

**RULES OF  
THE AUTOMOTIVE, FOOD, METALS, ENGINEERING,  
PRINTING & KINDRED INDUSTRIES UNION OF WORKERS -  
WESTERN AUSTRALIAN BRANCH**

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DEPUTY REGISTRAR

**RULES OF  
THE AUTOMOTIVE, FOOD, METALS, ENGINEERING,  
PRINTING & KINDRED INDUSTRIES UNION OF WORKERS  
- WESTERN AUSTRALIAN BRANCH**

**1 - NAME**

The name of the union shall be The Automotive, Food, Metals, Engineering, Printing & Kindred Industries Union of Workers - Western Australian Branch. The registered office of the Union shall be at such place as from time to time decided by the State Council.

**2 - ELIGIBILITY FOR MEMBERSHIP**

1. The Union shall consist of workers employed or usually employed
  - (a) in the State of Western Australia and engaged in any of the following trades or branches or vocations:
    - (i) smiths, shipsmiths, angle iron smiths, locksmiths, ship's plumbers, coppersmiths, fitters and turners or either of these, sea-going engineers, roll turners, patternmakers, millwrights, mechanical draughtsmen, brass finishers, planers, borers, slotters, machine drillers, milling machinists, shapers and other iron machinists, mechanical and scientific instrument makers, machine joiners, die sinkers, tool makers, heat treaters, stampers, drop hammer forgers, drill doctors, armature winders, electrical engineers, electrical fitters, electrical installers, electrical wiremen, electrical linesmen and electrical workers generally, equipment examiners, electroplaters, metal polishers, typewriter mechanics, oxy-acetylene and/or electric welders, scale makers and/or adjusters, refrigeration fitters, pipe fitters, aircraft mechanics, motor and motor cycle and cycle mechanics and/or

assemblers, skip repairers, iron workers' assistants including process workers, assemblers, fitters' assistants, moulders' assistants, boilermakers' assistants, blacksmiths' strikers, dressers, drillers, pipe makers, riggers, furnacemen, die makers, die setters, press operators, fettlers and machinists engaged in the production of plastics, and all workers of any of the classifications mentioned above employed in work with fibre glass or nylon materials where such fibre glass or nylon materials replace or are substituted for other materials with which such workers formerly worked and the work is of a kind which when done in such other materials would have been done by such a worker of some other classification mentioned.

- (ii) marking off, making templates, making jigs (except precision work associated therewith), plating, bolting (temporary or otherwise), hand and/or machine riveting, caulking, chipping, flanging, furnacing, levelling, angle or boilersmithing, staying, tapping, reaming, drilling (other than on stationary drilling machines), tube staying, tubing operating machines for punching and shearing, rolling, bending, angle or plate straightening, hydraulic presses (except helpers and labourers to boilermakers), nipping and notching machines, operators of oxy-acetylene gas welding and cutting plants, Anglo Swedish or electric arc welding processes in connection with the making and/or repairing and/or demolition of iron, steel, aluminium, copper, or other metal boilers, vats, digesters, receivers, retorts, ships, vessels other than ships, tanks, wagons, trucks, rolling stock, bridges, girders, principals (roof or otherwise), pontoons, gasometers, pipes, mining plates, and structural iron and steel work used in connection with builders and assemblers. Provided that such making and/or repairing and/or demolition of classes of work as enumerated herein, of aluminium, copper and other metal shall not extend beyond established trade practice where work is being performed by members of other organisations registered in or in connection with the engineering and/or metal working industries.
  - (iii) Sheet metal workers including spinners, draw moulders, ceiling fixers, welders, metal polishers and revolving shutter machinists engaged on sheet metal work in the tinsplate, tinsmithing, sheet metal working, gas meter making, sheet metal trunk and box making, or canister making industries and including painting, japanning, tinning, galvanising, sheradising, lacquering, oxidising or electro-plating or vitreous enamelling.
- (b) In the process, trades, avocations or callings connected with or incidental to the manufacture or repairing of carriages, carts, wagons, railway cars, tram cars, motor cars, sidecars, aircraft or any vehicle, together with farriers.

- (c) In the process, trade or business connected with or incidental to the manufacture, construction or repair of iron, steel, wooden or concrete ships, boats, vessels, punts, pontoons, floating stages, targets, preventers and torpedo netting booms and such like constructions, balsa rafts, life-saving rafts, dock gates, caissons and cofferdam gates, aircraft, sea-planes (where work on such aircraft or sea-planes is done in an establishment the principal business of which is work of the other classes hereinbefore mentioned) or any other floating structure being persons employed or usually employed as shipwrights, naval architects, ships draughtsmen, boat builders, or aircraft constructors is such establishments.
  - (d) And all persons who have been appointed as officers or employees of the Metals and Engineering Workers' Union - Western Australian Branch as constituted immediately prior to registration of this Union other than clerical workers shall be entitled also to become and remain members of the Union during their continuance in office or employment.
  - (e) AND patrolmen and vehicle inspectors employed or usually employed by the Royal Automobile Club of Western Australia Inc.
  - (f) Nothing contained in paragraphs 1(a) - (e) of this Rule shall limit or be limited by anything contained in paragraphs 2, 3 or 4 of this Rule.
2. The Union shall also consist of and be open to -
- (a) architects and naval architects
  - (b) aerodrome, aeronautical, chemical, civil, electrical, hydraulic, marine, mechanical, mining, production, radio, structural and wireless engineers.
  - (c) Aircraft Surveyors, Building Surveyors, Engineering Surveyors, Godectic Surveyors and Computers, Hydrographic Surveyors, Land Surveyors, Marine Surveyors, Mining Surveyors, Quantity Surveyors, Survey Computers and Topographical Surveyors.
  - (d) Aeronautical Draughtsmen, Architectural Draughtsmen, Cartographers, Cartographic Draughtsmen, Chemical Engineering Draughtsmen, Civil Engineering Draughtsmen, Electrical Engineering Draughtsmen, Engineering Draughtsmen, Estimating Draughtsmen, Hydraulic Engineering Draughtsmen, Jig and Tool Draughtsmen, Marine Engineering Draughtsmen, Mechanical Engineering Draughtsmen, Mining Engineering Draughtsmen, Photogrammetric Draughtsmen, Production Engineering Draughtsmen, Radio Engineering Draughtsmen, Shipbuilding Draughtsmen, Structural Draughtsmen, Survey Draughtsmen, Wireless Engineering Draughtsmen and Technical Illustrators.

- (e) Tracers.
- (f) Aircraft Inspectors and Examiners (other than Inspectors and Examiners employed inspecting or examining sheet metal work elsewhere than in the Directorate of Quality Control R.A.A.F.); Certified Mine Managers; Engineering Inspectors; Building Inspectors; Testers of Engineering Materials; Planners of Engineering Production, Construction or Maintenance Work; Technical Assistants, Technical Officers and Weather Officers.
- (g)
  - (i) Supervisors and foremen of engineering production, construction or maintenance work; supervisors and foremen in iron ore mining and processing; supervisors of planners of engineering production and supervisors of draughtsmen; supervisors of electronic or communication engineering production, installation or maintenance work.
  - (ii) Employees engaged on electronic engineering production, installation or maintenance work for which an electrical worker's licence, other than a "restricted" licence, is not required pursuant to the Electricity Act, 1945 and the regulations made thereunder.
  - (iii) Railway operation controllers engaged in the iron ore mining and processing industry.
  - (iv) Safety Officers, Emergency Service Officers and First Aid Officers engaged in the iron ore mining and processing industry.
- (h) Communication Engineers, Electronic Engineers, Metallurgical Engineers, Analysts, Assayers, Biochemists, Biologists, Chemists, Geologists, Mathematicians, Metallurgists, Microbiologists, Physicists, Laboratory Technicians, Laboratory Assistants and Laboratory Testers. Provided that Laboratory Technicians who are eligible for membership of the Hospital Salaried Officers Association of Western Australia (Union of Workers) shall not be eligible for membership of this union by reason of anything contained in paragraph 2 of this rule.
- (i) Apprentice Architects, Surveyors and Draughtsmen, Students and Cadets engaged in a course of study, the object of which is to qualify them for employment in any one of the foregoing professions or callings.
- (j) Supervisors and foremen engaged by B.P. Refinery (Kwinana) Pty Ltd in the production, refining and processing of petroleum and petroleum by-products; supervisors and foremen of production and maintenance in breweries; supervisors and foremen engaged by Australian Iron and Steel Pty Limited in the iron making and steel rolling industry and supervisors and foremen engaged by Brambles Manford, a division of Brambles Holdings Limited, (Inc. in N.S.W.) in materials handling and equipment hire at Kwinana but not including any person who is, or is

eligible to be, a member of the Western Australian Carpenters and Joiners, Bricklayers and Stoneworkers Industrial Union of Workers, the Society of Stevedoring Supervisors of Western Australia, Union of Workers or the Federated Engine Drivers and Firemen's Union of Workers of Western Australia.

- (k) Supervisors and foremen engaged in the cement production industry.
  - (l) Nothing contained in paragraphs 2 (a) - (k) of this Rule shall limit or be limited by anything contained in paragraphs 1 or 4 of this Rule.
3. Before any applicant who is eligible for membership under paragraph 2 of this rule may be admitted to membership of the union, he/she shall
- (a) be a corporate member of a Society, Institute or Institutions as may from time to time be approved of by the union; or branch.
  - (b) hold a Degree or Diploma of a University or Technical College in any branch of Architecture, Chemistry, Engineering, Science, Surveying or Draughting which is recognised by the union; or
  - (c) be undergoing a course of training in a profession or calling covered by paragraph 2 of this rule; or
  - (d) be a person who has been and still is actively employed in one or more of the professions or callings covered by paragraph 2 of this Rule.

Provided that

- (i) No person shall be eligible for membership who is an employee of the State Public Service, any Municipal Council or Local Government Authority, the State Electricity Commission, or any Boards or Instrumentalities under State Government control unless he is covered by the callings listed in paragraph (g) in paragraph 2 of this Rule and is ineligible to be a member of the Civil Service Association of Western Australia Incorporated; the Hospital Salaried Officer Association of Western Australia (Union of Workers), in accordance with their respective Constitutions as at the 1st day of September 1983.
- (ii) No person other than a person employed in any one Or more of the callings set out in paragraph (g) in paragraph 2 of this rule shall be eligible for membership who is, or is eligible to be, a member of the Australian Workers' Union, Westralian Branch, Industrial Union of Workers; Federated Clerks' Union of Australia, Industrial Union of Workers, W.A. Branch; Electrical Trades Union of Workers of Australia (Western Australian Branch), Perth and the Western Australian sub-branch, Kalgoorlie; Merchant Service Guild of Australia, Western Australian Section, Union of Workers; Printing Industry

Employees Union of Australia, Western Australian Branch, Industrial Union of Workers, Perth in accordance with the Constitution of such Unions at the date of registration of the Association of Draughting, Supervisory and Technical Employees, Western Australian Branch.

