

**RULES
OF THE**

**UNIVERSITY OF WESTERN AUSTRALIA
ACADEMIC STAFF ASSOCIATION**

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S. MASON
DEPUTY REGISTRAR

**RULES
of the
UNIVERSITY OF WESTERN AUSTRALIA
ACADEMIC STAFF ASSOCIATION**

1 - NAME

The name of the Association shall be the "University of Western Australia Academic Staff Association".

2 - REGISTERED OFFICE

The registered office of the Association shall be at W2, Winthrop Tower, University of Western Australia, 35 Stirling Highway, Crawley, WA 6009.

3 - INTERPRETATION

In these rules unless the contrary intention appears:

"financial year" means the year beginning at 1 July and ending on 30 June.

"general meeting" means Special General Meeting, Ordinary General Meeting or Annual General Meeting.

"office" means the office of any of the office bearers and the office of any ordinary member of the Committee.

"the Association" means the University of Western Australia Academic Staff Association.

"the Committee" means the Committee of Management of the Association.

"the Executive" means the Executive of the Association.

"the office bearers" means the President, the Vice President, the Secretary and the Treasurer.

"the President" means the President of the Association.

"the Secretary" means the Secretary of the Association.

"the Treasurer" means the Treasurer of the Association.

"the University" means the University of Western Australia.

"the Vice President" means the Vice President of the Association.

"week day" means a day of the week other than a Saturday or a Sunday.

4 - OBJECTS

The objects of the Association shall be by all lawful means:

- (a) to protect and further the interests of all members in relation to their employment;
- (b) to provide means for combined action in matters relating to the employment of members;
- (c) to conduct negotiations with the University and make applications and submissions to tribunals and other bodies for the fixing of rates of pay and working conditions for members;
- (d) to enter into agreements respecting rates of pay and conditions of employment with the University or any authority or body, governmental or otherwise;
- (e) to promote contacts between the members of the Association working in different fields;
- (f) to increase the awareness of members of the activities aims and problems of the University;
- (g) to help in the formation of informed opinion on the functions and development of the University;
- (h) to contribute to the effectiveness of the University in any manner that the Association may deem advisable;
- (i) to co-operate and affiliate with the Federation of Australian University Staff Associations and, with the approval of the Association, to affiliate or amalgamate with other associations having similar objects to the objects of this Association;
- (j) to provide for the acquisition of real and personal property;
- (k) to acquire any rights and privileges which the Association may regard as necessary, and to ensure the preservation to members of the Association of all rights and privileges now enjoyed;
- (l) to protect freedom and independence of teaching and research to promote education and research and to encourage an interchange of members with kindred institutions in Australia and abroad;
- (m) to make financial provision for the carrying out of any of the foregoing objects and to do all such other things as are incidental or conducive to the attainment of the above objects; and
- (n) to uphold in an equal manner the interests of its members without any discrimination for or against any member or group of members.

5 - MEMBERSHIP

- (1) The eligibility of persons for membership of the Association shall be determined by the provisions of Schedule 1.
- (2) A person who is eligible for membership of the Association may apply for membership in such form as may be prescribed from time to time by the Committee and subject to appropriate arrangements for payment of the subscription shall become a member upon receipt by the Secretary of an application form.
- (3) Persons not currently in receipt of a salary from the University being on leave without pay, or for similar cause, are exempt from the requirement to pay the annual subscription pro rata in respect of the period for which they are not being paid. They may retain all the benefits and privileges of membership save that they may not vote or hold office in the Association during any such period.

6 - SUBSCRIPTIONS

- (1) The annual subscriptions payable by members shall be determined from time to time by resolution of an annual general meeting.
- (2) Subscriptions shall be payable in advance on or before the first day of July in any year or otherwise at the times and in the manner determined by the Committee.
- (3) A member shall become unfinancial and shall be excluded from all privileges and benefits of membership if the subscription or an portion thereof or any levy is in arrears for a period in excess of three months.
- (4) The subscription payable by a member who is admitted to membership after the first day of January in any year shall for that year be calculated on a pro rata basis according to the unexpired portion of the financial year.

7 - HONORARY MEMBERSHIP

The Committee may resolve that any person who has been a member and who has retired from the University shall be entitled to be enrolled as a Honorary Member whilst a permanent resident of Western Australia. Honorary Members shall be entitled to all benefits and privileges of membership other than to vote or be a candidate in any election for office within the Association.

