

RULES OF
THE STATE SCHOOL TEACHERS' UNION OF W.A. (INCORPORATED)
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**(APPENDICES 1, 2 & 3 HAVE BEEN APPENDED TO THE RULES AS REQUIRED BY RULES 15, 21 & 22,
BUT SHALL NOT FORM PART OF THE RULES)**

RULES
of the
STATE SCHOOL TEACHERS' UNION OF W.A. (INCORPORATED)

1 - NAME

This Union shall be called "The State School Teachers' Union of W.A. (Incorporated)".

2 - REGISTERED OFFICE

The registered office of the Union shall be at 1 West Street, West Perth, 6005 or at such place as may from time to time be determined by Executive.

3 - OBJECTS

The objects of this Union shall be:

- (a) uphold the rights, and to foster, protect and improve the rights and interests of members industrially and otherwise;
- (b) foster, protect and promote the interests of public education, including kindergarten and pre-school education, primary and secondary education and technical and further education;
- (c) obtain and secure for its members the best possible conditions and proper and sufficient remuneration and to ensure that any relevant legislation is equitably applied and interpreted for the benefit of members;
- (d) monitor the administration and working of other Acts of Parliament connected with education to safeguard the interests of members;
- (e) secure the participation and influence of members in the administration, development and planning of education;
- (f) uphold the rights of labour and to represent to members in the peak councils of the trade union movement and in international forums or organisations;
- (g) promote preference to unionists;
- (h) promote collectivism as the preferred approach to the resolution of industrial issues;
- (i) support, establish, or aid in the establishment of any corporate entity (limited or unlimited), association or organisation of whatever description, for the purpose of providing benefits for or promoting the interests of the members of the Union and for any of the purposes provided for in this rule.

- (j) amalgamate, affiliate or in any manner associate with other organisations, associations, institutions and groups in the pursuit of these Objects;
- (k) elect, appoint and employ officers, professional officers and employees for the furtherance of the Union’s Objects and to remunerate such persons by salaries wages honoraria and other payments and benefits;
- (l) make contributions to the financing of superannuation schemes or retirement funds for the benefit of the elected, appointed or employed officers, professional officers and employees and to enter into such arrangements as may be necessary for that purpose;
- (m) provide or raise by loan or otherwise upon mortgage or other security all such moneys as may be necessary to provide and maintain Union Premises and to carry into effect and any of the Objects stated in these Rules.
- (n) purchase, take on lease, hold, sell, lease, mortgage, exchange, or otherwise own, possess or deal with any real or personal property.

3A - DEFINITIONS

In these rules, unless the contrary intention appears:

“**AEU**” means the Australian Education Union.

“**Agent**” in the context of elections conducted pursuant to these rules, means the member of a group or team who is appointed by the group or team members to act on their behalf.

“**Electoral Commissioner**” means the Electoral Commissioner of the Western Australian Electoral Commission.

“**executive committee**” means the committee of management of the union.

“**executive member**” means a member of the union’s committee of management.

“**member**” means an eligible, financial member of the union.

“**office**” means

- (a) The office of president, senior vice president, vice president, general secretary or executive member;
- (b) The office of State Council delegate.

“**officer**” means a person elected to an office within the union.

“**publication**” means the union journal known as the ‘Western Teacher’ or any other official union publication which may appear from time to time and shall include the official website of the union.

“**rules**” means the rules of the State School Teachers’ Union of WA (Incorporated).

“**senior officer**” means the President, Senior Vice-President, Vice-President and General Secretary of the union.

“**union**” means the State School Teachers’ Union of WA (Incorporated).

“**AEU WA Branch**” means the Western Australian branch of the Australian Education Union.

4 - MEMBERSHIP

The State School Teachers' Union of W.A. (Incorporated) shall consist of an unlimited number of persons employed or usually employed in the following categories:-

(a) FULL MEMBERS:

- (i) Teachers employed by or on behalf of the state of Western Australia including teachers employed in pre-school centres in Western Australia provided that such teachers hold or are enrolled for the purpose of obtaining a teaching academic qualification.
- (ii) Teachers, lecturers or trainers employed by any institution providing technical and further education in Western Australia.
- (iii) Any person employed by any of the employers or in any of the places referred to in sub-rule (a)(i) or (a)(ii) of this rule who is employed as an education officer, guidance officer, counsellor or demonstrator.
- (iv) Teachers employed in a temporary capacity by a technical and further education institution.
- (v) Teachers employed by and in a Community College in Western Australia.
- (vi) School teachers who are employed on a part-time (fractional) basis in the supervision and/or coordination of student teachers during their periods of practice teaching in schools provided that they are eligible for membership of the Union within one of the preceding paragraphs of this subrule.
- (vii) Any person elected to an office in the State School Teachers' Union of Western Australia.
- (viii) Any employee of the SSTUWA (Inc) provided that such persons are not eligible for membership of the Western Australian Municipal, Administrative, Clerical and Services Union of Employees.
- (ix) Persons who are qualified to be and desire to be employed in any of the categories of persons specified in subrules (i) - (v) of this rule. Notwithstanding the above, any person who is not registered with the relevant employer as available for work, and has not worked as a teacher for at least two years and who no longer has a contract of employment with the relevant employer shall not be eligible for membership under this subrule.

(b) HONORARY LIFE MEMBERS: Any member of the Union who has rendered long and meritorious service to the Union may, upon retirement, be appointed as an Honorary Life Member. For the purpose of such an appointment it shall be necessary that nominations be received and approved by the Executive and published in The Western Teacher or other authorised publication of the Union at least three months prior to the opening of State Council.

(c) HONORARY MEMBERS: Exchange teachers who are members of a teachers' organisation in the State or country from which they have come may be appointed by the Executive as Honorary Members of this Union.

- (d) **SPECIAL CATEGORY MEMBERSHIP:** Persons who are not trained teachers but who because of their special expertise are placed in charge of a class in any area of the educational service may become Special Category Members.
- (e) **RETIRED TEACHER MEMBERS:** Teachers retired from the Department of Education and Training because of age or invalidism may be admitted as Retired Teacher Members at the discretion of the Executive.
- (f) **ASSOCIATE MEMBERS:** The following persons are eligible:-
 - (i) Retired employees of the Union.
 - (ii) Former members, including all categories who are not eligible for any other form of membership.

5 - ENTITLEMENTS

- (a) **FULL MEMBERS** shall be entitled to all rights, privileges and benefits of membership of this Union.
- (b) **HONORARY LIFE MEMBERS** shall be entitled to all rights, privileges and benefits available to full members except that they shall not stand for office.
- (c) **HONORARY MEMBERS** shall have the same rights and privileges as full members except that they shall not be entitled to be represented at State Council or to hold Union office or to vote in elections for Union office.
- (d) **SPECIAL CATEGORY MEMBERS** shall have the same rights and privileges as full members except that they shall not be entitled to form a branch, hold Union office, or vote at elections for a Union office.
- (e) **RETIRED TEACHER MEMBERS** shall not be eligible to stand for election to any office of the Union or to vote at such an election but shall be entitled to all other rights, privileges and benefits of membership except as otherwise provided by these Rules and provided that the use of the facilities at Union headquarters shall be by decision of the Executive.
- (f) **ASSOCIATE MEMBERS** of the Union shall not be entitled to be represented at State Council, nor be eligible to stand for election to an office of the Union, nor to vote at such elections, nor receive industrial assistance but shall be entitled to use the facilities at Union headquarters and have other social benefits as decided by Executive from time to time.

6A - ADMISSION TO MEMBERSHIP

- (a) An eligible employee may apply for membership of the Union by completing and signing the application form, as determined by the Executive from time to time.
- (b) The applicant shall be deemed to be a member of the Union from the date upon which he or she signed the application form and shall be liable to pay all the subscriptions due to the Union from that date.

6B - DUAL MEMBERSHIP

- (a) On and from a date advised by the Federal Secretary of the Australian Education Union, the SSTUWA may make application for membership of the Australian Education Union in accordance with this rule on behalf of any financial member of the Union who is eligible for membership of the Australian Education Union.
- (b) An application by the SSTUWA under this rule may be made by the General Secretary or a person authorised by the General Secretary in writing.
- (c) A single application pursuant to this rule may be made in respect of one or more members of the Union and shall in respect of each member include the address, occupation, employer and place of employment of each member.
- (d) At least 30 days before making an application pursuant to this rule, the General Secretary or a person authorised by the General Secretary shall notify members of the Union on whose behalf it is proposed to make an application of the intention to make the application.
- (e) A notification for the purposes of the previous sub-rule shall be either contained in a publication distributed to all members of the Union or in writing addressed to each member of the Union concerned.
- (f) The notification shall set out the date on which the application is to be made and advise the member concerned that they may decline to become a member of the Australian Education Union by notifying the General Secretary of the Union that they do not wish to become a member of the Australian Education Union before the date on which the application is to be made.
- (g) The notification referred to in sub-rule (d) shall also advise the members concerned that they may resign from membership of the AEU provided that:
 - (i) he/she gives at least three months' notice in writing addressed and delivered to the Secretary of the AEU Branch to which he/she is attached and has paid all subscriptions, levies and fines which are due and payable at the date on which the resignation takes effect; or
 - (ii) in the case where he/she ceases to be employed in the industry of the Union, he/she gives notice in writing, addressed and delivered to the Secretary of the Branch to which he/she is attached.