- (e) Any person who is engaged full time in an approved regular course of study for the purpose of entering the professions of Architecture, Engineering or Surveying may be admitted as a student member, but shall not vote or hold office in the union until such time as he becomes an employee within the meaning of the said Act and is engaged in one or more of the professions or callings covered by paragraph 2 of this rule.
  - (f) Nothing contained in paragraphs 3 (a) - (e) of this Rule shall limit or be limited by anything contained in paragraphs 1 or 4 of this rule.
4. The Union shall also consist of all persons (excepting journalists) who are employees or whose usual occupation is that of an employee in or in connection with the Printing Industry as hereinafter described, together with such other persons, whether employees in the industry or not, as have been (at the date of registration of this Union) appointed officers of the Printing & Kindred Industries Union, Western Australian Branch, Industrial Union of Workers and admitted as members thereof. The industry in connection with which the Union is registered is and includes any business, trade, manufacture, undertaking, calling, service, employment, handicraft or industrial occupation or avocation on land or water in the industry of printing and/or any kindred industries and/or in any group or branch of such industry or industries, including (without limiting the generality or ordinary meaning of the foregoing description) composing, reading, electrotyping, stereotyping, letterpress machining, lithographic machining, lithographing, machining, printing of all classes, slug-casting or type-casting machine attending and adjusting and/or repairing, type-founding, engraving, process engraving and/or photo engraving, commercial and/or lithographic designing, writing and/or drawing, publishing, despatching, bookbinding, binding, paper ruling, paper cutting, paper making, paper working, calico and/or paper bag making, envelope making, stationery making, paper products working, embossing, cardboard box making, carton making (including the making of any kind of boxes and/or containers of paper and/or cardboard used alone or in combination with any other material or materials), plastics manufacturing or any of the processes of or incidental to the manufacturing of plastics, or of goods manufactured therefrom, or substitutes therefor.

5. The union shall also consist of persons employed as production employees in the poultry processing industry by Inghams Enterprises Pty Ltd situated, as at 14 September 2000, in Baden Street and Powell Street, Osborne Park or at such other location or locations at which the said enterprise at Osborne Park may subsequently be carried out. In this paragraph, Inghams Enterprises Pty Ltd includes its successors, assignees, transmittes or any purchaser of the whole or any part of its business.

### **3 - OBJECTS**

The objects of the Union shall be:

The control of industry in the interests of the community. The organisation of all workers qualified for membership, the development of the most cordial relations with other unions in the industry with a view to the bringing into existence of one union for the foundry, engineering, ship-building and kindred trades, and the obtaining and maintaining of just and proper hours of work, rates of wages, and conditions of labour. The negotiation and settlement of differences and disputes between the members of the Union and employers by collective bargaining and agreement, withdrawal of labour or otherwise. To provide superannuation and long service leave and like benefits for the paid officers and/or employees of the Union. Generally promote the welfare of the members of the Union. The provisions of benefits to members as follows:

Assistance to members when out of employment or in distressed circumstances, assistance in cases of sickness, accident and disablement, superannuation, assistance for funeral expenses, and for compensation for loss of tools, and such other assistance as may from time to time be decided by the Union, together with all such forms of assistance as are already provided for by these rules.

The provision of legal advice and assistance to members where necessary or expedient.

The provision of grants for rest and convalescent treatment and grants and endowment to colleges and institutions having as their object independent working-class education.

The transaction of insurance business.

The extension of co-operative production to assist in altering the competitive system of society for a cooperative system.

The establishment of, carrying on, or participation, financial or otherwise, directly or otherwise in the business of printing or publishing of a general newspaper or newspapers, or of books, pamphlets, or publications of any other kind whatsoever in the interests of and with the main purposes of furthering the objects of this Trade Union or of Trade Unionism generally, namely:- The regulation of the relations between workers and employers or between workers and workers, and the provision



of benefits to members of Trade Unions, together with such subsidiary purposes as may be calculated to enhance the prosperity of the publications and the business generally.

The furthering of, or participation, financial or otherwise, directly or indirectly, in the work or purpose of any association or federal body, having for its objects the furthering of the interests of Labour, Trade Unionism, or Trade Unionists.

The furthering of any other purpose, or the participation, financial or otherwise, directly or indirectly, in any other purpose, so far as may be lawful, which is calculated in the opinion of the Union to further the interests of Labour, Trade Unionism, or Trade Unionists.

The holding purchase, or leasing, or mortgaging, or other dealing with land, including the assistance of members in acquiring houses and real property.

In order to achieve the above objects the Union shall have power, in addition to any other powers conferred by law or by these rules to impose such restraints upon the labour of its members or generally to interfere, whether such interference is in restraint of trade or not but so far only as may be lawful with the trade or conduct of such industries, businesses and occupations as may be deemed expedient. In particular the union shall have power to provide funds for maintaining all or some of the benefits from time to time authorised in pursuance of these rules, and for the establishment or maintenance of any undertaking of any kind, financial or otherwise, authorised by the Unions and for any action including collective bargaining, striking, withholding of labour, taking action under the Australian and State Industrial Acts or other statutes, either severally or jointly, or in conference, securing agreements concerning wages or other conditions of the contract of service, whether in defence of its own members or in support of other workers of allied or other industries, which may in the opinion of the Union be deemed to be calculated to further the interests of the Union or of the Trade Union Movement generally.

To permit the Union to enter into agreements under section 202 of the Workplace Relations Act 1996 (Cth) ("the Act") or any successor act to the Act, to the effect that members of the Union who are ineligible to be members of the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union registered under the Act are eligible to become members of that federally registered organization under the agreement.

#### **4 - ELECTIONS AND VOTING**

##### **PART A - STATE OFFICERS**

1. The State Returning Officer shall, once each four years, conduct an election in accordance with the provisions of this Rule for each of the offices of

State President  
State Secretary, and  
Assistant State Secretary (other than the Regional Secretary of the T&S Division or the Printing Division).

2. A member may be nominated as a candidate under this rule if:
  - (a) he/she has been a member for a continuous period of not less than 3 years immediately preceding the closing date for lodging nominations and, during the period of 12 months immediately preceding the closing date for lodging nominations, was not unfinancial for a period longer than 3 months;
  - (b) he/she is a financial member of the Union in the State at the closing date for lodging nominations, and
  - (c) he/she was, during the period of twelve (12) months immediately preceding the closing date for lodging nominations:
    - (i) employed as an employee in a trade or calling or branch thereof in or in connection with which the Union is registered;
    - (ii) unemployed on account of illness, incapacity or inability to obtain employment; or
    - (iii) engaged in a full-time office in the Union after having been elected or temporarily appointed thereto.
  
- 2A. A member of the Union in the Technical & Supervisory Division or the Printing Division shall not be entitled to nominate for the office of or vote in or in any other way participate in any election for the office of Assistant State Secretary referred to in sub-rule 1 hereof.
  
3.
  - (a) A nomination under this Rule shall be in writing on the form prescribed by this Rule, signed by the nominee and by 10 nominators, each of whom is a financial member of the Union in the State at the closing date for lodging nominations and shall be forwarded to the State Returning Officer at the place determined by him/her under this Rule for lodging nominations so as to reach him/her no later than the date determined by him/her as the closing date for lodging nominations.
  - (b) The prescribed form of nomination shall set out the office to which the election relates, the number of nominators required and the period and place determined by the State Returning Officer for lodging nominations.
  - (c) The prescribed form of nominations shall be available on request by a member in the State or person authorised by him/her in writing during the period determined by the State Returning Officer for lodging nominations:
    - (i) at the registered State Office of the union during normal business hours; and

- (ii) at the address of the State Returning Officer for the purpose of the conduct of the election during his usual hours of business.
- 4. The State Returning Officer shall, no later than 26 weeks before the date of the expiration of the term of office of the holder of the office to which the election relates, determine the opening and closing dates for lodging nominations and the place for lodging nominations and shall call for nominations by causing to be published:
  - (i) no later than twenty-one days before the opening date for lodging nominations in no fewer than one metropolitan daily newspaper; and
  - (ii) not later than the opening date for lodging nominations, in such other publications as he considers desirable, a notice calling for nominations and setting out the dates and place so determined and the places where nomination forms for use in the election are available and the place where the roll of voters may be inspected if a ballot is required to be conducted.
- 5. Where the State Returning Officer finds a document purporting to be a nomination of a person as a candidate at an election under this rule is defective, the State Returning Officer shall, before rejecting the nomination:
  - (a) notify the person as soon as practicable in writing of particulars of the defect Or defects; and
  - (b) advise him/her that if he/she remedies the defect or defects, he/she should so advise the State Returning Officer by notice in writing forwarded to the State Returning Officer at the place determined by him/her under this rule so as to reach him/her within 10 days after the sending of the written notification.
- 6. (a) Where at the expiration of the closing date for lodging nominations or, in the case where the State Returning Officer has under sub-rule (5) notified a person of particulars of a defect or defects in his nomination as a candidate, at the expiration of ten days after sending of the written notification, only one candidate is nominated for election to the office, the State Returning Officer shall declare that candidate elected unopposed to the office by issuing a statement in writing to the State Council to this effect.
  - (b) Subject to paragraph (a), the State Returning Officer shall conduct a secret postal ballot for the office in accordance with the succeeding provisions of this Rule and may, subject to the Rule, give such directions and take such action as he/she considers necessary for ensuring the secrecy of the ballot and for ensuring that no irregularity occurs in or in connection with the ballot.
- 7. (a) The State Returning Officer shall determine the opening and closing dates of the ballot, the former being a day no sooner than eight weeks

after the closing date for lodging nominations and the latter being a day no sooner than 21 days after the opening date of the ballot.

- (b) Before the opening date of the ballot, the State Returning Officer shall compile the roll of voters for the ballot and may for this purpose direct the State Secretary to supply him/her with records relating to membership of the Union in that State.
- (c) The roll of voters for the ballot shall be the persons, being members of the Union on the day being 28 days before the opening date of the ballot who were not unfinancial on that date and remained so until the opening date of the ballot.
- (d) A member of the Union in the State may upon application made to the State Returning Officer, no sooner than fourteen days before the opening date of the ballot, and no later than the closing date of the ballot inspect during that period the roll of voters for the State at the place determined by the State Returning Officer under sub-rule(4) during his/her usual hours of business for the purpose of the conduct of the election.
- (da) A candidate at the election may, on an application under paragraph (d), copy, in whole or in part, the roll of voters.
- (e) Before the opening date of the ballot, the State Returning Officer shall cause ballot papers to be printed on which the name of the candidates appear in order determined by lot drawn by him/her, together with directions, if any, to voters for completing the ballot paper and envelopes for the purpose of the ballot. A candidate may prior to the ballot papers being printed withdraw his nomination.
- (f)
  - (i) The State Returning Officer shall use for the purpose of receiving ballot papers returned from voters a private box at a post office, being a private box exclusively for that purpose;
  - (ii) Access to the private post box referred to in sub-paragraph (i) shall be under the exclusive control of:
    1. persons authorised by the Australian Postal Commission for the purpose;
    2. the State Returning Officer; and
    3. persons authorised in writing by the State Returning Officer for the purpose.
- (g) On the opening date of the ballot the State Returning Officer shall, subject to Clause 4 of Rule 16, forward, by pre-paid post in a sealed envelope to each person on the roll of voters at his/her last known residential address, a ballot paper initialled by the State Returning

Officer or bearing a facsimile of those initials together with a reply-paid return outer envelope addressed to the State Returning Officer at the private box referred to in paragraph (f), an inner envelope, any directions to voters and any other document required for the conduct of the ballot.