8 - CESSATION OF MEMBERSHIP

- (1) ~~A member may resign from membership at any time by notifying the Secretary in writing and the member shall cease to be a member upon receipt by the Secretary of the notification.~~ (Disallowed - See Order No 1483 of 1996 of 28/11/96)
- (2) Resignation by a member does not free the member of any subscriptions, any arrears of subscription or any levy then due and payable.

9 - OFFICE BEARERS

There shall be a President, a Vice President, a Secretary and a Treasurer of the Association who shall be the office bearers and the Executive of the Association.

10 - COMMITTEE OF MANAGEMENT

- (1) The governing body of the Association shall be the Committee of Management which shall consist of:
 - (i) the office bearers; and
 - (ii) six (6) ordinary members of the Committee.
- (2) The office of an office bearer or of an ordinary member of the Committee shall become vacant if the holder of the office:
 - (i) dies or resigns;
 - (ii) ceases to be a member; or
 - (iii) fails to attend three (3) consecutive meetings of the Committee without satisfying the Committee that there is a reasonable excuse for the failure.
- (3) The Committee shall meet not less than four times between Annual General Meetings and otherwise shall meet at such times as the President, or in the President's absence, the Vice President considers necessary, provided also that the Secretary shall convene a meeting whenever required to do so in writing signed by not less than two (2) members of the Committee.
- (4) The Committee shall have the general management and control of the affairs of the Association, subject to any direction given to it by majority vote of the members present at a general meeting.
- (5) The Committee may expend the funds of the Association in accordance with these Rules and may do all things necessary to give effect to the Rules and to protect and further the interests of members including the appointment and termination of employees of the Association.
- (6) At all meetings of the Committee the quorum shall be six (6).
- (7) The Committee shall consider all matters referred to it in writing and may from time to time delegate the consideration of such matters to the Executive for the Executive to report upon.
- (8) The office bearers and the ordinary members of the Committee shall be elected by secret postal ballot and they shall hold office for a term commencing from 1st July in any one year and terminating on 30th June in the following year. The office bearers and the ordinary members of the Committee shall be eligible for re-election.

11 - ELECTIONS

The conduct of every election to an office within the Association shall be in accordance with Schedule 2.

12 - POWERS AND DUTIES OF OFFICE BEARERS

- (1) Subject to sub-rule (2) hereof the President shall preside at all general meetings of the Association and at all meetings of the Committee. The President shall have a deliberative vote and in addition a casting vote on any questions upon which a vote taken is otherwise equally divided. The President's decision on points of procedure and order at a meeting shall be final unless overruled by a decision of a simple majority of the members present at the meeting.
- (2) In the absence of the President, the Vice President shall act with full powers of the President.
- (3) The Secretary shall:
 - (i) convene attend and take a record of the proceedings of all general and committee meetings of the Association;
 - (ii) keep a record of attendance of members at meetings;
 - (iii) be responsible for the safe keeping of all documents, papers, books, securities and property of the Association (other than those required by the rules to be kept by the Treasurer) and make same available for inspection by any member of the Committee when required to do so;
 - (iv) keep a register of members and keep the register in accordance with rule 21;
 - (v) conduct correspondence and keep copies thereof;
 - (vi) forward all accounts received by the Association to the Treasurer;
 - (vii) serve all notices required by the rules to be given;
 - (viii) carry out any directions which may be given by the Committee;
 - (ix) carry out the requirements of the industrial relations law of Western Australia as they relate to the furnishing of information and records to the Registrar of the Western Australian Industrial Commission; and
 - (x) report the resignation of any members to the Committee
- (4) The Treasurer shall:
 - (i) receive all moneys due to the Association;
 - (ii) arrange for payment of all accounts of the Association;
 - (iii) keep separate and distinct accounts of the Association;
 - (iv) furnish the Auditor with a correct account of the yearly monetary transactions for the financial year and produce all bank vouchers and documents therewith to enable the Auditor's report to be presented at the annual general meeting;

- (v) make all payments (other than petty cash) by cheque or electronic payment in accordance with Rule 17;
 - (vi) furnish on request to the Committee a statement showing the financial position of the Association;
 - (vii) hand over all books papers belonging to the Association within 48 hours of being directed to do so by the Committee; and
 - (viii) pay all moneys received on behalf of the Association into an account of the Association within seven working days.
- (5) In the event of a vacancy occurring for either the Secretary or Treasurer the President shall appoint another member of the Committee to perform those duties until the results of a by-election are declared.

