and it shall insofar 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.

24 - 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 Court in which the Union is directly interested.

25 - SEAL

The device of the Seal shall be as follows: An oval containing the words: "Western Australian Grain Handling Staff 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. The device of the Seal shall not be altered or renewed except by ballot.

26 - AGREEMENT

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.

27 - 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.

28 - AMENDMENT OF RULES

Provided that any intended changes are clearly set out and notified as an agenda item, the Rules may be amended, repealed, or altered by a resolution passed by a majority of the members of the Union present in person at any General Meeting and every amendment shall be duly notified to the Registrar of Industrial Unions.

29 - CLEARANCES

Clearances referred to in Rule 19, 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 – PURGING OF REGISTER

1. The register of members shall be purged on not less than 4 occasions in each year by striking off the names of members:
 - (a) whose membership has ended in accordance with the rules,
or
 - (b) whose subscriptions are in arrears as per Rule 19.

32 - SUSPENSIONS AND EXPULSIONS

Any member committing a breach of these rules or refusing to comply with the lawful decision of the Committee of Management or refusing to comply with a resolution passed at a general meeting of the Union, or who by his conduct has brought the Union into discredit, may be suspended and for a period of 6 (six) months but no longer, or expelled from membership by the Committee of Management provided that seven days' notice shall be given to such member that the matter is to be dealt with by the Committee of Management, and by such notice he shall be advised of the nature of the complaint made against him, and of the time and place at which the matter is to be dealt with by the Committee of Management, and at such meeting of the Committee of Management, he shall be given an opportunity to appear and to present his case. The decision of the Committee of Management shall be final save that the member so expelled can be re-admitted to membership upon resolution of the majority of members present at a subsequent general meeting.

33 – INDEMNITY OF EXECUTIVE & MEMBERS OF COMMITTEE OF
MANAGEMENT

- (a) Every member of the Committee of Management shall be indemnified by the Union against, and it shall be the duty of the Committee of Management out of the funds of the Union, to pay all costs, losses and expenses which any such member may incur or become liable to by reason of any contract entered into or act or thing done by him as such member within his authority or in any way in the discharge of his duties including travelling expenses properly incurred with the sanction of these rules.
- (b) No member of the Committee of Management shall be liable for the acts receipts, neglects or defaults of any other member or for joining in any receipt or other act for conformity or for loss or expense happening to the Union through the insufficiency or deficiency of any security in or upon which any of the moneys of the Union shall be invested or for any loss or damage arising from the bankruptcy insolvency or tortuous act of any person or corporation with whom any moneys securities or effects shall be deposited or for any loss occasioned by an error of judgment or oversight on his part or for any other loss damage or misfortune whatever which shall happen in the execution of the duties of his office or in relation thereto unless the same happen through his own dishonesty or is found, by the Industrial Magistrate's Court, to have contravened or failed to comply with section 74 of the Industrial Relations Act 1979.
- (c) For the purpose of sub-clause (a) and (b) above:
 - (i) "Member" shall also include the Executive
 - (ii) "Union" shall mean Western Australian Grain Handling Salaried Officer's Association (Union of Workers).