- (h) The sealed envelope referred to in paragraph (g) shall bear an endorsement that if it is not delivered to the addressee, it is to be returned to the State Returning Officer at a specified private post box at a post office, being a post office other than that referred to in paragraph (f).
- (j) Access to the private box referred to in paragraph (h) shall be under the exclusive control of:
  - (i) persons authorised by the Australian Postal Commission for the purpose; and
  - (ii) the State Returning Officer; and
  - (iii) persons authorised by the State Returning Officer for the purpose.
- (ja) The outer envelope referred to in paragraph (g) shall bear a number marked thereon by the State Returning Officer.
- (k) A voter shall cast his/her vote in a ballot under this rule by completing the ballot paper forwarded to him/her under paragraph (g) in accordance with any directions to voters and by placing the completed ballot paper in the inner envelope sealing that envelope, placing that sealed inner envelope in the outer reply-paid envelope, sealing that envelope and posting it so as to reach the State Returning Officer no later than the closing date of the ballot.
- (l) Where a ballot paper, envelope, any directions to voters or any other document for use in the ballot forwarded to a person on the roll of voters has not been received by him/her, or has been lost or destroyed, the person may, before the closing date of the ballot, on stating the grounds of his application and that he/she has not previously voted in the ballot, apply in writing to the State Returning Officer for a duplicate ballot paper, envelope, directions or other document as the case may be.
- (m) Where an application is made under paragraph (l) and the State Returning Officer is satisfied that the ballot paper, envelope, directions, or other document has not been received or has been lost or destroyed, and that the applicant has not previously voted in the ballot, he/she shall forward to the applicant a duplicate ballot paper, envelope, directions or other document as the case may be. The Returning Officer shall make all necessary provision for absent voting.

- (n) A candidate at a ballot under this rule may appoint, by notice in writing to the State Returning Officer received by him/her no later than seven days before the opening date of the ballot, a financial member of the Union (not being a candidate at the election or another election conducted at the same time as the first-mentioned election) as a scrutineer.
- (o) A scrutineer appointed under paragraph (n) may be present during the conduct of a ballot by the State Returning Officer and may, subject to paragraph (p) object to a ballot paper being counted as formal or informal, as the case may be.
- (p) A scrutineer shall observe a direction given by the State Returning Officer for the conduct of the ballot or for ensuring the secrecy of the ballot and shall comply with a decision of the State Returning Officer as to whether a ballot paper is formal or informal, as the case may be.
- (q) A ballot paper shall be informal if:
  - (i) it does not bear the initials of the State Returning Officer or a facsimile of those initials;
  - (ii) it has upon it a mark or writing by which the voter can be identified;
  - (iii) it is not marked substantially in accordance with any directions to voters by the State Returning Officer and the intention of the voter is not clear; or
  - (iv) it is not returned in the numbered outer envelope.
- (r) The State Returning Officer shall, until the counting of votes, keep in safe custody:
  - (i) ballot papers, any directions to voters, envelopes and other documents for use in the ballot which were not forwarded to voters;
  - (ii) envelopes not delivered to the addressee and returned to the State Returning Officer, at the private post box referred to in paragraph (h); and
  - (iii) envelopes returned to the State Returning Officer from voters at the post box referred to in paragraph (f).
- (s) As soon as practicable after the closing date of the ballot, the State Returning Officer shall proceed with the counting of the ballot papers returned to him no later than the closing date of the ballot at the private post box referred to in paragraph (f).

- (t) Where in a ballot under this Rule, no more than one candidate is to be elected to an office, voting shall be on a preferential basis namely, the successful candidate shall be;
  - (i) where any one candidate receives more than one half of the primary votes cast, that candidate;
  - (ii) in any other case, the candidate who first receives more than one half of the votes cast after the elimination of the candidate or candidates receiving the least or a lesser number of primary votes cast and the distribution of the votes cast in favour of that candidate or those candidates in accordance with the next preference of the voters concerned.
- (u) No later than fourteen days after the completion of the counting of the ballot papers, the State Returning Officer shall declare the result of the election by issuing to the State Council a statement in writing setting out:
  - (i) the number of ballot papers printed;
  - (ii) the number of ballot papers posted to persons on the roll of voters
  - (iii) the number of duplicate ballot papers received;
  - (iv) the number of formal votes cast;
  - (v) the number of votes rejected as informal; and
  - (vi) the number of votes received by each candidate.
- (v) The State Returning Officer shall, at the time of issuing the statement referred to in paragraph (u) cause a copy of the statement to be forwarded to each candidate at the election.
- (w) The State Returning Officer shall preserve for a period of one year after the completion of an election under this Rule all ballot papers, envelopes, rolls and other documents coming into his possession in or in connection with the conduct of the election.
- (x) A person elected to an office referred to in sub-rule (1) shall take up office on the 1st January or the 1st July, whichever sooner occurs after the declaration of the result of the election and, subject to paragraph (xa), shall hold office until the election of a successor or the attainment of 65 years of age, whichever sooner occurs.
- (xa) Where a person elected to an office referred to in sub-rule (1) attains 65 years of age no earlier than 12 months before the expiration of the term of office which would, apart from his attaining that age be otherwise

applicable, he/she may continue to hold office until the expiration of that term.

- (y) A person elected to an office referred to in sub-rule (l) shall
  - (i) not at the same time hold another full-time office in the Union; and
  - (ii) cease to hold office where in any preceding period of twelve months he has been unfinancial for a period longer than three months.
- (z) Subject to these Rules, a person holding an office referred to in sub-rule (l) may stand for re-election.
- (za) (i) Where a vacancy occurs in an office otherwise than at the expiration of the term of office of the person elected thereto, the State Returning Officer shall, as soon as practicable, conduct an election in accordance with this Rule for the office.
- (ii) Pending the declaration of the result of the election the State Council may appoint to the office a member of the Union eligible for election to the office for a period not exceeding twelve months.

#### PART B - ZONE REPRESENTATIVES TO STATE CONFERENCE

1. The State Returning Officer shall, once each four years, conduct an election in accordance with the provisions of this Rule for the offices of Zone Representatives to State Conference.
2. A member of the Union in the Zone may be nominated as a candidate under this Rule if:
  - (a) he/she has been a member for a continuous period of not less than two years immediately preceding the closing date for lodging nominations and, during the period of twelve months immediately preceding the closing date for lodging nominations, was not unfinancial for a period longer than three months;
  - (b) he is a financial member of the Union in Zone at the closing date for lodging nominations; and
  - (c) he was, during the period of twelve (12) months immediately preceding the closing date for lodging nominations:
    - (i) employed as an employee in the State in a trade or calling or branch thereof in or in connection with which the Union is registered;



- (ii) unemployed on account of illness, incapacity or inability to obtain employment in the State; or
  - (iii) engaged in a full-time office of the Union, after having been elected or temporarily appointed thereto.
- 2A. A member of the Union in the Technical & Supervisory Division or the Printing Division shall not be entitled to nominate for the office of or vote in or in any other way participate in any election for the office of Zone Representative referred to in sub-rule 1 hereof.
3. (a) A nomination under this Rule shall be in writing on the form prescribed by this Rule, signed by the nominee and by five nominators, each of whom is a financial member of the Union in the Zone at the closing date for lodging nominations and shall be forwarded to the State Returning Officer at the place determined by him/her under this Rule for lodging nominations so as to reach him/her no later than the closing date for lodging nominations.
- (b) The prescribed form of nomination shall set out the name of the office, the number of nominators required and the period and place determined by the State Returning Officer for lodging nominations.
- (c) The prescribed form of nomination shall be available on request by a member of the Union in the Zone or person authorised by him/her in writing during the period determined by the State Returning Officer for lodging nominations:
- (i) at the registered State office of the Union during its normal business hours;
  - (ii) at the address of the State Returning Officer for the purpose of the conduct of the election during his usual hours of business; and
  - (iii) where a Regional office has been established in the State, at that office during its normal hours of business.
4. The State Returning Officer shall, no later than 26 weeks before the date of the expiration of the term of office of the holder of the office to which the election relates determine the opening and closing date for lodging nominations and the place for lodging nominations and shall call for nominations by causing to be published:
- (i) no later than 21 days before the opening date for lodging nominations in no fewer than one daily newspaper circulating in the geographical area covered by the Zone; and
  - (ii) no later than the opening date for lodging nominations in such other publications as he/she considers desirable a notice calling for

nominations and setting out the dates and place so determined and the places where the roll of voters may be inspected if a ballot is required to be conducted.

5. Where the State Returning Officer finds a document purporting to be a nomination of a person as a candidate at an election under this Rule is defective, the State Returning Officer shall, before rejecting the nomination:
  - (a) notify the person as soon as practicable, in writing of particulars of the defect or defects; and
  - (b) advise him/her that if he/she remedies the defect or defects, he/she should so advise the State Returning Officer by notice in writing forwarded to the State Returning Officer at the place determined by him/her under this Rule so as to reach him/her within 10 days after sending the written notification.
  
6. (a) Where, at the expiration of the closing date for lodging nominations or, in the case where the State Returning Officer has under sub-rule (5), notified a person of particulars of a defect or defects in his/her nomination as a candidate, at the expiration of 10 days after the sending of the written notification, the number of candidates does not exceed the number of representatives to be elected, the State Returning Officer shall declare those candidates elected unopposed to office by issuing a statement in writing to that effect to the State Council.
- (b) Subject to paragraph (a), the State Returning Officer shall conduct a secret postal ballot for the offices in accordance with the succeeding provisions of this Rule and may, subject to this Rule, give such directions and take such action as he/she considers necessary for ensuring that no irregularities occur in or in connection with the ballot.
  
7. (a) The State Returning Officer shall determine the opening and closing dates of the ballot, the former being a day no sooner than eight weeks after the closing date for lodging nominations and the latter being a day no sooner than 21 days after the opening date of the ballot.
- (b) Before the opening date of the ballot, the State Returning Officer shall compile a roll of voters for the ballot and may for this purpose direct the State Secretary to supply him/her with records relating to membership of the Union in each Zone in that State.
- (c) The roll of voters for the ballot shall be the persons, being members of the Union in the Zone on the day being 28 days before the opening date of the ballot who were not unfinancial on that day and remained so until the opening date of the ballot.
- (d) A member of the Union in the Zone may, upon application made to the State Returning Officer no sooner than 14 days before the opening date of the ballot and no later than the closing date of the ballot, inspect

during that period the roll of voters at the place determined by the State Returning Officer under Sub-rule (4) during his/her usual hours of business for the purpose of the conduct of the election.