6C – CESSATION OF MEMBERSHIP

- (a) A person ceases to be a member when any of the following takes place:
 - i) the person dies;
 - ii) the person resigns from the Union under Rule 10;
 - iii) the person is expelled from the Union under Rule 11.
- (b) The General Secretary must keep a record, for at least one year after a person ceases to be a member,
 - of
 - i) the date of which the person ceased to be a member; and
 - ii) the reason why the person ceased to be a member.

7 - FINANCIAL MEMBERS

- (i) No person shall be a financial member unless he/she has paid all current subscriptions, fines or levies due or is repaying arrears in accordance with Rule 17(a).
- (ii) Subject to the provision of supporting documentation, a member on authorised leave without pay, upon application to the Executive, may be granted continuing membership without payment for the period of such leave, provided the member was not in arrears at the time of commencement of such leave. Such a member shall be entitled to all rights privileges or benefits arising out of his/her membership of the Union.
- (iii) If any member fails to pay any subscription or levy on or before the day appointed for the payment thereof, the Union may act at any time thereafter during such time as the subscription or levy remains unpaid to serve a notice on such member requiring payment of the same together with any interest (rate to be decided by Executive from time to time) that may have accrued and all expenses that may have been incurred by the Union by reason of non-payment. Such a decision shall be final subject to appeal to State Council.
- (iv) Executive may, in special circumstances, waive the whole or portion of subscriptions and levies payable by a member or levied on such member.
- (v) Any member who is not financial in accordance with sub-rule (i) of this Rule shall not be entitled to any rights, privileges or benefits whatsoever arising out of membership of the Union including being eligible to nominate for any Union election or to vote in that election if he/she remains unfinancial at the close of nomination for that election.

8 - REGISTER OF MEMBERS

The General Secretary must

- (a) cause to be kept a register of the members of the union showing the name and residential address of each member and details of the financial status of each member in respect of his or her membership; and
- (b) cause the abovementioned register to be purged on not less than 4 occasions in each year by striking off the names of members whose membership had ended by operation of sections 64A or 64B of the Industrial Relations Act, or by operation of these rules.”

9 - REGISTERED ADDRESS

- (a) At the time of joining, members must register a postal address with the Union. Any changes to this address must be notified within 21 days.
- (b) Subject to these rules, anything required by or permitted to be posted to a member shall be deemed to have been received by the member in the ordinary course of the post if sent by pre-paid post to such member at that member's registered address.

10 - RESIGNATION OF MEMBERSHIP

- (a) Termination of membership of the Union shall be affected by the giving of written notice of intention to resign. The notice of resignation may be made by way of letter, email or fax 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.
- (b) 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.”

11 - BREACH OF RULES

- (a) The following are offences with which a member may be charged under this rule:
 - (i) misappropriation of funds of the Union;
 - (ii) breaches or fails to comply with any provision of these rules;
 - (iii) knowingly fails to observe any directive of State Council or Executive;
 - (iv) obstructs State Council, Executive, a Branch or any other lawful committee of the Union in any way in the performance of its functions;
 - (v) wrongly holds out as occupying any office or position in the Union or as being entitled to represent the Union in any capacity (to which charge it shall be a defence that the member believed bona fide and on reasonable grounds that she/he was entitled to act);
 - (vi) aids or encourages any other member in any breach of these rules.

- (b) (i) Any member who alleges that another member has breached these rules may lay a charge under this rule;
- (ii) such charge(s) shall be in written form and shall be forwarded to the General Secretary.
- (c) Upon receipt of a charge laid in accordance with sub-rule 11(b), the General Secretary shall forward to the member against whom the charge is made, a notice in writing which shall:
- (i) state the charge together with particulars of the charge(s);
- (ii) disclose the evidence on which the charge is based;
- (iii) identify the persons who have been appointed to the Dispute Resolution Committee convened in accordance with Rule 12;
- (iv) be signed by the General Secretary or the President;
- (v) state the time, date and place of the hearing of the Dispute Resolution Committee;
- (vi) Advise the member that he or she may:
- attend the hearing in person and present evidence;
 - be represented by any representative of his or her choice save that representative must not be a legal practitioner;
 - choose not to appear but make written submissions to the Dispute Resolutions Committee;
 - object to the presence on the Dispute Resolution Committee of any member of that Committee whom the member believes may be biased, which objection must be in writing and forwarded to the General Secretary not later than 7 days after the member receives the written notice;
- (vii) be delivered personally to the member concerned or posted by registered or certified mail to his or her last known address at least 21 days before the hearing date; and
- (viii) attach a copy of these rules 11 and 12.
- (d) Should the charge(s) have been made by a member of the Dispute Resolution Committee, such person shall not participate in the resolution of the matter.
- (e) Subrule deleted.
- (f) Should any member against whom a charge is made fail to appear at the hearing before the Dispute Resolution Committee and fail to provide a satisfactory explanation of his or her non-attendance, the Dispute Resolution Committee may proceed with the hearing of the charge in the member's absence provided it is first satisfied that the notice of hearing has been served on the member in accordance with this Rule.
- (g) The Dispute Resolution Committee having heard evidence and submissions will make a recommendation to the Executive which recommendation:

- (i) must be in writing and include written reasons for the recommendation:
 - (ii) must set out the Dispute Resolution Committee's recommendations that the Executive find the charge to have been proven or not proven as the case may be, and the Dispute Resolution Committee's recommendations to the appropriate penalty if the charge is found to be proven.
- (h) If the Dispute Resolution Committee recommends to the Executive that it find the charge to be proven, it must also recommend to the Executive that it:
- (i) impose no penalty
 - (ii) reprimand such member:
 - (iii) fine such member a sum not exceeding the sum of one year's subscription for that member:
 - (iv) suspend such member for a period not exceeding 12 months; or
 - (v) expel such member
- Upon receipt of the Dispute Resolution Committee's recommendation and reasons for recommendation the Executive will send a written notice to the member calling upon the member to show cause why the Executive should not confirm the Committee's recommendation.
- (j) The written notice shall:
- (i) include the written recommendation and reasons for recommendation of the Dispute Resolution Committee;
 - (ii) be signed by the General Secretary or the President
 - (iii) state the time, date and place of the hearing of this matter by the Executive;
 - (iv) Advise the member that he or she:
 - may attend in person and present evidence/make submissions
 - be represented by any representative of his or her choice save that representative must not be a legal practitioner.
 - choose not to appear but make written submissions to the Executive
 - (v) be delivered personally to the member concerned or posted by registered or certified mail to the member's last known address at least 14 days before the Executive meeting date; and
 - (vi) attach a copy of Rules 11 and 12.
- (k) Upon considering the recommendation of the Dispute Resolution Committee and hearing any further evidence or submission from the member, the Executive may confirm, quash or vary the recommendation of the Dispute Resolution Committee.

- (l) The General Secretary shall promptly inform the member by registered letter of the decision of the Executive. In the event of expulsion or suspension, the expulsion or suspension shall become effective 14 days after the date of posting such letter and in the event of a fine being imposed the fine shall become payable immediately and the member shall be deemed unfinancial if the fine is unpaid one month after the date of posting such letter remain unfinancial until the fine is paid.

12 - DISPUTE RESOLUTION COMMITTEE

- (a) A Dispute Resolution Committee consisting of three members shall be empowered to consider and to make recommendations to the Executive in relation to:
 - (i) charges under Rule 11;
 - (ii) any dispute a member or members may have concerning the application or interpretation of any rule or the registration of any proposed rule of the SSTUWA (Inc):
- (b) Subject to Rule 11, the Executive may confirm, quash or vary a recommendation made to it by the Dispute Resolution Committee.
- (c) The three members shall be selected by lot from a list of twelve financial members.
- (d) The names of twelve financial members shall be determined by ballot at the last meeting of State Council each year.
- (e) Neither a member of Executive nor the General Secretary may sit on the Dispute Resolution Committee.
- (f) Upon notification of a dispute under sub-rule (a)(ii), the Dispute Resolution Committee must convene for the purpose of hearing the dispute not more than 21 days after receipt of the notification, and provide all relevant parties to the dispute at least seven days' notification of the hearing date.

F I N A N C E

13 - FINANCIAL YEAR

The financial year for the Union shall be the period of twelve months commencing on 1 January and ending on 31 December of each year.

14 - ENTRANCE FEE

A prospective member shall pay as entrance fee the total sum that he/she would have paid in subscriptions had he/she joined the Union at the time of his/her initial appointment to the staff of the Education Department. The Executive may remit such fee in whole or in part.

Notwithstanding the above, any person, upon joining the Union, shall not be entitled to legal assistance for any event which occurred prior to the date of joining.

15 - SUBSCRIPTIONS

- (a) For the purposes of this rule the following or like payments shall not be included as salary:
- (i) Cleaning allowance;
 - (ii) Excess travelling allowance;
 - (iii) Travelling expenses;
 - (iv) District and locality allowance;
 - (v) Payment for work done outside school hours;
 - (vi) Bus allowance;
 - (vii) Special responsibility allowance.

(b) **SCALE OF CONTRIBUTIONS:**

(i) **FULL MEMBERS:**

The subscription payable by full members of the Union shall be such percentage of the member's salary as may be determined by State Council from time to time.