13 - GENERAL MEETINGS

- (1) An annual general meeting of the Association shall be held not before the last day of August and not later than the fifteenth day of November in any year.
- (2) An ordinary general meeting may be called by the Committee from time to time.
- (3) A special general meeting shall be called by the Secretary within three week days at the request of the Committee or upon receipt of a written request for such a meeting signed by at least ten (10) members and stating the purpose for which the meeting is to be convened. Notice of any such meeting shall state the business for which the meeting is convened.
- (4) Notice in writing of every meeting of the Association shall be given by the Secretary to each member of the Association at least seven week days before each meeting, provided that in the case of a special general meeting three week days notice shall be sufficient.
- (5) At any special general meeting the only matters of business to be transacted shall be those for which the meeting was convened.
- (6) At all general meetings the quorum shall be twenty (20).
- (7) Every notice of a meeting shall state the business to be transacted at the meeting.
- (8) No business shall be discussed or transacted at any meeting of the Association which is not a part of or, in the judgement of the Chairperson of the meeting, reasonably related to the business set down on the agenda for the meeting except with the consent of a simple majority of members present.
- (9) Visitors may attend general meetings of the Association by invitation of the Committee or of the Chairperson.
- (10) In the absence of both the President and the Vice President the meeting shall elect a Chairperson.
- (11) At all general meetings the President, the Vice President or Chairperson as the case may be shall have a deliberative and a casting vote.

- (12) At general meetings all decisions shall be by simple majority of the members voting by show of hands or secret ballot unless the laws of Western Australia require voting by another means (in which event that shall be the means of voting), or unless otherwise required by this Constitution. A secret ballot shall be taken if so demanded by twenty (20) per cent of the members voting.
- (13) Any member present at a meeting may abstain from voting on any resolution and an abstaining member shall not be counted in determining whether the resolution is carried, except on any resolution in respect of which these rules make special provision.
- (14) At all general meetings every member present shall be entitled to one (1) vote on each resolution.

14 - APPOINTMENT OF AND DUTIES OF AUDITOR

An auditor shall be appointed at the annual general meeting. Failing such appointment the auditor shall be appointed by the Committee. The appointment shall be for a term of one (1) year and the Person so appointed shall be eligible for re-appointment. The auditor shall be a person registered as an auditor pursuant to the provisions of the Companies (Western Australia) Code. The auditor shall not later than three calendar months after the end of each financial year of the Association audit the accounts of the Association and shall on the completion of such audit deliver to the Secretary a duly audited balance sheet of the assets and liabilities of the Association made up to the date of closing the accounts in respect of the financial year concerned and also a duly audited statement of the receipts and expenditure of the Association during the financial year concerned.

15 - ALTERATION OF THE RULES

- (1) In this rule, alteration of the rules includes any amendment, alteration, variation, rescission or substitution of or addition to the rules.
- (2) In terms of the Industrial Relations Act 1979 a proposed rule alteration may be adopted by a two thirds majority of the members voting at a general meeting including the Annual General Meeting, or in a secret ballot required by such a meeting, provided that at least fourteen days notice is given of the proposed alteration.
- (3) Twenty-one days before a general meeting, including the Annual General Meeting, is held at which adoption of a proposed alteration of the rules will be moved, a notice of the proposed alteration and the reasons therefore is to be:
 - (i) sent as a written notice to each member in the Internal Mail system of the University,
or
 - (ii) sent as an email to each member, with additional documents sent as an email attachment where necessary,
or
 - (iii) given by such other means as the Committee may determine from time to time,
or
 - (iv) forwarded to any member not covered by the above.

- (4) Further to the adoption of a proposed rule alteration at a general meeting including the Annual General Meeting, a notice must be sent to all members advising of the adoption of the proposed alteration, the date on which application will be made to the Registrar of Industrial Unions for the registration of the alteration and that members may object to the proposed alteration by forwarding a written objection to the Industrial Registrar to reach her/him no later than 21 days after the date on which application will be made to the Registrar of Industrial Unions for the registration of an alteration.

16 - REMOVAL FROM OFFICE

Any office bearer or ordinary member of the Committee may be removed from office upon the vote of not less than a two thirds majority of those members voting in a postal ballot. Supporting reasons for the removal of the Officer must accompany the notice of ballot and the officer concerned shall be given an opportunity to include a statement.

17 - FUNDS

The funds of the Association shall be deposited in such accounts in the name of the Association as may be determined from time to time by the Committee. Withdrawal of all or any part thereof will require authorisation by two Office Bearers of the Committee on each occasion.