- (da) A candidate at the election may, on an application under paragraph (b) copy, in whole or in part the roll of voters.
- (e) Before the opening date of the ballot, the State Returning Officer shall cause ballot papers to be printed on which the names of the candidates appear in order determined by lot drawn by him/her, together with directions, if any, to voters for completing the ballot paper and inner and outer envelopes for the purpose of the ballot. A candidate may prior to the ballot papers being printed withdraw his nomination.
- (f)
  - (i) The State Returning Officer shall use for the purpose of receiving ballot papers returned from voters a private box at a post office, being a private box used exclusively for that purpose.
  - (ii) Access to the private box referred to in sub-paragraph (i) shall be under the exclusive control of:
    - (1) persons authorised by the Australian Postal Commission for the purpose;
    - (2) the State Returning Officer; and
    - (3) persons authorised in writing by the State Returning Officer for the purpose.
- (g) On the opening date of the ballot, the State Returning Officer shall, subject to Clause 4 of Rule 16 forward, by pre-paid post a sealed envelope to each person on the roll of voters at his/her last known residential address, a ballot paper initialled by the State Returning Officer or bearing a facsimile of those initials, together with a reply-paid return outer envelope addressed to the State Returning Officer at the private post box referred to in paragraph (f), an inner envelope, any directions to voters and any other document required for the conduct of the ballot.
- (h) The sealed envelope referred to in paragraph (g) shall bear an endorsement that if it is not delivered to the addressee, it is to be returned to the State Returning Officer at a specified private postbox at a post office, being a postbox other than that referred to in paragraph (f).
- (j) Access to the private box referred to in paragraph (h) shall be under the exclusive control of:
  - (i) persons authorised by the Australian Postal Commission;

- (ii) the State Returning Officer; and
  - (iii) persons authorised by the State Returning Officer for the purpose.
- (ja) The outer envelope referred to in paragraph (g) shall bear a number marked thereon by the state Returning Officer.
- (k) A voter shall cast his/her vote in a ballot under this Rule by completing a ballot paper forwarded to him/her under paragraph (g) in accordance with any directions to voters and by placing the completed ballot paper in the inner envelope, sealing that envelope, placing that sealed inner envelope in the outer reply-paid envelope, sealing that envelope and posting it so as to reach the State Returning Officer no later than the closing date of the ballot.
- (l) Where a ballot paper, envelope, any directions to voters or any other document for use in the ballot forwarded to a person on the roll of voters has not been received by him/her or has been lost or destroyed, the person may, before the closing date of the ballot, on stating the grounds of his application and that he/she has not previously voted in the ballot, apply in writing to the State Returning Officer for a duplicate ballot paper, envelope, directions or other document for use in the ballot, as the case may be.
- (m) Where an application is made under paragraph (l) and the State Returning Officer is satisfied that the ballot paper, envelope, directions or other document has not been received or has been lost or destroyed, and that the Applicant has not previously voted in the ballot, he/she shall forward to the Applicant a duplicate ballot paper, envelope, directions or document, as the case may be. The Returning Officer shall make all necessary provision for absent voting.
- (n) The candidate at a ballot under this Rule may appoint, by notice in writing to the State Returning Officer received by him/her no later than seven days before the opening date of the ballot, a financial member of the Union (not being a candidate at the election or another election conducted at the same time as the first-mentioned election) as a scrutineer.
- (o) A scrutineer appointed under paragraph (n) may be present during the conduct of the ballot by the State Returning Officer and may, subject to paragraph (p), object to a ballot paper being counted as formal or informal, as the case may be.
- (p) A scrutineer shall observe a direction given by the State Returning Officer for the conduct of the ballot or for ensuring the secrecy of the ballot and shall comply with the decision of the State Returning Officer as to whether a ballot paper is formal or informal, as the case may be.

- (q) A ballot paper shall be informal if:
- (i) it does not bear the initials of the State Returning Officer or a facsimile of those initials;
  - (ii) it has upon it a mark or writing by which the voter can be identified;
  - (iii) it is not marked substantially in accordance with any directions to voters by the State Returning Officer and the intention of the voter is not clear; or,
  - (iv) it is not returned in the numbered outer envelope.
- (r) The State Returning Officer shall, until the counting of votes, keep in safe custody;
- (i) ballot papers, any directions to voters, envelopes or other documents for use in the ballot which were not forwarded to voters;
  - (ii) envelopes not delivered to the addressee and returned to the State Returning Officer at the private postbox referred to in paragraph (h); and
  - (iii) envelopes returned to the State Returning Officer from voters at the postbox referred to in paragraph (f).
- (s) As soon as practicable after the closing date of the ballot, the State Returning Officer shall proceed to the counting of the ballot papers returned to him/her no later than the closing date of the ballot at the private box referred to in paragraph (f).
- (t) Where in a ballot under this rule more than one candidate is to be elected to the offices, voting shall be on an optional preferential basis, namely, the successful candidate or candidates shall be the candidate or candidates who receive the highest or a higher number of primary votes cast after the elimination of the candidate receiving the least or a lesser number of primary votes cast and the distribution of the first preferences cast in favour of that candidate or those candidates in accordance with the next preference of the voter or voters concerned. A member voting shall indicate preference in order at least up to the number required to be elected to cast a valid vote. The indication of preference beyond the number required to be elected is optional.
- (ta) Where in a ballot under this rule no more than one candidate is to be elected to an office, voting shall be on a preferential basis, namely, the successful candidate shall be:

- (i) where any one candidate receives more than one half of the primary votes cast, that candidate;
  - (ii) in any case, the candidate who first receives more than half of the votes cast after the elimination of the candidate or candidates receiving the least or a lesser number of primary votes cast and the distribution of the votes cast in favour of that candidate or those candidates in accordance with the next preference of the voters concerned.
- (u) No later than fourteen days after the completion of the counting of ballot papers, the State Returning Officer shall declare the result of the election by issuing to the State Council a statement in writing setting out:
- (i) the number of ballot papers printed;
  - (ii) the number of ballot papers posted to persons on the roll of voters;
  - (iii) the number of duplicate ballot papers issued;
  - (iv) the number of formal votes cast;
  - (v) the number of votes rejected as informal; and
  - (vi) the number of votes received by each candidate.
- (v) The State Returning Officer shall, at the time of issuing the statement referred to in paragraph (u), cause a copy of the statement to be forwarded to each candidate at the election.
- (w) The State Returning Officer shall preserve and keep for a period of one year after the completion of an election under this Rule all ballot papers, envelopes, rolls, and other documents coming into his/her possession in or in connection with the conduct of the election.
- (x) A person elected to an office of Zone Representative to State Conference shall, subject to these Rules, hold office until the election of a successor.
- (y) Where a person elected as Zone Representative to State Conference ceases to be eligible in accordance with sub-rule 2 to nominate as a candidate for the office, he/she shall cease to hold the office.
- (ya) (i) Subject to sub-paragraph (ii) where a vacancy occurs in an office of Zone Representative to State Conference, otherwise than at the expiration of the term of the office of a person elected thereto, the State Returning Officer shall, as soon as practicable, conduct an

election in accordance with the provisions of this Rule for the unexpired portion of the term of that office.

- (ii) Where the unexpired portion of the term of office is less than twelve months, the State Council may appoint to the office for the unexpired portion of the term, a member of the Union in the Zone eligible for election to the offices.
- (iii) (1) Pending the conduct of an election under paragraph (ii); or
  - (2) during a temporary unavailability of a Zone Representative to State Conferences the State Council may appoint until the declaration of the result of the election or during the period of the temporary unavailability, as the case may be, a member of the Union in the Zone eligible for election to the office.

#### PART C - STATE ORGANISERS

1. The State Returning Officer shall, once each four years, conduct an election for each office of State Organiser.
2. A financial member in the State may be nominated as a candidate under this Rule if:
  - (a) he/she has been a member of the Union for a continuous period of not less than two years immediately preceding the closing date for lodging nominations and during the period of twelve months immediately preceding the closing date for lodging nominations, was not unfinancial for a period longer than three months;
  - (b) he/she is financial at the closing date for lodging nominations; and
  - (c) he/she was, during the period of twelve (12) months immediately preceding the closing date for lodging nominations:
    - (i) employed in the State as an employee in a trade or calling or branch thereof in or in connection with which the Union is registered;
    - (ii) unemployed in the State on account of illness, incapacity or inability to obtain employment; or
    - (iii) engaged in a full-time office of the Union after having been elected or temporarily appointed thereto.
- 2A. A member of the Union in the Technical & Supervisory Division or the Printing Division shall not be entitled to nominate for the office of or vote in or in any other way participate in any election for the office of Organiser referred to in sub-rule 1 hereof.

3.
  - (a) A nomination under this Rule shall be in writing on the form prescribed by this Rule, signed by the nominee and by 10 nominators, each of the latter of whom is a financial member of the Union in the division to which the election relates at the closing date for lodging nominations and shall be forwarded to the State Returning Officer at the place determined by him under this Rule so as to reach him/her no later than the date determined by him/her as the closing date for lodging nominations.
  - (b) The prescribed form of nomination shall set out the name of the office, the number of nominators required and the period and place determined by the State Returning Officer for lodging nominations.
  - (c) The prescribed form of nomination shall be available on request by a member of the Union in the division or person authorised by him/her in writing during the period determined by the State Returning Officer for lodging nominations:
    - (i) at the registered State Office of the Union during its normal business hours;
    - (ii) at the address of the State Returning Officer for the purpose of conduct of the election during his/her usual hours of business; and
    - (iii) where a Regional Office has been established in the State, at that office during its normal hours of business.
4. The State Returning Officer, no later than twenty-six (26) weeks before the date of the expiration of the term of office of the holder of the office to which the election relates, determine the opening and closing dates for lodging nominations and the place for lodging nominations and shall call for nominations by causing to be published:
  - (i) No later than twenty-one (21) days before the opening date for lodging nominations in no fewer than one daily newspaper circulating in the geographical area covered by the division; and
  - (ii) Not later than the opening date for lodging nominations, in such other publications as he/she considers desirable, a notice calling for nominations and setting out the dates and place so determined and the places where nomination forms for use in the election are available and the place where the roll of voters may be inspected if a ballot is required to be conducted.
5. Where the State Returning Officer finds a document purporting to be a nomination of a person as a candidate at an election under this rule is defective, the State Returning Officer shall, before rejecting the nomination:



- (a) Notify the person as soon as practicable in writing of particulars of the defect or defects; and
  - (b) Advise him/her that if he/she remedies the defect or defects, he/she should so advise the State Returning Officer by notice in writing forwarded to the State Returning Officer at the place determined by him/her under this rule so as to reach him/her within 10 days after the sending of the notice.
- 6.
- (a) Where at the expiration of the closing date for lodging nominations or, in the case where the State Returning Officer has under sub-rule (5) notified a person of particulars of a defect or defects in his nomination as a candidate, at the expiration of ten days after sending the written notification, only one candidate is nominated for election to the office, the State Returning Officer shall declare that candidate elected unopposed to the office by issuing a statement in writing to the State Council to that effect.
  - (b) Subject to paragraph (a), the State Returning Officer shall conduct a secret postal ballot for the office in accordance with the succeeding provisions of this rule and may, subject to the rule, give such directions and take such action as he/she considers necessary for ensuring the secrecy of the ballot and for ensuring that no irregularity occurs in or in connection with the ballot.
- 7.
- (a) The State Returning Officer shall determine the opening and closing dates Of the ballot, the former being a day no sooner than eight (8) weeks after the closing date for lodging nominations and the latter being a day no sooner than 21 days after the opening date of the ballot,
  - (b) Before the opening date of the ballot, the State Returning Officer shall compile the roll of voters for the ballot and may for this purpose direct the State Secretary to supply him/her with records relating to membership of the Union in that division.
  - (c) The roll of voters for the ballot shall be the persons, being members of the Union in the division on the day being 28 days before the opening date of the ballot who were not unfinancial on that date and remained so until the opening date of the ballot.
  - (d) A member of the Union in the division may upon application made to the State Returning Officer no sooner than fourteen days before the opening date of the ballot, and no later than the closing date of the ballot inspect during that period the roll of voters for the State at the place determined by the State Returning Officer under sub-rule (4) during his/her usual hours of business for the purpose of the conduct of the election.
  - (da) A candidate at the election may, on an application under paragraph (d), copy, in whole or in part, the roll of voters.