(ii) **SPECIAL CATEGORY MEMBERS:**

The subscriptions payable by special category members shall be such percentage of salary as may be determined by State Council from time to time dependent on the nature of the employment of such members; provided it shall not exceed the percentage of salary for full members.

(iii) **RETIRED TEACHER MEMBERS:**

Subscriptions payable by retired teacher members shall be as determined by State Council from time to time.

(iv) **ASSOCIATE MEMBERS:**

Subscriptions payable by associate members shall be as determined by State Council from time to time.

Subscription rates will be published in the Union's Administrative Policy and as an appendix to the Rules but shall not form part of the Rules.

16 - PAYMENT OF SUBSCRIPTIONS

Members may elect to pay:

- (a) monthly, in advance; or
- (b) fortnightly, in advance; or
- (c) quarterly in advance.

17 - PAYMENT OF ARREARS

- (a) Members may elect to pay arrears at a rate negotiated with the Union Office and approved by the Executive.
- (b) If a member has failed to pay any arrears, fine or levy, the Executive may send him/her a final notice by registered post to the member's registered address. If payment is not received within 28 days from dispatch of the final notice, Executive may institute legal proceedings for the recovery of the arrears.

18 - LEVIES

State Council may impose levies on full members.

19 - UNION APPOINTMENTS COMMITTEE

- (a) The Union Appointments Committee shall consist of the President, two Vice Presidents and six Executive members.
- (b) The six Executive members will be elected by Executive in January of the year in which they take office.
- (c) The term of office for Appointments Committee members shall expire on December 31st of the year in which they were elected to the Appointments Committee.
- (d) Five members of the committee shall constitute a quorum.
- (e) The functions of the Union Appointments Committee shall be to:
 - (i) make recommendations to the Executive as to the appointment of Industrial staff of the union from time to time; and
 - (ii) such other functions as are allocated to it by the Executive from time to time.

20 - PROPERTY OF THE UNION

- (a) The property of the Union shall be vested in three Trustees who shall be the President, the Senior Vice-President and the Vice-President.
- (b) If the President, the Senior Vice-President or the Vice-President retires or ceases to hold office for any reason he/she shall be deemed to have vacated the office of Trustee.
- (c) A vacancy occurring in the office of Trustee shall be filled by the Executive in the manner provided by Rule 26 of these Rules.
- (d) During any period in which a Trustee is unable to perform his/her duties as Trustee, the Executive may appoint a member to act as a Trustee during that period.
- (e) A Trustee so appointed shall be deemed to have retired from the office of Trustee upon the expiration of the term of office of Acting President, Acting Senior Vice-President or Acting Vice-President to which he/she was appointed.

- (f) The Trustees shall not dispose of any Union property vested in their names unless authorised by State Council or Executive.
- (g) The Trustees shall hand over all Union property to their successors, or to such persons as State Council or the Executive may appoint.
- (h) No part of the income or property of the Union shall be paid or transferred by way of pecuniary profit to any member, but officers, members or servants of the Union may receive remuneration for any services actually rendered to the Union.
- (i) The President, the two Vice-Presidents, the General Secretary and another full-time employee of the Union appointed by Executive shall be authorised to sign all cheques. Two signatures shall be necessary, one of which shall be that of the President or of a Vice-President and the other that of the General Secretary or the aforementioned Executive appointee.

20A – CONTROL OF FUNDS

- (a) The Union must open one or more accounts in the name of the State School Teachers' Union of WA (Incorporated) with one or more financial institutions from which all expenditure of the Union is made and into which all funds received by the Union are deposited.
- (b) Subject to any restrictions imposed at a general meeting or at a meeting of the State Council, the Executive may approve expenditure on behalf of the Union.
- (c) The Executive may authorise an Officer or Officers to expend funds on behalf of the Union up to a specified limit without requiring approval from the Executive for each item on which the funds are to be expended.
- (d) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments of the Union must be signed by:
 - (i) Two members of the Executive; or
 - (ii) One member of the Executive and a person authorised by the Executive.
- (e) All funds of the Union must be deposited in to the Union's account within 5 working days after their receipt.

21 - BRANCHES

- (a) Branches
 - (i) The Union shall consist of branches.
 - (ii) Unless otherwise determined in accordance with these rules, and subject to these rules, the members at each worksite shall constitute a branch.
 - (iii) For the purpose of this rule, a worksite shall mean a school, a pre-school centre, a pre-primary centre, a community college, a senior college, a senior campus, a TAFE campus, a district office, the employer's central office and such other places as shall be determined by Executive from time to time.

- (iv) Each worksite shall have a Union Representative and where practicable a Union Deputy Representative who shall be elected by the members of that worksite.
 - (v) The positions of Union Representative and Union Deputy Representative shall not be held concurrently by the same person.
 - (vi) As far as is practicable, the gender of the Union Deputy Representative shall be opposite to the gender of the Union Representative.
 - (vii) A member shall be a member of the branch at which such member works. In the case of relief teacher members who work at more than one site, the Executive may, on application, create a Branch of such members.
 - (viii) Subject to sub-rule (ix), a member who ceases to work at a particular worksite shall, upon such cessation, cease to be a member of the branch at that worksite.
 - (ix) Members on leave or on any employer's unattached list shall continue to be assigned to the branch at which they last taught unless they apply to the Returning Officer for re-determination of their branch membership.
 - (x) The re-determination provided for in sub-rule (ix) shall be done solely on the basis of the nearest branch of the Union to the actual residential address of the member.
- (b) Branch Committees
- (i) Each branch shall have a committee.
 - (ii) The branch committee shall be elected by and from the members of the branch.
 - (iii) It shall be the responsibility of the branch committee to ensure the smooth operation of the branch in accordance with these rules and the branch by-laws.
 - (iv) In recognition of women's lower participation rate in the Union structures a position of Women's Contact Officer be established which, as an affirmative action strategy, is open to women members only.
 - (v) The Women's Contact Officer shall work in conjunction with the Union Representative/Deputy Representative and branch committee to encourage participation of women members within the union structures.
- (c) Branch By-Laws
- (i) Subject to sub-rule (ii), branch by-laws shall be in accordance with the format as determined by Executive from time to time, which shall be appended to these rules, but shall not form part of these rules.
 - (ii) Variations to branch by-laws must be submitted to Executive for approval, and must not conflict with the rules of the SSTUWA.
- (d) Operating Budget
- Each Branch shall be provided with an operating budget, which shall be calculated on a per capita basis to be determined by State Council from time to time.
- (e) Financial Returns

All branches shall forward to the Executive an annual balance sheet of branch funds within the four weeks immediately following the annual general meeting of the branch.

(f) Funds

- (i) The funds of all branches shall be the property of the Union and shall be applied only for the purposes of the Union under the authority of the Executive.
- (ii) Branches may return some or all of their funds and property to the Union and shall do so if instructed by the Executive.
- (iii) Should any branch dissolve or be dissolved for non-compliance with these rules, then the funds and all other property of such branch shall revert to the Union.

(g) Meetings

A general meeting of the Branch shall be called if so instructed by the Executive at such time and place the Executive may direct. If branch officers fail to comply with the Executive's instruction or if there are no office bearers, the Executive shall have the power to call a meeting of the branch.

(h) Restriction on Branches

If a branch desires to bring any matter to the notice of the employer or desires to make available for publication or broadcast a comment of the branch on any matter, the branch first submits the matter to the General Secretary to ensure that any action proposed is not in conflict with current policy or with proposals, strategies or initiatives presently before the Executive. If no conflict is apparent the General Secretary authorise the branch to proceed and the General Secretary to inform the Executive of this at their next meeting.

22 - DISTRICTS/DISTRICT COUNCIL

(a) Districts

- (i) The state shall be divided into districts as shall be determined by State Council from time to time and shall be appended to these rules but shall not form any part of these rules.
- (ii) Each district shall comprise a number of branches.

(b) District Council

- (i) Each branch within a district shall be entitled to be represented at District Council level.
- (ii) The District Council shall consist of a branch delegate elected by the members of each branch constituting the district, any ordinary Executive member who is a member of a branch constituting the district, together with the Union's President, Senior Vice President, Vice President and General Secretary who may attend such Council, if they so desire.

- (iii) The branch delegate to the District Council shall carry votes on a proportional basis depending on the size of the branch.
- (iv) In the absence of the branch delegate, the branch shall be represented by the branch alternate delegate, elected by the members of the branch, and having all rights and responsibilities of the branch delegate.
- (v) The branch alternate delegate shall, as far as is practicable, be a person of the opposite gender to the branch delegate.
- (vi) The number of votes carried by the branch delegate to the District Council shall be determined on the basis of one vote for the first eight members and one additional vote for each further twenty-five members, or part thereof being not less than thirteen members.
- (vii) A District Council shall be held in each district at least twice per year as determined by Executive.
- (viii) The reasonable expenses incurred by branch delegates attending such Councils shall be paid by the Union.
- (ix) Subject to sub-rule (vii), thereafter the time and place for each meeting shall be determined by the preceding District Council.
- (x) The first meeting of each District Council shall be held at a time and place nominated by the Executive.
- (xi) Additional District Councils may be held subject to the written request of the Union Representatives being not less than a number equivalent to one quarter of the number of branches comprising the district.
- (xii) The Union will not meet the expenses of such additional District Councils unless such expenses are approved at the next meeting of Executive.
- (xiii) Should the Executive not approve the expenses of an additional District Council, the District Council may appeal to State Council.
- (xiv) The first item of business of the first District Council each year shall be the election for that year of the District Council Chairperson and Deputy Chairperson who will conduct the business of such District Council.
- (xv) The District Council Deputy Chairperson shall be of the opposite gender to the District Council Chairperson provided that where no nominations for the position of District Council Deputy Chairperson are received from a member of the opposite gender to the District Council Chairperson, a member of the same gender may be elected.
- (xvi) The business of the District Council shall be in the form of an agenda comprising matters referred by branches within the district as well as such matters referred by the Executive from time to time.