18 - SETTLEMENT OF DISPUTES

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

19 - SEAL

- (1) The seal of the Association shall be a circle containing the words "University of Western Australia Academic Staff Association".
- (2) The Secretary shall have the custody and use of the seal, but shall not affix it to any document without the consent of the Committee.

20 - AGREEMENTS

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

21 - REGISTER OF MEMBERS

There shall be a register of members of the Association which shall include:

- (a) The residential address of each member together with the financial status of each member in respect of the member's membership; and

- (b) a list of the names, residential addresses and occupations of the persons holding office within the Association.

22 - INSPECTION OF BOOKS

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

23 - REPRESENTATION

The President or such other person or body, including any industrial officer or association of workers as the Committee may from time to time appoint either generally or with respect to any specific industrial matter, shall represent the Association in all negotiations or disputes with employers and any proceedings under the laws of Western Australia.

24 - SERVICE OF NOTICES

Subject to the laws of Western Australia any notice or other document under these rules required to be posted or served upon any member shall be deemed to have been duly posted or served if:

- a) duly addressed and sent by post to the member at the University or their last-known place of business or residence in Western Australia or by email transmission to the member's last-known email address, or by their like-means, as the case may be.
- b) when a notice is sent by post, it shall be deemed to have been received when the same would in the ordinary course have been delivered to the member at the University or to the member's last-known address in the ordinary course of the post.
- c) when an email transmission is sent, it shall be deemed to have been received on the first business day following the day on which it is transmitted and may be sent with documents as an email attachment.

25 - CHANGE OF ADDRESS

Each member shall, within fourteen (14) days of a change of residential address, notify the Secretary of the member's new residential address.

26 - DISSOLUTION

Subject to the laws of Western Australia the Association may be dissolved by resolution of a three quarters majority vote of members present at a special general meeting called solely for the purpose of considering the dissolution of the Association.

27 - PURGING OF REGISTER

~~The register of members shall be purged by striking off members who are in arrears of dues or subscriptions for twelve (12) months but without freeing such person from such arrears. (Disallowed - See Order No 1483 of 1996 of 28/11/96)~~

28 - LEVIES

A levy may be raised against all members upon the vote of not less than a two thirds majority of those members voting in a postal ballot. Supporting reasons for the levy must accompany the notice of ballot.

29 - POSTAL BALLOTS

The Secretary shall conduct a secret postal ballot on any question when required to do so by:

- (a) a two thirds majority of those members voting at a general meeting;
- (b) a petition of not less than ten (10) per cent of the financial members of the Association; or
- (c) a two thirds majority of the Committee.

Not less than twenty-one days notice shall be given of such a ballot unless required otherwise by the laws of Western Australia. The Committee shall give effect to the decision of the ballot provided that such a decision has been arrived at;

- (1) by a simple majority of those voting in the ballot, except in the case of an alteration of the rules, where a two thirds majority is required, and
- (2) in a ballot where not less than ten (10) per cent of the financial members have recorded their votes.

30 - REPEAL OF OLD RULES

- (a) The Rules of the Association as registered with the Western Australian Industrial Commission on 10th October, 1978 and subsequently amended are repealed.
- (b) Any appointment made or motion passed under the former Rules hereby repealed, if in force at the commencement of these Rules, shall continue in force as far as practicable as if made or passed under these Rules.

31 - DISPUTES WITHIN THE ASSOCIATION

Whenever a dispute arises between the Association and any of its members, the Committee of Management shall endeavour to settle the dispute by negotiation. If no satisfactory settlement of such a dispute is reached then the matter can be dealt with in accordance with rule 13(3) or rule 29 of these rules.

32 - PROXIES

- (1) COMMITTEE MEETINGS
 - (i) At meetings of the Committee of Management, a written proxy must be received by the President prior to the meeting and will be read out to the meeting prior to any vote.

- (ii) Proxies except in accordance with (vi) below, shall only be for a maximum of one meeting
- (iii) The proxy holder must be a member of the Committee of Management.
- (iv) Notwithstanding this by law no person may exercise the votes of more than two persons at the Committee of Management meetings.
- (v) Each proxy must state the reason for the absences which shall be stated for the meeting.
- (vi) Where a proxy is sought to be given for more than one meeting a resolution of the Committee of Management is required to approve a proxy before it is exercised.