- (e) Before the opening date of the ballot, the State Returning Officer shall cause ballot papers to be printed on which the names of the candidates appear in order determined by lot drawn by him/her, together with directions, if any, to voters for completing the ballot paper and envelopes for the purpose of the ballot. A candidate may prior to the ballot papers being printed withdraw his nomination.
- (f)
  - (i) The State Returning Officer shall use for the purpose of receiving ballot papers returned from voters a private box at a post office, being a private box exclusively for that purpose.
  - (ii) Access to the private post box referred to in sub-paragraph (i) shall be under the exclusive control of:
    - 1. persons authorised by the Australian Postal Commission for the purpose;
    - 2. the State Returning Officer; and
    - 3. persons authorised in writing by the State Returning Officer for the purpose.
- (g) On the opening date of the ballot the State Returning Officer shall, subject to Clause 4 of Rule 16, forward, by pre-paid post in a sealed envelope to each person on the roll of voters at his/her last known residential address, a ballot paper initialled by the State Returning Officer or bearing a facsimile of those initials together with a reply-paid return outer envelope addressed to the State Returning Officer at the private box referred to in paragraph (f), in an inner envelope, any directions to voters and any other document required for the conduct of the ballot.
- (h) The sealed envelope referred to in paragraph (g) shall bear an endorsement that if it is not delivered to the addressee, it is to be returned to the State Returning Officer at a specified private box at a post office, being a post box other than that referred to in paragraph (f).
- (j) Access to the private box referred to in paragraph (h) shall be under the exclusive control of:
  - (i) persons authorised by the Australian Postal Commission for the purpose;
  - (ii) the State Returning Officer; and
  - (iii) persons authorised by the State Returning Officer for the purpose.

- (k) A voter shall cast his vote in a ballot under this rule by completing the ballot paper forwarded to him under paragraph (g) in accordance with any directions to voters and by placing the completed ballot paper in the inner envelope sealing that envelope, placing that sealed inner envelope in the outer reply-paid envelope, sealing that envelope and posting it so as to reach the State Returning Officer no later than the closing date of the ballot.
- (l) Where a ballot paper, envelope, any directions to voters or any other document for use in the ballot forwarded to a person on the roll of voters has not been received by him/her or has been lost or destroyed, the person may, before the closing date of the ballot, on stating the grounds of his application and that he/she has not previously voted in the ballot, apply in writing to the State Returning Officer for a duplicate ballot paper, envelope, directions or other document as the case may be.
- (m) Where an application is made under paragraph (l) and the State Returning Officer is satisfied that the ballot paper, envelope, directions or other document has not been received or has been lost or destroyed, and that the applicant has not previously voted in the ballot, he/she shall forward to the applicant a duplicate ballot paper, envelope, directions or other document as the case may be. The Returning Officer shall make all necessary provision for absent voting.
- (n) A candidate at a ballot under this rule may appoint, by notice in writing to the State Returning Officer received by him/her no later than seven (7) days before the opening date of the ballot a financial member of the Union (not being a candidate at the election or another election conducted at the same time at the first-mentioned election) as a scrutineer at no cost to the Union.
- (o) A scrutineer appointed under paragraph (n) may be present during the conduct of a ballot by the State Returning Officer and may, subject to paragraph (p) object to a ballot paper being counted as formal or informal, as the case may be.
- (p) A scrutineer shall observe a direction given by the State Returning Officer for the conduct of the ballot or for ensuring the secrecy of the ballot and shall comply with a decision of the State Returning Officer as to whether a ballot paper is formal or informal, as the case may be.
- (q) A ballot paper shall be informal if:
  - (i) it does not bear the initials of the State Returning Officer or a facsimile of those initials;
  - (ii) it has upon it a mark or writing by which the voter can be identified;

- (iii) it is not marked substantially in accordance with any directions to voters by the State Returning Officer and the intention of the voter is not clear, or;
  - (iv) it is not returned in the outer envelope.
- (r) The State Returning Officer shall, until the counting of votes, keep in safe custody:
  - (i) ballot papers, any directions to voters, envelopes and other documents for use in the ballot which were not forwarded to voters;
  - (ii) envelopes not delivered to the addressees and returned to the State Returning Officer at the private post box referred to in paragraph (h); and
  - (iii) envelopes returned to the State Returning Officer from voters at the post box referred to in paragraph (f). As soon as practicable after the closing date of the ballot, the State Returning Officer shall proceed with the counting of the ballot papers returned to him/her no later than the closing date of the ballot at the private post box referred to in paragraph (f).
- (s) As soon as practicable after the closing date of the ballot, the State Returning Officer shall proceed with the counting of the ballot papers returned to him/her no later than the closing date of the ballot at the private post box referred to in paragraph (f).
- (t) Where in a ballot under this rule, no more than one candidate is to be elected to an office, voting shall be on a preferential basis, namely, the successful candidate shall be:
  - (i) where any one candidate receives more than one half of the primary votes cast, that candidate;
  - (ii) in any other case, the candidate who first receives more than one half of the votes cast after the elimination of the candidate or candidates receiving the least or a lesser number of primary votes cast and the distribution of the votes cast in favour of that candidate or those candidates in accordance with the next preference of the voters concerned.
- (u) No later than fourteen (14) days after the completion of the counting of the ballot papers, the State Returning Officer shall declare the result of the election by issuing to the State Council a statement in writing setting out:
  - (i) the number of ballot papers printed;

- (ii) the number of ballot papers posted to persons on the roll of voters;
  - (iii) the number of duplicate ballot papers received;
  - (iv) the number of formal votes cast;
  - (v) the number of votes rejected as informal; and
  - (vi) the number of votes received by each candidate.
- (v) The State Returning Officer shall, at the time of issuing the statement referred to in paragraph (u) cause a copy of the statement to be forwarded to each candidate at the election.
- (w) The State Returning Officer shall preserve for a period of one (1) year after the completion of an election under this rule all ballot papers, envelopes, rolls and other documents coming into his/her possession in or in connection with the conduct of the election.
- (x) A person elected to an office referred to in sub-rule (l) shall take up office on the 1st January or the 1st July, whichever sooner occurs, after the declaration of the result of the election and subject to paragraph (xa), shall hold office until the election of a successor or the attainment of 65 years of age, which sooner occurs.
- (xa) Where a person elected to an office under this rule attains sixty five (65) years of age no earlier than twelve (12) months before the expiration of the term of office which would, apart from his attaining that age be otherwise applicable, he/she may continue to hold office until the expiration of that term.
- (y) A person elected to an office under this rule shall;
- (i) not, at the same time, hold another full-time office in the Union; and
  - (ii) cease to hold office where in any preceding period of twelve (12) months he/she had been unfinancial for a period longer than three (3) months.
- (z) Subject to these rules, a person elected to an office under this rule may stand for re-election.
- (za) (i) When a vacancy occurs in an office of State Organiser otherwise than at the expiration of a term of office of a person elected thereto, the State Returning Officer shall, as soon as practicable, conduct an election in accordance with this rule for the office; and

- (ii) pending the declaration of the result of the election, the State Council may appoint to the office a member of the Union eligible for election to the office for a period not exceeding twelve (12) months.

#### PART D - ELECTIONS AT STATE CONFERENCE

1. The State Returning Officer shall conduct an election:
  - (i) by and from the delegates to State Conference for the office of State Vice-President at each alternative biennial meeting of the State Conference; and
  - (ii) by and from delegates to State Conference for each of the offices of delegates to the Administrative Committee and delegates to State Council at each biennial meeting of the State Conference.
  
2. No less than 21 days before the first day of the meeting of State Conference at which an election is to be conducted, the State Returning Officer shall, by notice in writing to each delegate to and member of the State Conference:
  - (a) advise the delegate or member of the conduct of the election, the office or, where there is more than one office bearing the same name, the number of the offices to which the election relates; and
  - (b) call for nominations by advising the delegate or member of:
    - (i) the opening and closing dates for the lodging of nominations;
    - (ii) the place for lodging nominations; and
    - (iii) the place or places where nomination forms for use in the election are available.
  
3. A nomination under this rule:
  - (a) shall be in writing, on the form prescribed by this rule, signed by the nominee and by one nominator each of whom is a delegate to State Conference; and
  - (b) shall be forwarded to the State Returning Officer at place for lodging nominations under sub-rule 2 so as to reach him/her no later than the time specified by this rule on the closing date of lodging nominations.
  
4. The prescribed form of nomination shall:
  - (a) set out the name of the office, the number of nominators required, the opening and closing dates for lodging nominations and the place for lodging nominations;

- (b) shall be available on request by a delegate to or member of State Conference during a period of not less than 7 days immediately before the first day of the meeting of State Conference at which the election is to take place; and
  - (c) shall, during the period specified in paragraph (b) be available to the delegate or member:
    - (i) at the registered State Office of the Union during its normal business hours; and
    - (ii) where a regional office has been established at that office during its normal hours of business.
5. At an election under this rule:
- (a) if the State Returning Officer finds a nomination to be defective, the State Returning Officer shall, before rejecting the nomination, notify the person concerned of the defect and, where practicable, give the person an opportunity of remedying the defect within a reasonable time under the circumstances.
  - (b) the opening date for lodging nominations shall be at 10.00 a.m. on the first day of the meeting of State Conference at which the election is to be conducted.
  - (c) the closing date for lodging nominations shall be:
    - (i) where the meeting of State Conference is of no longer than 2 days' duration, at 2.00 p.m. on the first day of the meeting; or
    - (ii) in any other case, at 10.00 a.m. on the second day of the meeting.
6. (a) At the expiration of the closing date for lodging nominations:
- (i) where the election relates to one office, only one candidate is nominated for election to the office; or
  - (ii) in any other case, the number of candidates nominated is not greater than the number of offices each bearing the same name, the subject of the election, the State Returning Officer shall declare that candidate or those candidates, as the case may be, elected unopposed to the office or offices respectively.
- (b) Subject to paragraph (a), the State Returning Officer shall make arrangements for the conduct of the secret ballot at the meeting of State Conference for each office referred to in sub-rule 1 in accordance with the succeeding provisions of this rule and may, subject to this rule, give such directions and take such action as he/she considers necessary for

ensuring the secrecy of the ballot and for ensuring that no irregularities occur in or in connection with the ballot.