- (xvii) Within SSTU Policy and subject to SSTU Rules, District Council shall have decision-making powers to:
 - (1) formulate a district position on local issues for referral to Executive and/or State Council;
 - (2) make recommendations to Executive and/or State Council about broader Union policy;
 - (3) direct members in the district to take specific action to ensure adherence to Awards and Agreements;
 - (4) identify and inform members in the districts on relevant statutory provisions;
 - (5) direct matters, through the Executive, to the agenda of the State Council.
- (xviii) Delegates to District Council may nominate as district delegates to State Council.
- (xix) The quorum of District council shall be one quarter of the total number of delegates entitled to attend.
- (xx) That, in the event a District Council meeting fails to achieve a quorum, any proposed resolutions from such a meeting, must be endorsed by a properly constituted branch meeting prior to forwarding to Executive or State Council for consideration.

23 - STATE COUNCIL

- (a) Rules
 - (i) The governing body of the Union shall be the State Council.
 - (ii) Subject to any referendum of members, State Council is the supreme decision-making authority of the Union and Policy directives issued by State Council shall be adhered to by all members.
 - (iii) State Council shall consist of the President, Senior Vice President, Vice President, Ordinary Executive Members, General Secretary and delegates elected from each District, in accordance with the provisions of this rule and Rule 32- Elections for Office.
 - (iv) Each district shall be entitled to one delegate to State Council per 100 financial members, or part thereof.
 - (v) Where sufficient nominations from women financial members have been received, at least 50% of the delegates from each district to State Council shall be women.
 - (vi) Where fewer than the number of nominations required to enable subrule (a)(v), above, to be complied with, are received from women, any woman who so nominated shall be declared elected, and a ballot conducted to fill the remaining vacant position or positions.

- (vii) Rule Deleted.
- (viii) Any financial member may nominate to be a delegate to State Council representing his/her district, provided that such nomination is proposed and seconded by two financial members who are also members of that district.
- (ix) Should nominations of delegates to State Council exceed the number of delegates to which the district is entitled, the Returning Officer shall conduct a ballot of all financial members in the district to determine district representation.

To attain gender balance in the district representation the Returning Officer shall, at the conclusion of the ballot, declare the highest polling women candidates elected, to the number of women delegates required under sub-rule (a)(v) of this rule. The remaining positions shall then be declared in the order of election.

- (x) In addition to electing district delegates to State Council the members of the district are entitled to elect two alternate delegates. Such alternate delegates in the order in which they were elected, shall represent the district in the absence of one of the delegates subject to notification to the Union Returning Officer.
- (xi) Where sufficient nominations from women financial members have been received, at least one of the alternate delegates shall be a woman. The Returning Officer, at the conclusion of any ballot for alternate delegates to State Council shall declare the highest polling female and male candidates elected. For the purposes of sub-rule (a)(x) of this rule, the first alternate delegate shall be the highest polling candidate of the two elected.
- (xii) Where no nominations are received from women for an alternate delegate position, nominations shall be re-opened for all financial members to fill the designated position.
- (xiii) The election of delegates to State Council shall be held during the first school division term each year, and such delegates shall hold office until their successors are elected during the first school division term of the following year, and shall be eligible for re-election.
- (xiv) State Council shall meet at least twice per year as determined by Executive.
- (xv) In the event of a casual or extraordinary vacancy arising in the office of delegate to State Council, the casual vacancy shall be filled by an election in as far as practicable the same mode as is prescribed by these rules for the election of that State Council delegate and any person so elected shall hold office for the unexpired portion of the term of the State Council delegate he or she is elected to replace.

(b) Powers

State Council shall have power to control and manage the business and affairs of the Union subject always to these Rules and without limiting the generality of this power shall have power to:

- (i) Subject to the requirements of these rules, make, amend or rescind these rules.

- (ii) Determine entrance fees and subscriptions for members and persons eligible to be members of the Union and impose levies on such members.
 - (iii) Appoint or remove a qualified auditor, for any purpose for which an audit is required in connection with the accounts of the Union.
 - (iv) Dismiss from office any person elected to an office within the Union who has been found guilty in accordance with the Rules of the Union of misappropriation of the funds of the Union, a substantial breach of the Rules of the Union, serious and wilful misconduct or gross neglect of duty in relation to his/her office or who has ceased according to the rules of the Union to be eligible to hold the office.
 - (v) Refer any question to a referendum of members of the Union. The decision of a referendum is binding on State Council.
 - (vi) Do all things necessary or convenient to the exercise of the foregoing power or any powers conferred by the rules of the Union.
- (c) Expenses
- (i) Travelling

Delegates travelling to State Council from outside the metropolitan area may be reimbursed travelling expenses actually incurred up to a sum equivalent to a first class rail fare or public transport fare whichever is the least. In the case of delegates representing branches north of the 26th parallel, airfares for travel on a normal scheduled air service may be refunded. Where a delegate uses his/her own vehicle, he/she may claim expenses not exceeding the first class rail fare or public transport fare, whichever is the least, or in the case of delegates representing branches north of the 26th parallel, not exceeding airfares, so long as such claim for using the delegate's own vehicle is accompanied by receipts for petrol and oil purchased.
 - (ii) Accommodation

Delegates travelling from outside the Perth metropolitan area to attend State Council may claim accommodation expenses not exceeding public service rates for the number of days each delegate must be present in Perth to attend the State Council. Accommodation claims for hotel/motel accommodation must be accompanied by a receipt.
 - (iii) Delegates representing branches from within the Perth metropolitan area may claim expenses at a rate to be determined by State Council from time to time.
 - (iv) However, expenses as referred to in sub-rules (i), (ii) and (iii) will only be paid pro-rata to the number of sessions attended by the delegate submitting the claim.
- (d) Agenda
- (i) The Executive shall prepare for each State Council an agenda which shall be published in the Western Teacher or other publication of the Union not less than 3 weeks prior to State Council.

- (ii) Reports to be presented to State Council shall be issued with the publication containing the agenda.
 - (iii) Any matter for inclusion on the agenda for State Council must be received by the close of business on a date to be determined and published by Executive.
 - (iv) Items for inclusion on the business paper may be submitted by the Executive, by the District Councils, by the Education Committee or by any branch of the Union unless otherwise provided for in these Rules.
 - (v) No State Council motion shall be edited or amended before inclusion in the State Council Agenda without reference to the branch submitting the motion. Where the branch concerned rejects such amendments the motion shall be placed on the State Council Agenda in unamended form, irrespective of deadlines, provided the motion in its original form was submitted prior to the closing date for State Council motions.
- (e) Quorum
- The quorum for State Council shall be one-third of the total number of delegates who would have been permitted to attend, had they been elected in accordance with this rule.
- (f) Postal Ballot
- (i) Nothing in these rules shall be read so as to prohibit the Executive from arranging for a secret postal ballot of all State Council delegates on any issue of urgency arising between the formal meetings of State Council.
 - (ii) Any decision taken by State Council delegates through a secret postal ballot has the same effect and authority as a decision taken at a formal meeting of State Council.

24 - POWERS OF EXECUTIVE

- (a) Subject to sub-rule (b) of this Rule the Executive shall control the affairs of the Union in accordance with these Rules.
- (b) Between meetings of State Council, the Executive shall exercise all powers of State Council subject to the following:
 - (i) that the Executive is subject to and bound by decisions of State Council; and
 - (ii) that the Executive may not exercise State Council's powers with respect to rule alteration, imposition of levies, determination of entrance fees and subscriptions, or any other matter expressly reserved by resolution of State Council.
- (c) DEVOLUTION. Should the Executive declare that a matter should be referred to the membership through devolution, it shall be done in the manner provided herein:
 - (i) That, where an industrial agreement is required by decision of State Council to be endorsed in accordance with this rule it should be referred to the relevant sector of the membership.

- (ii) The General Secretary shall communicate the matter to worksite representatives at relevant worksites, as directed by Executive.
- (iii) Worksite representatives, on receipt of the communication shall call a meeting of Union members at worksites to deliberate and vote on the Executive proposals. A minimum of two weeks be allowed during which members can vote.
- (iv) That a yes/no case be presented on each devolution question.
- (v) The worksite representative shall notify the General Secretary, by the stipulated time of the number of worksite members who abstained or voted "for" and "against" the motion of the meeting.
- (vi) The General secretary shall inform Executive and all worksites of the result.
- (vii) A motion is carried if 60% or greater of the votes are in the affirmative.
- (viii) Notwithstanding (ii) and (iv) above, postal ballots shall be conducted for those worksites for which, upon application to Executive, postal ballots have been approved and the following rule will apply:
 - * The General Secretary shall determine the roll of members for the worksites and all members of the worksite will receive a postal vote.
 - * The General Secretary will arrange for each item requiring the vote of a member to appear on a separate ballot paper with the members being required to circle the word "for" or "against" to indicate the members' vote.
 - * The General Secretary shall allow 21 days for the return of members' votes.
 - * Voting papers will be despatched to members at the worksite.
 - * The number of members abstaining from voting shall be recorded.
 - * Absentee votes be permitted at worksite meetings provided:
 - (i) That the member forward an apology for absence from the meeting together with his/her vote to an office bearer before the meeting.
 - (ii) That the member's apology in writing is accepted by the meeting.
 - * At the close of the ballot the General Secretary shall place the result before Executive.
 - * Executive shall consider the results of the Devolution question and cause a report to be forwarded to worksites either by way of a letter from the General Secretary or by way of an article in The Western Teacher.