(2) GENERAL MEETINGS INCLUDING THE ANNUAL GENERAL MEETING

- (i) At general meetings including the Annual General Meeting, a written proxy must be received by the President prior to the meeting and will be read out to the meeting prior to any vote.
- (ii) Proxies except in accordance with (vi) below, shall only be for a maximum of one meeting,
- (iii) The proxy holder must be a member of the UWA Academic Staff Association.
- (iv) Notwithstanding this by law no person may exercise the votes of more than two persons at general meetings including the Annual General Meeting.
- (v) Each proxy must state the reason for the absences which shall be stated for the meeting.
- (vi) Where a proxy is sought to be given for more than one general meeting including the Annual General Meeting a resolution of the Committee of Management is required to approve a proxy before it is exercised.

RULES
of the

UNIVERSITY OF WESTERN AUSTRALIA
ACADEMIC STAFF ASSOCIATION

SCHEDULE 1

MEMBERSHIP

1. The Association shall consist of an unlimited number of persons employed, or usually employed in, or in connection with the University of Western Australia in any one or more of the following classifications, or in any class of work which forms a substantial part of the duties of such classifications.
 - (1) (a) Professors, Associate Professors, Readers, Senior Lecturers, Principal Lecturers, Lecturers, Senior Tutors, Principal Tutors, Senior Demonstrators, Senior Instructors, Senior Teaching Fellows, Teaching Fellows, Tutors, Demonstrators, Instructors.
 - (b) Professorial Fellows, Senior Fellows, Fellows, Principal Research Fellows, Senior Research Fellows, Research Fellows, Junior Research Fellows.
 - (c) Deans, Chairmen, Chairpersons/Chairs and Heads of Academic Departments.
 - (d) (i) The University Librarian, Associate Librarians.
(ii) Librarians, Divisional Librarians.
 - (e) The Vice-Chancellor, Deputy Vice-Chancellors, Pro- Vice-Chancellors.
 - (f) Directors and Deputy Directors of Institutes, Specialist Centres and Units.
 - (g) (i) Physicians.
(ii) Senior Student Counsellors.
(iii) Student Counsellors.
 - (h) Wardens and Heads of University Colleges.
 - (i) Curator of the Anthropology Museum.
- (2) Further notwithstanding anything in sub-rule (1) the following persons shall be eligible to join the Association.
 - (a) Any person who has an academic salary nexus and academic status.

- (b) The persons whom on 28th May 1985 were the occupants of the following positions:

Director, Student Health Service
Deputy Registrar
Director, Media Services
Director, University Extension
Senior Extension Officer
Extension Officers

2. The University of Western Australia Academic Staff Association concedes that with respect to the Associate Librarians, Divisional Librarians and Librarians referred to in sub-rule (1)(d)(i) and (1)(d)(ii) and the Curator of the Anthropology Museum referred to in sub-rule (1)(i) it shares dual coverage with the University Salaried Officers' Association of Western Australia, Union of Workers.
3. (1) The determinant of whether an employee of the University who is not specified in this Schedule is eligible to join the Association shall be that their salary and status shall be equivalent to those of the Academic Staff and are substantially different from those of the University's Clerical and Administrative Staff.
- (2) Provided that persons engaged in any clerical capacity and/or engaged in the occupation of shorthand writers and typists and/or on calculating, billing or other machines designed to perform or assist in performing any clerical work whatsoever shall not be eligible for membership of the Association.

RULES
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UNIVERSITY OR WESTERN AUSTRALIA
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SCHEDULE 2

ELECTION PROVISIONS

1. RETURNING OFFICER

- (1) The conduct of every election to an office within the Association (including the acceptance or the rejection of nominations) shall be by a returning officer who shall not be the holder of any other office in and shall not be an employee of the Association.
- (2) The Committee shall appoint a returning officer not later than the last day of June in each year and the returning officer shall hold that position and be responsible for the conduct of all elections until a successor is duly appointed. The returning officer shall not be eligible to be a candidate in any election within the Association during the term of the appointment.
- (3) The duties of the returning officer shall be:
 - (i) to receive and deal with all nominations for elections in accordance with these rules;
 - (ii) to conduct any election required to be held under these rules and to carry out those acts necessary to ensure compliance with the requirements of this Schedule and the law as to elections;
 - (iii) to ensure that no irregularity can or does occur in connection with an election; and
 - (iv) to determine finally any objections made by scrutineers.
- (4) The returning officer shall have full power and authority -
 - (i) to charge the credit of the Association with all costs and expenses reasonably incurred in the conduct of any election or in carrying out the duties of the returning officer;
 - (ii) to take such steps as are necessary to ensure that all papers which come into existence for the purpose of any election, including nomination papers, ballot papers, envelopes, lists of members, reports and certificates as to the result of the ballot are preserved and kept at the registered office of the Association in safe custody for a period of not less than one (1) year after the completion of the election; and
 - (iii) to appoint such assistants as are necessary or desirable to assist in the conduct of any election.