7. At a ballot under this rule, the roll of voters shall be the delegates to State Conference attending the meeting of State Conference at which the election is being conducted.
8. Before the conduct of the ballot, the State Returning Officer shall cause ballot papers to be prepared on which the names of the candidates appear in order determined by lot drawn by him/her, together with directions, if any, to voters. A candidate may prior to the ballot papers being printed withdraw his nomination.
9.
  - (a) Where at an election under this rule a delegate has nominated as a candidate for the office of Vice-President and for the offices of Delegate to the Administrative Committee, the State Returning Officer shall conduct the ballot in respect of the office of Vice-President before the ballot, if any, in respect of the other office or offices.
  - (b) Where a delegate, being a successful candidate at an election for the office of Vice-President has also nominated as a candidate at an election for the other offices referred to in paragraph (a), that delegate shall become ineligible to continue as a candidate at the election in respect of that other office or other offices.
  - (c) A ballot under this rule shall commence:
    - (i) no sooner than 2.00 p.m. on the first day of the meeting where the meeting is of no longer than 2 days duration; or
    - (ii) in any other case, no sooner than 10.00 a.m. on the second day of the meeting and shall remain open for a period of not less than one and one-half hours.
10. A voter shall cast his vote in a ballot under this rule by completing the ballot paper provided to him/her by the State Returning Officer in accordance with the directions, if any, to voters and by placing the completed ballot paper in the ballot box in the control of the State Returning Officer at the meeting. The Returning Officer shall make all necessary provision for absent voting.
11.
  - (a) A candidate at an election for an office under this rule may, by notice in writing to the State Returning Officer received by him no later than the closing date for lodging nominations in respect of that office, appoint a member, not being a delegate to or member of the State Conference as a scrutineer at no cost to the Union.
  - (b) A scrutineer appointed under paragraph (a) may be present during the conduct of the ballot by the State Returning Officer and may subject to paragraph (c) object to a ballot paper being counted as formal or informal, as the case may be.



- (c) A scrutineer appointed under paragraph (a) shall observe a direction given by the State Returning Officer of the conduct of the ballot or for ensuring the secrecy of the ballot and shall comply with the decision of the State Returning Officer as to whether a ballot paper is formal or informal, as the case may be.
12. A ballot paper shall be informal if:
- (i) it does not bear the initials of the State Returning Officer or a facsimile of those initials;
  - (ii) it has upon it a mark or writing by which the voter may be identified;
  - (iii) it is not marked substantially in accordance with any directions to voters by the State Returning Officer and the intention of the voter is not clear or
  - (iv) where the election relates to more than one office each bearing the same name, the preference of the voter has not been expressed in relation to each of the offices the subject of the ballot.
13. (a) Where in a ballot under this rule, one candidate is to be elected to an office, voting shall be on a preferential basis, namely, the successful candidate shall be:
- (i) where any one candidate received more than one-half of the primary votes cast, that candidate; or
  - (ii) in any other case, the candidate who first received more than one-half of the primary votes cast after the elimination of the candidate or candidates receiving the least or lesser number of primary votes cast and the distribution of the votes cast in favour of that candidate or those candidates in accordance with the next preference of the vote concerned.
- (b) Where at a ballot under this rule, more than one candidate is to be elected to offices bearing the same name, voting shall be on a preferential basis, namely the successful candidate or candidates shall be the candidate or candidates who receive the higher number of primary votes cast after the elimination of the candidate or candidates receiving the least or a lesser number of primary votes cast and the distribution of the first preference cast in favour of that candidate or those candidates in accordance with the next preference of the voter or voters concerned. A member voting shall indicate preference in order at least up to the number required to be elected to cast a valid vote. The indication of preference beyond the number required to be elected is optional.

14. (a) Where the time for the conduct of a ballot under this rule has expired the State Returning Officer shall forthwith proceed to the counting of the ballot papers completed by voters in accordance with this rule.
  - (b) After the completion of the counting of ballot papers, the State Returning Officer shall declare the result of the election by issuing to the State Conference a statement in writing setting out:
    - (i) the number of ballot papers distributed to voters;
    - (ii) the number of formal votes cast;
    - (iii) the number of votes rejected as informal; and
    - (iv) the number of votes received by each candidate.
  - (c) The State Returning Officer shall preserve and keep for a period of one year after the completion of the election under this rule all ballot papers and other documents coming into his/her possession in or in connection with the conduct of the election.
  - (d) A person elected to an office referred to in sub-rule 1, shall take up office on the conclusion of the meeting of State Conference at which he/she is elected and shall, subject to these rules, hold office until the election of a successor.
  - (e) Subject to these rules a person elected to an office under this part may stand for re-election.
15. (a) Subject to paragraph (b), where a vacancy occurs in an office referred to in sub-rule 1 otherwise than at the expiration of the term of office of a person elected thereto, the State Returning Officer shall, as soon as practicable, conduct a secret postal election for the unexpired portion of the term of the office in accordance with the succeeding provision of this sub-rule.
  - (b) Where the unexpired portion of a term of the office is less than 12 months, the State Council may appoint to the office a delegate to or a member of the State Conference eligible for election to the office for the unexpired portion of the term of the office.
  - (c) (i) Pending the conduct of election under paragraph (a); or  
(ii) during a temporary unavailability of a person elected to an office referred to in Sub-rule 1, the State Council may, until the declaration of the result of the election or during the temporary unavailability as the case may be, appoint to exercise the functions of office, a delegate to or member of State Conference eligible for election to the office.

16. (a) As soon as practicable after the occurrence of the vacancy (and no later than 10 days after the occurrence of the vacancy) the State Returning Officer shall determine the opening and closing dates for lodging nominations, the latter being a day no later than 21 days after the former date, and the place for lodging nominations, and shall call for nominations by advising each delegate to and member of the State Conference no later than 21 days before the opening date for lodging nominations, by notice in writing posted to the delegate or member setting out the dates and place as determined and the place or places where nomination forms for use in the election are available.
- (b) A nomination under this rule shall be in writing, on the form prescribed by this rule, signed by the nominee and by one nominator, each of whom is:
- (i) where the election relates to an unexpired portion of the term of office of delegate to or member of the State Conference; or
  - (ii) in any other case
- a delegate to State Conference, and shall be forwarded to the State Returning Officer at the place determined by him under this rule so as to reach him/her no later than the closing date for lodging nominations.
- (c) The prescribed form of nomination shall:
- (i) set out the name of the office, the duration of the unexpired portion of its term, the number of nominators required, the opening and closing dates for lodging nominations and the place for lodging nominations;
  - (ii) be available on request by a delegate to or member of the State Conference during the period for lodging nominations; and
  - (iii) during the period specified in sub-paragraph (ii) be available to the delegate or member,
    - (1) at the registered State Office of the Union during its normal business hours; and
    - (2) where a regional office has been established at that office during its normal hours of business.
- (d) Where, at the expiration of the closing date for lodging nominations, only one candidate is nominated for election to the unexpired portion of the term of the office, the State Returning Officer shall declare that candidate elected unopposed by issuing a statement in writing to the State Council to that effect.

- (da) Where the State Returning Officer finds a document purporting to be a nomination of a person as a candidate at an election under this rule is defective, the State Returning Officer shall, before rejecting the nomination:
  - (a) Notify the person as soon as practicable in writing of particulars of the defect or defects; and
  - (b) Advise him/her that if he/she remedies the defect or defects, he/she should so advise the State Returning Officer by notice in writing forwarded to the State Returning Officer at the place determined by him/her under this rule so as to reach him/her prior to the conduct of the ballot and, in any event, within 10 days after the sending of the notice.
- (e) Subject to paragraph (d), the State Returning Officer shall conduct a secret postal ballot for the unexpired portion of the term of the office in accordance with the succeeding provisions of this sub-rule and may, subject to the sub-rule give such directions and take such action as he/she considers necessary ensuring the secrecy of the ballot and for ensuring that no irregularities occur in or in connection with the ballot.
- (f) The State Returning Officer shall determine the opening and closing dates of the ballot, the former being a day no later than 30 days after the closing date for lodging nominations, and the latter being a day no sooner than 21 days after the opening date of the ballot.
- (g) The roll of voters at the ballot shall be:
  - (i) where the election relates to the unexpired portion of the term of office of State Representative to National Council, the delegates to and members of the State Conference entitled to attend the meeting of State Conference held last before the occurrence of the vacancy in the office to which the election relates; or
  - (ii) in any other case, the delegates to State Conference entitled to attend the meeting of State Conference held last before the occurrence of the vacancy in the office to which the election relates.
- (h) Before the opening date of the ballot, the State Returning Officer shall cause ballot papers to be prepared in which the names of the candidates appear in order determined by lot drawn by him/her, together with directions, if any, to voters for completing the ballot paper and envelopes for use in the ballot. A candidate may prior to the ballot papers being printed withdraw his nomination.
- (j) (i) The State Returning Officer shall use for the purpose of receiving ballot papers returned from voters a private box at a post office, being a private box exclusively for that purpose.

- (ii) Access to the private post box referred to in sub-paragraph (i) shall be under the exclusive control of:
  - (1) Persons authorised by the Australian Postal Commission for the purpose;
  - (2) The State Returning Office; and
  - (3) Persons authorised in writing by the State Returning Officer for the purpose.
  
- (k) On the opening date of the ballot, the State Returning Officer shall, subject to Rule 16(4) forward by pre-paid post in a sealed envelope to each person on the roll of voters at his/her last known residential address, a ballot paper initialled by the State Returning Officer or bearing a facsimile of those initials together with a reply-paid return outer envelope addressed to the State Returning officer at the private box referred to in paragraph (j), an inner envelope, any directions to voters and any other document required for the conduct of the ballot.
  
- (l) The sealed envelope referred to in paragraph (k) shall bear an endorsement if it is not delivered to the addressee it is to be returned to the State Returning Officer at a specified private post box at a post office, being a post box other than that referred to in paragraph (j).
  
- (m) Access to the private box referred to in paragraph (1) shall be under the exclusive control of:
  - (i) Persons authorised by the Australian Postal Commission for the purpose;
  - (ii) The State Returning Officer; and
  - (iii) Persons authorised by the State Returning Officer for the purpose.
  
- (n) A voter shall cast his/her vote in a ballot under this rule by completing the ballot paper forwarded to him under paragraph (k) in accordance with any directions to voters and by placing the completed ballot paper in the inner envelope, sealing that envelope, placing that sealed inner envelope in the outer reply paid envelope, sealing that envelope and posting it so as to reach the State Returning Officer no later than the closing date of the ballot.
  
- (o) Where a ballot paper, envelope, any directions to voters or any other document for use in the ballot forwarded to a person on the roll of voters has not been received by him/her or has been lost or destroyed, the person may, before the closing date of the ballot, on stating the grounds of his application and that he/she has not previously voted in

the ballot, apply in writing to the State Returning Officer for a duplicate ballot paper, envelope, directions or other document, as the case may be. The Returning Officer shall make all necessary provision for absent voting.