25 - OFFICERS

- (a) (i) The Executive shall consist of the President of the Union, Senior Vice-President, Vice-President, and such other number of additional members to be known as Ordinary members, as determined from time to time by State Council.
- (ii) There shall be a designated position on the Executive for an Aboriginal or Torres Strait Islander representative. This position shall be elected by and from the Aboriginal and Torres Strait Islander members of the Union.
- (iii) The term of office of the President, Senior Vice President and Vice President and Executive Members shall be for a period of three years commencing on the first day of January in the year following the election.
- (b) Should a member of Executive be an applicant for a position on the staff of the Union, that member of Executive shall not have the right to vote on, or take part in any discussion upon, any resolution for the purpose of selecting such employee.
- (c) The position of General Secretary shall be filled by an election of all members.
- (d) The term of office of the General Secretary shall be for a period of three years commencing on the first day of January in the year following the election.
- (e) All full financial members shall be eligible to nominate for the position of General Secretary.
- (f) Any employee of the SSTUWA who is elected to an office of the Union shall resign his or her employment with the Union by no later than the day that that person commences his or her term of office.
- (g) Any elected Officer of the SSTUWA who is appointed as an employee of the Union shall cease to hold that Office on and from the day that that person commences employment with the Union.
- (h) That in the next SSTUWA election for General Secretary, scheduled for 2014, the term of office shall be for a period of two years. Thereafter, commencing with the election in 2016, the term of office for the General Secretary shall be for a period of three years.
- (h) Each office in the Union may, from such time as the Executive may determine, be held by the person who, in accordance with the rule of the Australia Education Union, Western Australian Branch, holds the corresponding office in that body.

25A – RESIGNATION/REMOVAL FROM OFFICE

- (a) This rule applies to the Office of President, Senior Vice President, Vice-President, General Secretary or Executive Member.
- (b) A person ceases to be a member of the Executive if the person:

- i) dies; or
- ii) resigns from the Executive or is removed from office under Rules 11 and 12; or
- iii) becomes ineligible to accept an appointment or act as a committee member under Section 39 of the Associations Incorporation Act 2015; or
- iv) becomes permanently unable to act as a committee member because of a mental or physical disability; or
- v) fails to attend 3 consecutive Executive meetings, of which the person has been given notice, without having notified the Executive that the person will be unable to attend.

26 - CASUAL VACANCIES

- (a) The Executive shall have power to fill any vacancy occurring in those officers enumerated in Rule 25(a) subject to sub-rule 26(b) thereof.
- (b) Any casual vacancy in the offices of President, Senior Vice-President and Vice-President or General Secretary which occurs at a time when more than half of the term of office remains unexpired, shall be filled by election by and from members using, as far as is practicable, the same mode of election as is prescribed in these Rules for the conduct of Union elections, provided that the Executive may appoint a financial member to act in that position, pending such election, subject to the requirement of sub-rule (d) hereof.

Any person so elected shall be entitled to hold office until the expiration of the term of office being held.

- (c) Any such vacancy occurring within eighteen months of the expiration of an elected officer's term of office shall, subject to sub-rule (d) of this Rule, be filled by a financial member of the Union appointed by the Executive provided that any person so elected or appointed shall hold office by virtue of that election or appointment for no longer than the unexpired portion of the term of office of the person whom he/she was so elected or appointed to replace.
- (d) In filling a vacant office or offices in accordance with the preceding sub-rule the Executive shall appoint the Senior Vice-President as Acting President if the Presidency falls vacant and the Vice-President as Acting Senior Vice-President should the latter's office fall vacant or should the Senior Vice-President be appointed Acting President. Should both offices of President and Senior Vice-President fall vacant at the same time the Executive shall appoint the Vice-President as Acting President.

27 - DUTIES OF PRESIDENT, SENIOR VICE-PRESIDENT AND VICE-PRESIDENT

(a) **PRESIDENT**

- (i) The President shall be a full-time paid officer of the Union, and shall:
 - (a) be the Chief Executive Officer of, and principal spokesperson for the Union;

- (b) be responsible to the State Council and the Executive for the implementation of their decisions and directions;
 - (c) preside at and conduct all meetings of the Executive and State Council and sign the minutes thereof;
 - (d) in consultation with the General Secretary, convene meetings of State Council and Executive;
 - (e) ensure, as far as possible, that the Rules of the Union are performed and observed by officers and members of the Union;
 - (f) request and receive an explanation from any officer or member of the Union in any case where he/she believes that the Rules of the Union may not have been performed or observed and report thereon to the State Council and/or Executive.
- (ii) The President shall reside in the metropolitan area during his/her term of office.
 - (iii) The President shall be an ex officio member of any committee of the Union other than a committee of a branch.
 - (iv) In the absence of the President, his/her duties shall be performed by the Senior Vice-President. In the absence of both the President and the Senior Vice-President the Vice-President shall perform the duties of the President. In the simultaneous absence of the President, Senior Vice-President and Vice-President, the Executive may appoint a member to carry out the duties of the President.

(b) **SENIOR VICE-PRESIDENT**

- (i) The Senior Vice-President shall be a full-time paid officer of the Union. In the absence of the President, his/her duties shall be performed by the Senior Vice-President.
- (ii) The Senior Vice-President shall reside in the metropolitan area during his/her term of office.

(c) **VICE-PRESIDENT**

- (i) The Vice-President shall be a full-time paid officer of the Union. In the absence of the Senior Vice-President, his/her duties shall be performed by the Vice-President.
- (ii) The Vice-President shall reside in the metropolitan area during his/her term of office.

(d) **TERMS OF OFFICE**

No person who has occupied the position of President, or Senior Vice-President or Vice-President for three consecutive terms shall be eligible to nominate for or be elected to a fourth consecutive term in that office.

C O M M I T T E E S

28 - MEETINGS OF EXECUTIVE

- (a) (i) Executive meetings shall be held at least four times in each calendar year at a time and place determined by the Executive but twelve weeks shall not elapse without a meeting of the Executive being called.
- (ii) Meetings shall be held
 - * Whenever the Executive so determine or
 - * Whenever the President or whoever is acting in that office determines or
 - * Within seven days of a request in writing signed by not less than four members of the Executive being received by the General Secretary.
- (b) Ten members of the Executive shall form a quorum for the conduct of business.
- (c) If any member of the Executive is absent without leave from three consecutive meetings, the Executive may declare his/her seat vacant.

29 - EMERGENCY COMMITTEE

- (a) There shall be a committee called the Emergency Committee which shall be comprised of the President and four other persons, each of whom must also be a member of Executive while serving on that committee.
- (b) The Executive shall elect from among its members the four persons referred to in paragraph (a), above, to serve as members of the Emergency Committee.
- (c) The General Secretary shall attend all meetings of the Emergency Committee where it is practicable to do so.
- (d) Three members of Emergency Committee shall constitute a quorum.
- (e) Meetings of the Emergency Committee shall be convened
 - (i) by decision of the President; or
 - (ii) at the request of three members of the Committee.
- (f) Meetings of the Emergency Committee may be conducted in person or by telephone, and decisions of the Emergency Committee may also be taken by vote communicated by way of postal ballot, fax ballot or by email.
- (g) Subject to any express limitation on the powers of Emergency Committee imposed by State Council or by Executive, the Emergency Committee may exercise all of the powers of Executive between meetings of Executive.
- (h) All business conducted or decisions taken by a meeting of the Emergency Committee must be reported to the next meeting of Executive by the President on behalf of the Committee.

30 - DUTIES OF THE GENERAL SECRETARY

- (a) The General Secretary shall, subject to the authority of Executive:

- (i) Attend all meetings of the State Council and the Executive.
- (ii) Keep, or cause to be kept, accurate minutes of the business transacted at each such meeting and circulate, or cause to be circulated, such minutes in draft, where required by these Rules and present, or cause to be presented, a true copy of the minutes in each case to the subsequent meeting of Executive.
- (iii) Receive, reply to, file, and report upon all correspondence requiring attention or cause such correspondence to be so dealt with.
- (iv) Receive and receipt, enter up and bank forthwith to the credit of the Union, all moneys paid to the Union or cause such moneys to be dealt with.
- (v) Prepare and sign cheques drawn upon the funds of the Union, in payment of accounts proper to be paid, and ensure that each such cheque is countersigned as required by the Rules and is in all respects in order.
- (vi) Keep, or cause to be kept, proper books of account of the Union and see to the preparation of an annual balance sheet and statement of receipts and payments and income and expenditure, disclosing the true financial position of the Union and submit same, together with all books and vouchers or records required for audit, to the Auditor within twenty-eight days of the end of the period to which it relates and present, or cause to be presented, the annual balance sheet and statement of receipts and payments, income and expenditure, together with the Auditor's report thereon to the State Council.