2. NOMINATION FOR OFFICE

- (1) The returning officer shall on a date not earlier than 1st March or later than 15th March in any year call upon any member desiring to be a candidate for election to any office within the Association which shall become vacant at 30th June in that year by causing a notice to be emailed directly to the members, a notice to be posted at the Registered Office of the Association and such other conspicuous places at the University as are considered appropriate by the returning officer, by inserting an advertisement in a regular and recognised university newspaper circulating within the area of the University and, if required under the Industrial Arbitration (Union Election) Regulations 1980, by inserting an advertisement in *The West Australian*, to lodge a nomination with the returning officer at a time not later than 12 noon on 31st March in that year which in these Rules is referred to as the time when nominations close.
- (2) A nomination shall not be a valid nomination unless -
 - (i) the candidate is a financial member at the time when nominations close;
 - (ii) the nomination bears the written consent of the candidate and is signed by at least two other financial members as nominators; and
 - (iii) the nomination is in the hands of the returning officer not later than the time when nominations close.
- (3) A candidate may nominate for election to any number of offices and shall specify the position or positions nominated and if the candidate nominates for more than one position the nomination may also indicate to which of those positions the candidate prefers to be elected. In the absence of any such indication the candidate's preference shall be deemed to be first for President and thereafter for Vice President, Secretary, Treasurer and ordinary member of the Committee in that order.
- (3A) A Candidate Statement may accompany a nomination, in which case it must be submitted with the nomination and be no longer than 200 words.
- (4) If the returning officer finds a nomination to be defective, the returning officer shall before rejecting the nomination notify the candidate of the defect and shall give the candidate the opportunity of remedying the defect within a period of not less than seven days after the notification notwithstanding that the expiration of that time might be after the time when nominations close.
- (5) As soon as practicable after the time when nominations close the Secretary shall compile and deliver to the returning officer a true and correct list of financial members at the time when nominations close and such list shall also contain the residential address of each such member as is shown in the register of members.
- (6) If by the time nominations close there is only one valid nomination for the office of any of the office bearers or if the number of valid nominations for the offices of ordinary members of the Committee is not more than six (6), then the returning officer shall issue a certificate that each candidate who has nominated for the office is entitled to be declared duly elected to that office without an election, provided that if a candidate had nominated for more than one office and the number of candidates is not more than the vacancy or vacancies as the case may be the office to which the candidate

shall be deemed to be elected shall be the office preferred by the nomination or which is deemed to be preferred in the manner aforesaid.

- (7) If a candidate who has nominated for more than one position is by the operation of sub-rule 6 deemed to be elected or is by an election elected to an office the candidate shall not be eligible for election to any other office.
- (7A) If by the time nominations close or where following the election of a candidate to an office there is no valid nomination for any of the offices of the office bearers or if the number of valid nominations for the offices of ordinary members of the Committee is less than six (6), the Returning Officer shall declare any nominee properly nominated elected, but shall then as soon as reasonably practicable:
 - (a) advise the Secretary of those positions for which no or insufficient nominations have been received.

As soon as practicable after receiving the advice referred to in (a) above, the Secretary shall notify the members by email of the positions which remain vacant, the extended time and date for the close of nominations, the names and address(es) to which nominations should be directed, and the places from which nomination forms may be obtained.

- (7B) Nothing in these Rules shall prevent a person who has nominated for election to any position from withdrawing that nomination before nominations have closed.
- (8) If by the time nominations close or where following the election of a candidate to an office there is no valid nomination for any of the offices of the office bearers or if the number of valid nominations for the offices of ordinary members of the Committee is less than six (6) then the returning officer shall issue a certificate that a casual vacancy or vacancies exists in the office or offices.
- (9) Where an office is not filled by the application of the preceding provisions of this rule the identity of the candidates who shall be entitled to be declared duly elected to that office shall be ascertained by an election for office under these rules conducted in respect of each office for which there are more valid nominations than are sufficient to fill the vacancy or vacancies in the office or offices.