- (p) Where an application is made under paragraph (o) and the State Returning Officer is satisfied that the ballot paper, envelope, directions or other document has not been received or has been lost or destroyed, and that the applicant has not previously voted in the ballot, he/she shall forward to the applicant a duplicate ballot paper, envelopes, directions or other documents, as the case may be.
- (q) A candidate at a ballot under this rule may appoint, by notice in writing to the State Returning Officer received by him/her no later than 2 days before the opening date of the ballot, a delegate to or member of the State Conference (not being a candidate at the election or another election conducted at the same time as the first-mentioned election) as a scrutineer at no cost to the Union.
- (r) A scrutineer appointed under paragraph (q) may be present during the conduct of the ballot by the State Returning Officer and may, subject to paragraph (s) object to a ballot paper being counted as formal or informal, as the case may be.
- (s) A scrutineer shall observe a direction by the State Returning Officer for the conduct of the ballot or for ensuring the secrecy of the ballot and shall comply with a direction of the State Returning Officer as to whether a ballot paper is formal or informal, as the case may be.
- (t) A ballot paper shall be informal if;
  - (i) it does not bear the initials of the State Returning Officer or a facsimile of those initials;
  - (ii) it has upon it a mark or writing by which the voter may be identified;
  - (iii) it is not marked substantially in accordance with any directions to voters by the State Returning Officer and the intention of the voter is not clear; or
  - (iv) where the election relates to more than one office, each bearing the same name, the preference of the voter has not been expressed in relation to each of the offices the subject of the ballot.
- (u) As soon as practicable after the closing date of the ballot, the State Returning Officer shall proceed with the counting of the ballot papers returned to him no later than the closing date of the ballot at the private post box referred to in paragraph (j).

- (v) At a ballot under this rule, the successful candidate shall be:
  - (i) where any one candidate receives more than one-half Of the primary votes cast, that candidate; or
  - (ii) in any other case, the candidate who first receives more than one-half of the votes cast after the elimination of the candidate or candidates receiving the least or a lesser number of primary votes cast and the distribution of the votes cast in favour of that candidate or those candidates in accordance with the next preference of the voters concerned.
  
- (w) Where at a ballot under this rule, more than one candidate is to be elected to offices bearing the same name, voting shall be on a preferential basis, namely the successful candidate or candidates shall be the candidate or candidates who receive the higher number of primary votes cast after the elimination of the candidate or candidates receiving the least or a lesser number of primary votes cast and the distribution of the first preference cast in favour of that candidate or those candidates in accordance with the next preference of the voter or voters concerned. A member voting shall indicate preference in order at least up to the number required to be elected to cast a valid vote. The indication of preference beyond the number required to be elected is optional.
  
- (x) No later than 3 days after the completion of the counting of ballot papers, the State Returning Officer shall declare the result of the election by issuing to the State Council a statement in writing setting out:
  - (i) the number of ballot papers printed;
  - (ii) the number of ballot papers posted to persons on the roll of voters;
  - (iii) the number of duplicate ballot papers issued;
  - (iv) the number of formal votes cast;
  - (v) the number of votes rejected as informal; and
  - (vi) the number of votes received by each candidate.
  
- (y) The State Returning officer shall, at the time of issuing the statement referred to in paragraph (x) cause a copy of the statement to be forwarded to each candidate at the election.
  
- (z) The State Returning Officer shall preserve for a period of one year after the completion of an election under this rule, all ballot papers,

envelopes, rolls and other documents coming into his/her possession or in connection with the conduct of the election.

- (za) A person elected to fill the unexpired portion of a term of office under this rule shall take up office on the declaration of the result of the election and shall, subject to these rules, hold office until the election of a successor.

### **5 - STATE CONFERENCE**

1. There shall be established a State Conference.
2. The State Conference shall consist of:
  - (a) the State President, the State Secretary and the Assistant State Secretaries; and
  - (b) the Zone Representatives to the State Conference; and,
  - (c) the delegates to the State Conference from the Technical and Supervisory Division; and
  - (d) the delegates to the State Conference from the Printing Division
3.
  - (a) The Zone Representatives to the State Conference shall be elected from the zones on the basis of one delegate for each 500 members or part thereof.
  - (b) For the purposes of the preceding paragraph the number of members shall be based on the number of members recorded in the last published quarterly report of members other than those members in the Technical & Supervisory Division or the Printing Division.
  - (c) Zone representatives to State Conference shall be elected every fourth year at such time and in such manner as the rules provide and shall hold office from the 1st January in the year of the State Conference other than a special State Conference.
4.
  - (a) The delegates to the State Conference from the Technical and Supervisory Division shall be elected in accordance with the provisions of Rule 19 of these Rules.
  - (b) The number of delegates to the State Conference to be elected from the Technical and Supervisory Division shall be calculated on the basis of one delegate for each 500 members or part thereof.
  - (c) The relevant date for determining the membership of the Division shall be the end of the quarter immediately preceding the election.



5. (a) The delegates to the State Conference from the Printing Division shall be elected in accordance with the provisions of Rule 20 of these Rules.
- (b) The number of delegates to the State Conference to be elected from the Printing Division shall be calculated on the basis of one delegate for each 500 members or part thereof.
- (c) The relevant date for determining the membership of the Division shall be the end of the quarter immediately preceding the election.
6. The State Secretary shall call for agenda items from the State Council, the Regional Council of the Technical and Supervisory Division, the Regional Council of the Printing Division, District Committees, Industry Sector Committees and Workshops (provided that the items have been endorsed by at least five members).

### **6 - POWERS OF STATE CONFERENCE**

1. The State Conference shall meet biennially except when a Special State Conference is convened by the State Council.
2. The State Conference shall exercise the following powers:
  - (a) To make all necessary decisions to strengthen the Union and advance the interests of its members within the State.
  - (b) To take all steps within the State necessary to achieve any and all of the objects of the Union.
  - (c) To exercise all and any of the powers and carry out all or any of the responsibilities conferred on a State Conference and/or State Council by these rules.
  - (d) To make, alter, amend or rescind these rules.
  - (e) To amend, over-ride and where necessary to replace any and all decisions of the State Council.
  - (f) Elect by and from its own delegates, delegates to State Council, State Administrative Committee, State Vice-President.
  - (g) To select a State Returning Officer and Deputy Returning Officer as provided for in Rule 12.
3. The decisions of State Conference shall be published and available to members at State and Regional Offices of the Union in the State. The decisions of State Conference shall be binding on all members.
4. The State Council may at any time refer any matter to members of the State Conference for vote by post.

5. No alteration to these rules shall be made unless the proposed alteration has been approved by a majority of those members of the State Council present and voting at a meeting of the Council. After the proposed alteration has been approved by the State Council, twenty one days notice of the proposed alteration and the reasons therefor shall be given to members. The said notice and reasons shall be in writing and distributed to all members of the Union. The notice shall inform the members that they or any of them may object to the proposed alteration or to the making of an application to register the proposed alterations by forwarding a written objection to the Registrar of the Western Australian Industrial Relations Commission to reach him/her no later than twenty one days after the date of distribution of the notice.

### 7 - STATE COUNCIL

1. There shall be established in the State a State Council which shall consist of:
  - (a) the State President, the State Vice-President, the State Secretary and the Assistant State Secretaries; and
  - (b) the delegates from State Conference; and
  - (c) the delegates from the Technical and Supervisory Division; and
  - (d) the delegates from the Printing Division.
2.
  - (a) The delegates from State Conference shall be elected every second year on the following basis: 8 Rank and File members and 4 Organisers and each shall hold office from the conclusion of the State Conference at which he is elected until the election of his successor.
  - (b) In the event of insufficient nomination of organisers, the State Conference shall fill the positions from the Rank and File delegates.
3.
  - (a) The delegates from the Technical and Supervisory Division shall be elected in accordance with the provisions of Rule 19 of these Rules.
  - (b) The number of delegates to the State Council from the Technical and Supervisory Division shall be calculated in accordance with the following formula:-
 
$$X \text{ multiplied by } 12 \text{ divided by } Z$$

where X is the number of Technical and Supervisory Division delegates to the State Conference and Z is the number of Zone representatives referred to in Rule 5(2)(b).
4.
  - (a) The delegates from the Printing Division shall be elected in accordance with the provisions of Rule 20 of these Rules.

- (b) The number of delegates to the State Council from the Printing Division shall be calculated in accordance with the following formula:-

$X$  multiplied by 12 divided by  $Z$

where  $X$  is the number of Printing Division delegates to the State Conference and  $Z$  is the number of Zone representatives referred to in Rule 5(2)(b).

5. (a) Subject to paragraph (b), where a vacancy occurs in the office of delegate to State Council otherwise than at the expiration of the term of office of the person elected thereto, the State Returning Officer shall, as soon as practicable, conduct an election in accordance with the provisions of these rules for the unexpired portion of the terms of that office.
- (b) Where the unexpired portion of the term of office is less than twelve months, the State Council may appoint to the office a member of the State Conference eligible for election to the Office.
- (c) (i) Pending the conduct of an election under paragraph (b); or
- (ii) During a temporary unavailability of a delegate to the State Council, the State Council may appoint until the declaration of the result of the election or during the period of the temporary unavailability, as the case may be, a member of the State Conference eligible for election to the Office.

### **8 - POWERS OF STATE COUNCIL**

1. The State Council shall meet quarterly and at such other times as the Council itself may decide or when decided by the State President and State Secretary or when requested by a majority of members of the State Council.
2. The State Council shall generally serve the purpose of an executive body of the State Conference and may convene any Special State Conference of the union considered necessary or desirable, the agenda for which shall be determined by the State Council. It shall, subject to the powers of the State Conference generally direct the work of the Union in the State, carry out particular responsibilities allocated to it under these rules and take all steps necessary and in accordance with these rules to strengthen the Union and further the interests of the members.
3. The State Council shall supervise and direct all work of all full-time officers, district committees and other committees of the Union.
4. The State Council shall be the body to act in relation to matters coming within the jurisdiction of the W.A. Industrial Relations Commission and any other

body or tribunal established under State law on behalf of the Union and also be the body to act on behalf of the Union in relation to Industrial Agreements limited to the State, subject always to the powers of the State Conference.

5. State Council shall have the power to call aggregate meetings of members or sections of members or shop meetings of members for any purpose consistent with the objects of the Union.
6. State Council shall authorise the appointment of or election by members, of shop stewards, deputy shop stewards and shop committees in works and departments in the State, and may also delegate that authority to the Administrative Committee. Such elections shall be conducted annually in September. The powers of shop stewards and shop committees shall be defined by the State Council.

The shop stewards or the shop committees in works or a department may appoint a convenor and deputy convenor who themselves must be a shop steward whose powers and duties shall be defined in like manner as the powers and duties of shop stewards and shop committees. In country areas, following upon the election of shop stewards, to facilitate and ensure their proper authorisation by the State Council notification of their election shall be made by the District Committee. The powers of shop stewards, shop committees and convenors shall include the following:-

To enrol persons qualified to be members of this Union under these rules.