Such books will be kept by the SSTUWA for a minimum period of seven years.

- (vii) Inform the President of any significant matters affecting, or likely to affect, the Union and report thereon to the Executive and State Council.
- (viii) Ensure that all matters required to be attended to by organisations of employees registered under the Act are attended to within the times and in the mode prescribed in the said Act and any regulation made thereunder.
- (ix) Sign or process any document, proper to be signed on behalf of the Union by an officer thereof, or delegate such authority to another, and appear to authorise another to appear before any Court, Commission or Industrial Tribunal before which the Union is to be represented.
- (x) Be responsible for the day to day supervision, direction and control of all professional officers and employees of the Union.
- (xi) Be responsible for the day to day maintenance and protection of the Union's interest in any property, real or personal or any contract.
- (xii) Subject to any decision of the Executive, appoint and dismiss the Union's employees, other than those appointed by State Council or elected by the membership.
- (xiii) Diligently and carefully carry out all the instructions of the State Council and Executive and report to State Council and Executive thereon and see to the prompt circulation of all agendas, notices and minutes required to be circulated by these Rules and generally pursue, by all lawful means, the Objects of the Union.

- (xiv) Have published in the Journal or The Western Teacher reports of State Council and Executive meetings.
 - (xv) Ensure that any securities of the SSTUWA are kept in the General Secretary's custody or under the General Secretary's control.
- (b) In the absence of the General Secretary, the Executive shall appoint another officer to undertake his/her duties.

31 – ELECTIONS: GENERAL PROVISIONS

- (a) Elections for Senior Officers and Executive Committee members shall be conducted by the Western Australian Electoral Commission under the direction of a Returning Officer appointed under the provisions of the Electoral Act 1907.
- (b) Elections for branch officers, branch delegates to District Council, delegates to State Council, and Union committees elected at State Council shall be conducted by the SSTUWA Returning Officer in accordance with the provisions of Rule 32 – SSTUWA Returning Officer and Assistant Returning Officer, Rule 33 – Elections: Branch Officers, District and State Councils, Union Committees, and Rule 34 – Elections for Senior Officers and Executive Members (g) – (k), and (m) – (w).
- (c) Only members of the union who are financial at the date on which nominations close, and have been continuously financial for two years immediately preceding that date, shall be eligible to stand for election as a Senior Officer or Executive Member. For the purposes of this rule, any member who has been a financial member of a teaching union in another state and has transferred such membership to the union within 3 months of commencing employment shall be eligible to stand for election after one year's continuous financial membership immediately preceding the close of nominations
- (d) The provisions of the Rules of the State School Teachers' Union of WA (Inc) shall apply to the conduct of any election conducted under (a) and (b) of this rule.
- (e) All election material is required to be authorised; such authorisation must include the name and address of any persons authorising election material to be included on all such material.
- (f) In any election, no candidate or member, or employee shall use any logo or letterhead of the Union in electoral material; no senior officer, executive member or employee of the Union shall use that office or position to endorse electoral material on behalf on any candidate.
- (g) No candidate or member, or employee shall make use of any resources of the Union for the production and/or distribution of electoral material unless
 - (1) such use is expressly authorised by this rule; or
 - (2) the opportunity for such use is
 - (i) expressly authorised by the Executive; and
 - (ii) available equally to all candidates in the relevant election; and
 - (iii) notified in writing to all candidates in the relevant election sent to the address appearing on each candidate's nomination form within three working days after the close of nominations.

- (3) For the purposes of this rule, “resources of the Union” includes, but is not limited to, branch capitation fees, membership databases – including attendance lists collected by the union at member meetings – photocopying or printing facilities, email lists, email facilities, staff time, stationery, and stamps.
- (4) Should candidates wish to include authorised election material as an advertisement in the “Western Teacher,” this shall be charged at normal advertising rates. Such advertising shall be confined to the period of the election i.e. from the calling of nominations until the declaration of the poll.

32 – SSTUWA RETURNING OFFICER AND ASSISTANT RETURNING OFFICER

- (a) An Honorary Returning Officer and Honorary Assistant Returning Officer, who need not be members of the Union, shall be appointed by State Council at the first State Council meeting each year, for the purpose of conducting any internal Union elections which may be held within the Union throughout the year.
- (b) The Returning Officer and Assistant Returning Officer shall not, during their term of office, be employees of, or the holder of, any office in the Union or any branch thereof; nor shall they be candidates for any election within the Union other than an election for the appointment of Returning Officer for the following term and shall not be eligible to nominate any candidate for any election under these rules.
- (c) The Returning Officer and Assistant Returning Officer shall hold office until their successors are appointed. If either the Returning Officer or the Assistant Returning Officer is unable or unwilling to act as or when required, the Executive shall appoint an acting Returning Officer and/or Assistant Returning Officer, provided that no person so appointed shall be the holder of any other office, or be an employee of, or a candidate for, any other office in the Union.
- (d) The Returning Officer, or the Assistant Returning Officer under the direction of the Returning Officer, shall take such actions and give such directions as are reasonably necessary to ensure that no irregularities occur in, or in connection with, any election or in order to ratify any procedure or defects in any election, and no person shall refuse or fail to comply with such directions or obstruct or hinder a Returning Officer or any other person in the conduct of any election or in the taking of any such actions.
- (e) The decision of the Returning Officer regarding any matter pertaining to an election under his/her control shall be final.
- (f) The Returning Officer shall consider all nominations and if, in his/her opinion, any nomination is defective, he/she shall immediately notify the person concerned of the defect by the most expeditious means and, where it is practicable to do so, give him/her the opportunity of remedying the defect, allowing, if practicable, at least seven days after notification.
- (g) If any electoral irregularity or breach of these rules should occur in the conduct of an election and, in the opinion of the Returning Officer, such irregularity or breach will affect the result of such election, then such election and each and every step taken in connection therewith shall be declared by the Returning Officer to be null and void and another election shall be held forthwith. Any person holding office immediately prior to an election which is subsequently declared to be null and void shall remain in office until his/her successor is elected.

- (h) In any election, each candidate shall be entitled to appoint, in writing to the Returning Officer, any person, whether a member of the union or not, to act as scrutineer at the election. All scrutineers shall, in the case of a ballot, be entitled to observe the admission and the counting of votes, the conduct of and determination of the election and the declaration of the poll. In every case a scrutineer shall observe the directions of the Returning Officer who shall take all reasonable steps to enable each scrutineer to exercise his/her rights. No election shall be invalidated should a scrutineer not exercise any or all such rights if he/she had reasonable opportunity to do so.
- (i) In the election, each candidate shall be entitled to provide an election statement not exceeding three hundred words which shall be published in the official journal of the Union prior to the issue of ballot papers, provided that the Returning Officer may require any statement which contains defamatory words to be modified by the deletion of such words and, if the candidate declines to act on the request of the Returning Officer, shall refuse to allow the statement to be published in the union journal. Such election statements must be in the hands of the Returning Officer no later than the date and time of the close of nominations for the office to which the candidate seeks to be elected.

**33 – ELECTIONS: BRANCH OFFICERS, DISTRICT AND STATE COUNCILS,
UNION COMMITTEES**

- (a) Nominations for branch offices, delegates to District Council and State Council and such committees as require elections in accordance with these rules, shall be in writing, signed by the nominee and endorsed by two (2) financial members proposing and seconding the nomination.
- (b) Subject to Rule 21 – Branches, Rule 22 – Districts/District Council and Rule 23 – State Council, all financial members of the Union shall be eligible to nominate for any office to be filled by election.
- (c) If there is only one valid nomination for a single office or only sufficient valid nominations for multiple offices, the Returning Officer shall report the nominations to the Union and shall declare such nominees to be duly elected to the office or offices concerned.
- (d) If there is no valid nomination for a single office or insufficient valid nominations for multiple offices, the Returning Officer shall report that fact to the Union and shall declare that an extraordinary vacancy/vacancies exist/s in that/those office/s.
- (e) If, at the close of nominations, there are more than sufficient nominations for an office, or offices, then the Returning Officer shall report that fact to the Executive and proceed to conduct an election in accordance with these rules to determine the person or persons who shall be declared elected to such office or offices.
- (f) **BRANCH OFFICERS**
 - i. Not later than the 7th February each year, the SSTUWA Returning Officer shall cause to be published in the Western Teacher, or other authorised publication of the Union, a list of branches and current office bearers.
 - ii. The publication shall call for nominations to the vacant offices of Branch Convenor, Deputy Convenor, Secretary, Treasurer and Women’s Contact Officer. In recognition of women’s lower participation rate in Union structures, the position of Women’s Contact Officer is open to women members only, as

an affirmative action strategy to encourage women's participation.

- iii. In the event of an election being required in any branch, the Returning Officer shall conduct such election by secret postal ballot of financial members of the branch as at the close of nominations.
- iv. Such elections are to be completed by not later than 31st March in each year.

(g) BRANCH DELEGATES TO DISTRICT COUNCIL

- i. In accordance with Rule 22 – Districts/District Council, each Branch is entitled to one delegate to each meeting of its relevant District Council.
- ii. Should there be more than one nomination for the position of delegate to District Council, the Branch shall conduct an election in accordance with the provisions of the By-laws of that Branch.