3. ELECTION FOR OFFICE

- (1) An election for office under these rules shall be by secret postal ballot of financial members.
- (2) If at any time before the time when the ballot closes a person whose name is not on the list of members provided to the returning officer in accordance with rule 2(5) of this Schedule satisfies the returning officer that at the time when nominations closed that person was a financial member or that since that time that person has become a financial member then the returning officer shall add the name and address of the person to the list of members and shall report the fact of so doing to the Secretary.
- (3) The returning officer shall fix a date and a time for the closing of the ballot, which date and time shall be not less than a sufficient time to enable each member desiring to vote to return the completed ballot paper to the returning officer in the ordinary course of post, provided however that the

time for the closing of the ballot shall be not later than noon on the 30th May in that year.

- (4) Any member who shall for any reason be absent from the residential address shown for that member in the register of members during the course of an election may notify the fact to the Secretary in writing and at the same time provide the Secretary with another address to which any papers in connection with the election shall be forwarded. The Secretary shall notify the returning officer of the other address and the returning officer shall be responsible for forwarding a ballot paper to the member at that address.

4. BALLOT PAPERS AND BALLOT BOXES

- (1) The returning officer shall determine by lot the order in which the name of the candidates for election to each office in respect of which the election is to be held shall appear on the ballot paper.
- (2) The returning officer shall cause to be printed or written or otherwise produced in legible form ballot papers in the form prescribed by the returning officer and shall obtain from the person printing or producing the ballot papers a certificate of the number of ballot papers so produced.
- (3) Each ballot paper shall have printed or written thereon a reference to the election in respect of which the ballot paper is to be used and also the names of all candidates for election to each of the offices in respect of which the election is being held. The ballot papers shall contain such voting instructions as are considered necessary by the returning officer, but no other instructions.
- (4) The returning officer shall obtain a ballot box or a sufficient number of ballot boxes wherein to deposit the ballot papers used in the recording of votes at the ballot and shall take all necessary steps to ensure that from the time when any ballot paper is issued until the time when the ballot closes each ballot box is securely sealed so that it cannot be opened without the seal being broken.
- (5) Subject to rule 3(4) of this Schedule the returning officer shall issue a ballot paper to each member entitled to vote by forwarding it to the member by prepaid post in a sealed envelope addressed to the member at the residential address of the member.
- (6) At the same time as each ballot paper is issued the returning officer shall also issue to the member to whom the ballot paper is issued -
 - (i) a written notice stating the purpose for which the ballot is being held, the time of the closing of the ballot and the method by which the ballot paper when completed should be returned to the returning officer; and
 - (ii) two unsealed envelopes one marked with the words "ballot paper" and the other pre-paid and pre-addressed to the returning officer at the registered office of the Association.
- (7) If a member entitled to vote has been issued with a ballot paper and is within Western Australia and proves to the satisfaction of the returning officer that it has been mislaid or has not been received and otherwise has not been used to record a vote, then the returning officer shall issue a similar or replacement ballot paper to the member, provided however that

each candidate affected by the ballot paper shall be notified of the decision of the returning office to issue another ballot paper to the member.

5. VOTING AT ELECTIONS

- (1) The returning officer shall conduct the election in such a manner as to accord with the following method of voting.
- (2) A voter who desires to record a vote in a ballot shall:-
 - (i) indicate preference for the candidates for each position to be filled by placing the number 1 opposite the name of the candidate who is the first preference and by placing the numbers 2, 3, 4 and so on as the case requires opposite the names of all the remaining candidates so as to indicate the order of preference for them;
 - (ii) place the ballot paper in the envelope marked "ballot paper" securely seal such envelope;
 - (iii) place the envelope containing the ballot paper in the envelope pre-paid and pre-addressed to the returning officer having securely sealed such envelope; and
 - (iv) return the said envelope to the returning officer either by posting it so that in the ordinary course of post it will be delivered before the close of the ballot or by delivering it to the returning officer personally before the close of the ballot or by depositing it before the close of the ballot in any ballot box provided for the purpose of the ballot.
- (3) Each envelope marked "ballot paper" which comes into the hands of the returning officer or any other envelope which might contain a ballot paper shall forthwith upon receipt thereof be deposited in a sealed ballot box.

6. SCRUTINEERS

- (1) Any candidate to an election may at any time before the closing of the ballot appoint not more than two (2) scrutineers to represent the candidate at the election by notice in writing signed by the candidate and delivered to the returning officer, provided that no scrutineer may be appointed who is not a member.
- (2) The scrutineers shall be entitled:
 - (i) to be present with the returning officer when the ballot papers are being issued to voters;
 - (ii) to be present with the returning officer when the ballot papers are opened and counted;
 - (iii) to object to the returning officer to the inclusion of any vote in the count; and
 - (iv) to protect the interests of the candidate during the election.
- (3) Notwithstanding anything contained in the above sub-rule a scrutineer:

- (i) shall conform with the times fixed by the returning officer for the doing of any act in connection with the ballot; and
- (ii) shall not remove, mark, alter or deface any ballot paper or other document used in connection with the ballot.