(h) DELEGATES TO STATE COUNCIL

- i. The SSTUWA Returning Officer shall cause to be published in the Western Teacher, or other authorised union publication, at a date to be set by Executive, a list of Districts and their delegate entitlements to State Council. Such publication/s shall call for nominations from financial members of all Districts for the positions of State Council delegates and two alternate State Council delegates.
- ii. If, at the close of nominations, an election is required for any District, the Returning Officer shall proceed to conduct a secret postal ballot of the financial members of that District as at the date of close of nominations in accordance with this rule and Rule 23 – State Council.
- iii. In the event of no nominations being received from a District, that District shall not be entitled to be represented at the State Council.
- iv. If, at the close of nominations, insufficient nominations have been received for all positions of delegate and alternate delegate, the Returning Officer shall cause to be published in the Western Teacher a notice calling for nominations, the number of which shall be specified, to fill the vacant positions. In the event that more nominations are then received than are required for any district, the Returning Officer shall conduct a ballot by lot to determine the additional delegates and alternate delegates, and all candidates shall be advised of the result.

(i) ELECTIONS AT STATE COUNCIL

- i. Nominations for members of committees to be decided at the last meeting of State Council each year shall be called for by the Returning Officer in the Western Teacher or other authorised Union publication. In that notice the Returning Officer shall prescribe a date for the closure of nominations being a date not less than seven weeks prior to the opening of the last meeting of State Council each year.
- ii. Nominations received by the Returning Officer shall be published in the Western Teacher or other authorised Union publication at least three weeks prior to the opening of the last meeting of State Council each year.

- iii. The provisions of Rule 34 – Elections for Senior Officers and Executive Members (g) - (k), and (m) - (v) thereof shall be applied by the Returning Officer with such modification as shall be required for the purpose of an election by the credentialed delegates to the last meeting of State Council each year.
- iv. Immediately following the close of the ballot, the Returning Officer shall proceed to count the votes cast.

34 – ELECTIONS FOR SENIOR OFFICERS AND EXECUTIVE MEMBERS

- (a) Nominations for the offices of President, Senior Vice-President, Vice-President, General Secretary and Executive Members, including the position of Aboriginal and Torres Strait Islander Member, shall be called for by the Returning Officer in the ‘West Australian’ newspaper, and the Western Teacher, or other authorised Union publication to be sent to each place of employment of the members of the Union, not less than 14 clear days prior to the date for opening of nominations. If an election is necessary it shall be conducted in accordance with these rules and, where possible, simultaneously with any election for AEU WA Branch Councillors which may be held in the same year.
- (b) The elections of President, Senior-Vice President and Vice-President shall be conducted simultaneously.
- (c) In the event of one member being successful for more than one position, he/she will automatically be declared elected to the higher status position and that person’s preferences distributed in the subsequent ballots for Senior-Vice President and/or Vice-President.
- (d) All financial members of the Union shall be eligible to cast a vote in any election for Senior Officers’ and Executive Members’ positions.
- (e) The electoral roll, which is a list of all eligible electors pursuant to Rule 5 – Entitlements, must be certified by the General Secretary, or his/her delegate, as containing correct names and addresses and provided to the Returning Officer.
- (f) The Returning Officer shall nominate the address to which voters may post ballot papers. For the purpose of each election, the Returning Officer shall maintain a locked and sealed ballot box in which he/she shall from time to time place ballot papers received by post.
- (g) Upon being notified of the appointment of a scrutineer the Returning Officer shall inform such scrutineer of the steps he/she intends to take in the conduct of the ballot.
- (h) Where a scrutineer, appointed under Rule 34(g), interrupts the scrutiny or 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.
- (i) Following the close of nominations, the Returning Officer shall determine the dates over which the election/s shall be conducted, allowing twenty one days for members to cast their votes, excepting that in the case of an election to fill a casual vacancy the date of closure shall be at the discretion of the Returning Officer so as to enable the declaration of the result as soon as is reasonably practicable; further excepting that in the election for Branch Offices the period over which the election is conducted and the

period between closure and declaration shall be decided by the Returning Officer such as to ensure that voting does not occur over a vacation period.

- (j) The Returning Officer shall cause to be delivered to each voter by prepaid post an election package. With each election package there shall be provided a reply paid envelope in which the ballot paper is to be sealed after the voter has cast his/her vote. Attached to, or accompanying, each ballot paper shall be a declaration upon which the voter shall be required to prove his/her identity as an eligible voter. Such declaration shall be detached or separated by the Returning Officer and placed in separate piles to ensure that the ballot paper cannot be identified with the declaration.
- (k) The ballot paper shall list the title of the office for which an election is to be held and following each title shall list the names of candidates in sequence determined by lot by the Returning Officer.
- (l) The ballot paper must be completed according to the instructions on the ballot paper. Failure to comply with such instructions shall invalidate the vote.
- (m) For the purposes of elections for Senior Officers and Executive Members, the ballot paper shall provide for voters to vote for a team or to vote for each candidate/s.
- (n) The Returning Officer shall advise all voters of the closing date and hour (close of poll) for the receipt of returned ballot papers.
- (o) Ballot papers must be returned to the Returning Officer either by post to the address shown on the reply paid envelope, or otherwise, so that the ballot paper is received by the Returning Officer no later than the close of poll. It is the voter's responsibility to ensure that his/her ballot is received by the closing date and time.
- (p) Immediately after the time determined for the close of the poll, the Returning Officer shall:
 - i. Open the ballot box and produce, unopened, all ballot paper envelopes;
 - ii. Open the ballot paper envelopes and extract ballot papers;
 - iii. Place the ballot paper envelopes and ballot papers in separate bundles; and
 - iv. Proceed with the counting of votes.
- (q) Any vote in respect of the election of a person to an office shall be deemed invalid and not included in the count if:
 - i. The ballot paper is received by the Returning Officer after the close of poll;
 - ii. The content of the ballot paper does not comply with the instructions printed on it; or
 - iii. Ballot papers are received without declarations or with unsigned declarations.
- (r) If the Returning Officer is satisfied that a ballot paper has been destroyed, lost, damaged or misused, he/she shall supply a replacement ballot paper to the person to whom the original ballot paper was supplied.
- (s) The Returning Officer shall collect the returned ballot papers and, after rejecting those ballot papers which are informal, shall proceed with the count of votes. The Returning Officer shall retain all ballot papers, envelopes and other documents used in connection with the election and keep them in safe custody for a period of one year after the date of the election.

- (t) The ballot shall be counted by the exhaustive preferential system.
- (u) Where candidates receive an equal number of votes, the Returning Officer shall determine by lot which candidate/s shall be elected.
- (v) Objections to the poll shall be in writing and signed by the candidate/s agent or by some other person qualified to vote in the election.
- (w) The poll shall be declared by the Returning Officer not less than seven days and not more than ten days after the count has been finalised, provided that no objection has been lodged.
- (x) A candidate shall have a right to object up to seven days after the declaration of the poll, on the grounds that the poll was not conducted in accordance with these rules. The Electoral Commissioner shall make such inquiry into the matter as he/she considers appropriate. The Electoral Commissioner shall, within a further seven days after considering the results of the inquiry, either
 - i. confirm the result of the election and issue a declaration; or
 - ii. declare the election to have been invalid and direct that a fresh election be held.

35 - AFFILIATION

- (a) The Union may join any Federation of Teachers' Unions.
- (b) Before the Union may affiliate with any party political organisation such affiliation must be approved in a ballot of all financial members by a two-thirds majority of all financial members.

36 - BRANCH BY-LAWS

- (a) Except as otherwise provided in these Rules, the Executive shall have power to make, alter or repeal Branch By-Laws for the management of Union affairs provided that notice of the motion to make, alter or repeal Branch By-Laws is included in the Agenda for the meeting of the Executive at which the motion is proposed.
- (b) Branch By-Laws shall be made, altered or repealed to conform with any motion passed at State Council by a single majority of delegates present and voting at a properly constituted meeting or session of State Council, provided such motion was printed on the business paper, except that a two-thirds majority is necessary when so stipulated in these Rules.
- (c) When Branch By-Laws are made, altered or repealed by Executive without instruction from State Council, such Branch By-Laws, alterations to or annulments of shall be published in the first available WA Teachers' Journal or the Western Teacher.

37 - COMMON SEAL

The Union shall have a Common Seal which shall remain in the custody of the President. The Trustees are each authorised to use the Common Seal. The Seal shall be affixed to such deeds, instruments or documents as are required to be sealed by order of the Executive and by the presence of at least two of the Trustees who shall countersign the deed, instrument or document so sealed.

38 - REFERENDA

- (a) A referendum of
 - (i) the whole of the membership; or
 - (ii) a section of the membership, where the question to be submitted affects only that section of the membership,shall be held if such is authorised by the State Council or by a special meeting of the Executive called for such purpose, provided that prior notice has been given to every member of the Executive.
- (b) When a referendum is authorised the authorising body shall determine the question or questions to be asked on the ballot paper except that State Council may direct Executive to decide the question or questions to be asked.
- (c) When a referendum has been authorised by a State Council or by Executive it shall be conducted in accordance with Rule 32 and such other Rules as may be written into these Rules from time to time.
- (d) When a referendum is authorised the Executive shall appoint persons to prepare arguments for and against the question unless the Executive unanimously agrees otherwise.
- (e) A copy of the arguments for and against shall be sent out with each ballot paper under the authority of the Executive.
- (f) The identities of the persons who prepared the arguments shall remain confidential.
- (g) The groups preparing the arguments for and against may each appoint in writing a person to act as scrutineer for the inspection of the roll and the count of the ballot.
- (h) The result of each referendum shall be published in the W.A. Teachers' Journal or The Western Teacher as soon after the ballot has been counted as is practicable.
- (i) Notwithstanding Rules 24(a) and 24(b)(ii) Executive shall give effect to any decision reached by referendum.