7. COUNT OF BALLOT

- (1) The result of the ballot shall be ascertained by a scrutiny of the ballot papers which are received by the returning officer up to the close of the ballot and by a count of the votes cast by the ballot papers and shall be conducted in the presence of any candidate or scrutineer who may desire to be present.
- (2) The scrutiny and count shall commence as soon as practicable after the time when the ballot closes and shall continue without interruption until the count has been completed.
- (3) All ballot papers which record a valid vote shall be so marked by the returning officer.
- (4)
 - (i) Any ballot paper which the returning officer considers to be informal shall be so marked and the vote cast thereby shall not be included in the count. The number of ballot papers marked informal shall be recorded.
 - (ii) A ballot paper shall be informal if:
 - (a) (subject as hereinafter provided) it is marked in some other manner than in accordance with these rules or the voting instructions endorsed on it;
 - (b) it has on it any mark or writing not authorised by these rules or the voting instructions which in the opinion of the returning officer would enable any person to identify the voter; or
 - (c) it does not include the voter's vote.
 - (iii) A ballot paper shall not be informal for any reason other than the reasons enumerated in paragraph (ii) of this sub-rule and shall be given effect according to the voter's intention.
- (5) The identity of the candidates entitled to be declared duly elected to the offices in respect of which the ballot is held shall be ascertained by adding together the numbers allocated to the candidate by the voters (which shall form the aggregate for that candidate) and:
 - (i) in the case of office bearers, the candidate who receives the lowest aggregate shall be elected; and
 - (ii) in the case of ordinary members of the Committee, the six (6) candidates with the lowest aggregates shall be elected.
- (6) Where any two or more candidates for the same office receive the same aggregates then the identity of the candidate who shall be elected shall be ascertained by adding together the first preference votes attributed to the candidates and the candidate who has received the most first preference votes shall be entitled to be elected to the office. Should two or more such candidates receive the same number of first preference votes the count

shall proceed according to second, third and subsequent preferences until a candidate is able to be declared elected. In the event that the application of this process does not enable a candidate to be declared elected the result between any candidates remaining in the ballot shall be determined by lot cast by the returning officer.

- (7) The count of ballots shall be conducted in the following order President, Vice President, Secretary, Treasurer, and the ordinary members of the Committee, provided that if any of those offices are not the subject of an election such office or offices shall be excluded from that order.
- (8) If during the count for an office there appears in the ballot for that office the name of a candidate who has pursuant to these rules already been elected to any other office of the Association that candidate's name and votes shall be deleted from the ballot and the count and the votes cast on the ballot papers for the office shall be re-numbered to take account of the deletion whilst continuing to reflect the voters' preferences for the remaining candidates.
- (9) At any time before the declaration of the result of the ballot the returning officer may reverse any decision in relation to the scrutiny or as to the allowance or admission or disallowance or rejection of any ballot paper.
- (10) At the conclusion of each count the returning officer shall make and keep a record of the number of all votes counted and particulars of the numbers cast in favour of each candidate. He or she shall then, on or before noon on 30th May, issue a certificate to the Secretary of the Association declaring the names of those candidates who as a result of the ballot are duly elected to office in the Association. He or she shall also inform each of the candidates in the election of the result of the ballot and of the declaration. The Secretary shall forthwith cause the members of the Association to be informed as to the names of the duly elected officers of the Association for the ensuing year.

8. CASUAL VACANCY

- (1) Where in accordance with rule 2(8) of this Schedule the returning officer certifies that a casual vacancy exists the vacancy may be filled by appointment by the Committee of Management or the Committee may resolve that there shall be an election for the filling of that office and the rules as they relate to elections shall apply. A person elected to fill a casual vacancy under this sub-rule shall hold office until the next annual elections are held.
- (2) Where a casual vacancy otherwise arises the vacancy may be filled by appointment by the Committee of Management or the Committee may resolve that there shall be an election to fill the vacancy in which case the rules as they relate to elections shall apply. A person elected to fill a casual vacancy under this sub-rule shall hold office for the unexpired portion of the term of the person who has vacated the office but for no longer.
- (3) In the event of the Committee not resolving that there shall be an election to fill a casual vacancy in accordance with sub-rule (2) hereof the office shall remain vacant until the next annual elections are held.