39 - ALTERATION OF RULES

- (a) Notice of proposed alterations or amendment of, additions to or excisions from these Rules must be forwarded to the General Secretary by the close of business on a date to be determined and published by Executive prior to each State Council and copies of the same shall be published in the agenda of the relevant State Council.

- (b) No clause of these Rules shall be altered, added to, amended or excised, nor shall any new clause be made, except by a majority of not less than two-thirds of the delegates voting at a properly constituted meeting or session or postal ballot of State Council.
- (c) State Council may endorse an alteration to the Rules in words and form different to that which have been published in the agenda provided that the words and form do not change the original intention of the proposed alteration.
- (d) Notwithstanding anything in (a), (b) or (c) above, Executive is empowered and required to re-number or re-letter paragraph, sub-rules, and rules to preserve numerical or alphabetical order provided that the order of paragraphs, sub-paragraphs, sub-rules or rules, is not altered.
- (e) As soon as practicable after the completion of each State Council, all decisions made by State Council concerning Rules Amendments shall be placed in the Western Teacher or such other publication and distributed to all worksites. Such publication shall inform members of:
 - (i) the change endorsed by State Council;
 - (ii) the reasons for the change;
 - (iii) the intention of the Union to apply to the WA Industrial Relations Commission to register those proposed alterations to these Rules as decided by State Council;
 - (iv) their right to object to the proposed alteration by forwarding a written objection to the Registrar of the WA Industrial Relations Commission.
- (f) If any Rules amendments referred to in sub-rule (e) are matters which must be referred to the Full Bench in accordance with Section 62(2) of the Industrial Relations Act 1979, members shall also be informed of their separate and additional right to object to the making of the application to the Full Bench.

Note: Appendices 1, 2 and 3 to the Rules of the SSTUWA do not form part of the Rules of the SSTUWA. However, changes to the Appendices must be endorsed by State Council or Executive as required by the Rules of the SSTUWA.

Appendix 1

Subscription Rates

15. SUBSCRIPTIONS

(a) Scale of Subscriptions:

(i) FULL MEMBERS:

Full-Time Employees:
1.1% of Gross Annual Salary

Casual/Relief Employees:
0.33% of 1% of Salary Scale 2.1TT

(ii) SPECIAL CATEGORY MEMBERS:
\$27.50 per annum

(iii) RETIRED TEACHER MEMBERS:
\$25.00 per annum

(iv) ASSOCIATE MEMBERS:
\$27.50 per annum

(Appendix 1 current as at 17 November 2017 & supersedes any prior Appendix to the Rules of the SSTUWA)

Note: Appendices 1, 2 and 3 to the Rules of the SSTUWA do not form part of the Rules of the SSTUWA. However, changes to the Appendices must be endorsed by State Council or Executive as required by the Rules of the SSTUWA.

Appendix 2

Branch By-Laws



SSTUWA
State School Teachers' Union of WA.

Branch by-laws/domestic rules

This form is for **unformed** branches only

Office use only

Branch # _____

Doc # _____

1. Branch name

The branch shall be known as

_____ branch of the SSTUWA, drawing members from the following schools/worksites:

_____ (See Note 1)

In addition, the branch shall include such members who last taught at that worksite, who are on leave or on any employer's unattached list and such other members as determined by the union's Returning Officer.

2. Objects (See Note 2)

- (a) To watch over and protect the interests of its members.
- (b) To promote the interests of education generally.
- (c) To encourage a kindly feeling amongst all teachers.
- (d) To provide:
 - (i) Mutual assistance in matters professional at branch meetings
 - (ii) Social gatherings of members of the profession
 - (iii) Representation at the SSTUWA District Council through the elected branch delegate.

3. Meetings

- (a) The annual meeting of the branch shall be held in sufficient time to meet the deadline for return of nominations, as set by Executive each year.
- (b) Ordinary meetings shall be held (See Note 3) _____
- (c) Special meetings may be called by the branch convenor and shall be called by him/her on written requisition of _____ members. Such requisition must state the nature of the business of the meeting.
- (d) The quorum at annual, ordinary and special meetings shall be a number equivalent to one quarter of members actually working at the worksite, unless otherwise approved by Executive. (See Note 4)

4. Membership

Every member of the branch must be a member of the State School Teachers' Union of WA (Inc), and shall be bound by its rules as well as by these branch by-laws. All teachers within the area or schools defined in rule 1 of these by-laws, shall be members of the branch.

Note 1.

The name(s) of the schools / worksites must be given.

Note: every branch will be described and known as a branch and not be called association, society or any other name except branch. The union is a registered association and incorporated under the Associations Incorporation Act and all the branches are part of the association so incorporated.

Note 2.

Objects may be formulated by branches are subject to Executive approval.

Note 3.

Ordinary meetings should be held monthly, if possible and at least once per term.

Note 4 – Quorums.

For members quorums

| | |
|----------------|-------|
| Up to 10 | = 3+ |
| 11-16 | = 4+ |
| 17-20 | = 5+ |
| 20+ | = 25% |

In the event of extenuating circumstances, apply to the Executive for approval

5. Office bearers

The branch will have a committee consisting of a union representative, deputy union representative, District Council delegate and other committee members as deemed desirable by the members.

6. Election of officers

Office bearers shall be elected by and from the branch.

7. Filling vacancies

Interim vacancies shall be filled by the remaining officers of the branch until the next ordinary meeting, when members present shall fill the vacancies by ballot. Notice of such business is to be given to members with notice of the next meeting.

8. The financial year

The financial year of the branch shall coincide with that of the SSTUWA and a duly audited balance sheet shall be presented to the next ensuing annual meeting. A copy of the balance sheet must be forwarded to the General Secretary of the union.

9. Communications with the employer

While nothing herein shall prevent communication with the employer in the ordinary course of a teacher's duty, neither the branch nor a member, nor an officer of the branch shall be allowed to communicate with the employer, its administrative officers, a Minister of the government on matters affecting the teaching service until the branch has first submitted the matter to the General Secretary for authorisation.

10. Standing orders

Standing orders shall be those of the SSTUWA.

11. Alteration of branch by-laws

These by-laws shall not be altered, added to or amended nor shall any new by-law made, except by majority of not less than two-thirds of the members present at the annual meeting of the branch and subject to the approval of the union Executive.

Complete for union records

| | Union ID Number | First Name | Surname |
|----------------------------------|-----------------|------------|---------|
| *Union Representative | | | |
| *Deputy Representative | | | |
| Treasurer | | | |
| District Council Delegate | | | |
| | | | |
| | | | |
| | | | |

*Not to be held by the same person

Branch mailing address:

Suburb _____ Post code _____

(Appendix 2 current as at 17 November 2017 & supersedes any prior Appendix to the Rules of the SSTUWA)

Note: Appendices 1, 2 and 3 to the Rules of the SSTUWA do not form part of the Rules of the SSTUWA. However, changes to the Appendices must be endorsed by State Council or Executive as required by the Rules of the SSTUWA.

Appendix 3

Schedule of Districts

| District | Name | State Electorates | | | |
|----------|--------------------------|----------------------|-----------------------|-----------------------|---------|
| 1 | Belmont | Bassendean | Belmont | Forrestfield | |
| 2 | Bunbury | Bunbury | Collie-Preston | Vasse | |
| 3 | Butler | Burns Beach | Butler | Joondalup | |
| 4 | Fremantle | Bicton | Fremantle | Willagee | |
| 5 | Goldfields | Kalgoorlie | Roe | | |
| 6 | Hillarys | Hillarys | Kingsley | Wanneroo | |
| 7 | Jandakot | Cockburn | Jandakot | Southern River | |
| 8 | Kalamunda | Armadale | Darling Range | Kalamunda | |
| 9 | Kimberley-Pilbara | Kimberley | North West Central | Pilbara | |
| 10 | Maylands | Balcatta | Maylands | Mount Lawley | |
| 11 | Moore | Central Wheatbelt | Geraldton | Moore | |
| 12 | Morley | Girrawheen | Mirrabooka | Morley | |
| 13 | Murray | Dawesville | Mandurah | Murray- Wellington | |
| 14 | Perth | Cottesloe | Nedlands | Perth | |
| 15 | Riverton | Bateman | Riverton | Thornlie | |
| 16 | Rockingham | Kwinana | Rockingham | Baldivis | Warnbro |
| 17 | Scarborough | Carine | Churchlands | Scarborough | |
| 18 | Stirling | Albany | Warren- Blackwood | | |
| 19 | Swan | Midland | Swan Hills | West Swan | |
| 20 | Victoria Park | Cannington | South Perth | Victoria Park | |

(Appendix 3 current as at 17 November 2017 & supersedes any prior Appendix to the Rules of the SSTUWA)