When authorised by State Council to collect from them all contributions, fines, levies, etc., payable under these rules.

To issue them with a receipt for such moneys and to account for such moneys by paying of moneys shall be carried out in manner determined by the State Council and expenses for collection of such moneys shall be paid as determined by State Council.

They shall see that all employees starting are duly qualified trade unionists and that all persons are receiving the approved rates and complying with the practice of the shop and district and for these purposes to examine membership contribution card, Union receipts or other form of acknowledgment of payment of Union contributions and to report to any State office or any case in which the position is not satisfactory and cannot be adjusted within the shop.

The shop stewards' proof of payment of Union contributions shall be examined by their convenors.

They shall be authorised to interview foremen or any other persons representing the management on any questions arising within the shop or department. Any question involving a principle or change of practice shall be reported to a State official, authorised by an Administrative Committee or State Council. Where any dispute occurs, the officials shall try by conciliation to reach a settlement. All disputes shall come immediately under the control

of the State Council. In all matters shop stewards, convenors and committees shall act within the rules and principles laid down by the State Council.

7. The State Council shall convene meetings of Shop Stewards when and where necessary on an area basis. District Committees in country areas shall, subject to the approval of State Council convene meetings of Shop Stewards at least once each quarter in the area covered by their respective District Committee. Payment for attending shall be determined by State Council. Such meetings to be for the purpose of discussing industrial campaigns, workshop problems and any other matters submitted by Shop Stewards for consideration. Any resolutions adopted shall be in the form of recommendations to the State Council and District Committee and may be implemented only if they are not at variance with the policy of the Union.
8. To issue publications for the information of members.
9. The State Council may submit any matter to the State Conference Delegates for vote by post and the vote taken in this manner shall be regarded as a decision of Conference in meeting assembled.
10. A copy of the Minutes of each meeting of the State Council shall be forwarded to State Conference Delegates within 14 days of each Council meeting.

## **9 - STATE OFFICIALS**

The Union shall have as officials a State President, Vice-President, State Secretary, 3 Assistant State Secretaries and may also have as state officials any number of State Organisers as determined from time to time by the State Conference. Any and all such officers shall be elected in accordance with these rules. For the purpose of electing State Organisers the state may be divided into divisions. The defining of these divisions and the decisions as to the number of Organisers to be elected in any and all such divisions shall be determined by the State Conference.

Each office in the Union (whether referred to in this Rule or not) may, from such time as the State Council may determine, be held by the person who, in accordance with the rules of the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union (an organisation registered under the Industrial Relations Act, 1988) holds the corresponding office in the Western Australian branch of that body.

Subject to these rules, such offices shall be held by such persons from the date of registration of this union pending the conduct of elections pursuant to these rules or a determination by the State Council.

## **10 - DUTIES OF STATE OFFICIALS**

1. STATE PRESIDENT

The State President shall preside at all meetings of the State Conference, State Council, State Administrative Committee and meetings convened by these bodies during his/her period of office and shall have the same voting and other rights as other delegates to the Council and Conference. He/she shall take all necessary steps to ensure the proper conduct of the business of such meetings upon adoption sign the minutes and initial all accounts paged for payment. He shall be responsible for general organising work in the union in the State and shall carry out such duties as directed by State Conference and/or the State Council.

2. STATE VICE-PRESIDENT

The State Vice-President shall officiate at meetings of the State Conference, State Council, State Administrative Committee or any meetings convened by those bodies where the State President is unable or unwilling to be present. In the absence of the State President the State Vice-President shall be responsible to ensure the proper conduct of the business of any meetings, upon adoption sign the minutes dealt with at such meetings. He shall place before the meeting all motions which personally concern the State President and assist that Official to carry out all duties with promptitude and dispatch. When the State President and the State Vice-President are absent or unable to attend State Conference, State Council, State Administrative Committee and meetings convened by these bodies the members in attendance shall elect a Chairman from amongst their number to conduct the proceedings.

3. STATE SECRETARY

The State Secretary shall be entrusted and authorised to act on all matters concerning the activities of the union in the State, subject to these Rules. He shall be responsible for the co-ordination of work of the State Organisers and shall for all purposes be the main Executive and Administrative Officer of the Union in the State.

He/she shall be entitled to attend and speak at any meeting of members in the State, but shall have the power to move and second motions and cast a vote only, at the State Conference and at meetings of the State Council.

He/she shall be responsible, in consultation with the State Council, for the engagement and supervision of the work of the staff at the State Office, for the maintenance of all necessary records of the Union, for the maintenance of complete record of the names, addresses and financial standing of all members in the State, and he/she shall forward an account to each member at least quarterly.

He/she shall report to each meeting of the State Council and State Conference on the affairs of the Union in the State and on all matters of which he/she has information concerning the welfare of the Union and its members.

He/she shall carry out such other duties as are allocated to him/her by State Conference or State Council.

He/she shall deposit all money received for use by the Council to the credit of the Union in a Bank account.

He/she shall maintain a strict and accurate record of all moneys received and expended by the State Council and shall account for these to the State Council.

He/she shall arrange for an audit of the books and records of the State Council annually and at such other times as directed.

He/she shall submit to the State Conference an audited statement of the financial transactions of the State Council and shall publish this to members.

He/she shall edit and arrange for the distribution of any publication to be issued by the State Council or State Conference.

He/she shall purge the register of members by striking off those members who are in arrears of dues for 12 months.

4. ASSISTANT STATE SECRETARIES

Each Assistant State Secretary shall generally assist the Secretary and carry out such duties as are allocated to him/her by the State Council or State Conference.

5. STATE ORGANISERS

State Organisers shall be responsible for the general organising of the Union in the State.

They shall carry out such other organising duties as are allocated to them by the State Council and shall be responsible to the State Secretary.

The State Organisers shall be entitled to attend other meetings of members and shall have the right to speak at all such meetings, provided however that they shall have the right to move and second motions and vote only at bodies within the Union to which they have been duly elected in accordance with these rules.

6. ADMINISTRATIVE COMMITTEE

An Administrative Committee shall be established in the State elected by and from the State Conference every second year comprising up to a maximum of 6 full-time officials inclusive of the State President, State Secretary, the 3 Assistant State Secretaries and an equal number of rank and file State Conference delegates including the State Vice-President. All other full-time officials may attend without voting rights.

It shall act as the Administrative Committee of the State Conference and State Council and shall administer the affairs of the Union in accordance with the policies of the State Conference and State Council and shall refer matters to

the State Conference and/or State Council as considered necessary or in accordance with the Rules of the Union. The State President or Vice-President shall upon adoption sign the minutes of the respective meetings.

A State Administrative Committee delegate shall hold office from the conclusion of the State Conference at which he/she is elected until the election of his successor.

### **11 - STATE ZONES**

#### Defining Zones

For the purposes of electing Zone representatives to the State Conference the whole of the area of the State shall be divided into zones with areas appropriately defined. The defining of these Zones shall be the responsibility of the State Council subject to the authority of the State Conference.

### **12 - STATE RETURNING OFFICER AND DEPUTY RETURNING OFFICER**

Each State shall select a State Returning Officer and Deputy Returning Officer at each State Conference. Any member of the Union being financial and having been a member in the State concerned for the previous seven consecutive years and who resides in the metropolitan area where the State Office is situated and who is not the holder of any other office in, nor an employee of, the union or of a section or division of the Union, shall be eligible to be nominated at the conference for the position of State Returning Officer and Deputy Returning Officer.

The State Returning Officer shall, in accordance with these rules, conduct elections (including the acceptance or the rejection of nominations) for all the offices for which an election is required by these rules.

### **13 - SIGNING OF CHEQUES**

Any cheques drawn on a banking account under the control of the Union shall be signed by any two of four members authorised for the purpose by the State Council.

### **14 - QUORUM RULE**

At any meeting of the State Conference or State Council, one half plus one of the members of the body concerned shall constitute a quorum for any meeting. No meeting attended by less than that number shall transact the business or exercise any of the powers prescribed by these rules for the body concerned.

### **15 - FINANCIAL MEMBER**



1. Unless otherwise specified in these Rules a member shall not be financial whilst in arrears with the payment of any contributions, fines, or levies such having to be paid by the last day of the quarter in which they fall due; once so paid the member again becomes financial. Quarters for the purpose of this rule shall be January-March, April-June, July-September, October-December.
2. Notwithstanding anything contained in these rules
  - (a) the Union may make arrangements with an employer whereby, with the authority of any member or members of the Union, contributions payable to the Union are to be deducted by the employer from the salary or salaries of the member or members on a regular basis and paid to the union;
  - (b) a member may make arrangements with a bank, building society, credit union or other financial institution whereby, with the authority of the member, contributions payable to the Union by the member are to be deducted by such institution from the member's account or accounts with such institution on a regular basis and paid to the Union.
  - (c) a member who has authorised such deduction of his contribution to the Union from the member's salary or account(s) shall be deemed to be financial for so long as such authority remains in force and provided that such member owes no arrears of contributions, fines or levies in respect to any period prior to the date upon which such authority came into force; and
  - (d) where an arrangement referred to in this clause is terminated by the Union, the employer, the financial institution or the member as the case may be, the State Secretary may notify in writing any member affected by such termination and a member so notified shall thereupon become liable to pay and shall, within 28 days from the date of such written notice, pay to the Union the balance of any contribution owing of the relevant quarter (which amount shall be specified in such notice and shall be the amount of the quarter's contribution payable by that member less such amount or amounts as have or have been deducted in respect of such quarter's contribution by the employer from that member's salary and/or by the financial institution from that member's account(s) as the case may be and thereafter shall be liable to pay contribution in accordance with this Rule.

## **16 - MEMBERSHIP**

1. Applicants for membership must complete and sign a standard application form which must be forwarded by the applicant, or the member enrolling him/her to the State Office of the Union. The application for membership form shall contain information advising new members of their financial obligations arising from membership of the Union. The card shall also advise new members that resignation from the Union must be effected in accordance

with the provisions of the Unions rules. A copy of those provisions shall be forwarded to each new member upon receipt of the application form by the Union.

2. The State Secretary having ascertained that the applicant is engaged in an occupation covered by the union and is also suitable and qualified to be a member, shall then allocate the new member to the register of members and shall forward to the member an account for any monies owing to the union from the day on which he/she is admitted as a member.
3. The application form must contain a clause to the effect that the applicant undertakes to abide by the Rules of the Union as they are at the time of admission and as subsequently amended. A rule book will be made available free on application to the State or Regional Office.
4. Where the State Returning Officer has reason to believe that the address of a member recorded in the Union's membership register is not the current address of the member, the Returning Officer is not, where that member is included in a roll of voters for a ballot, required to observe that address as the address of the member but may, on application by that member, provide him/her, no later than the closing date of the ballot, with a ballot paper.
5. Notwithstanding the provisions of this or any other Rule, applicants for membership who are financial members of or who have applied for membership of the Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union, being an organisation registered under the Industrial Relations Act, 1988 (Commonwealth) as amended may be accepted into membership of the union without incurring any obligation to pay an additional entrance fee or any other contribution provided that such applicants are eligible for membership of this Union.

### **17 - CONTRIBUTIONS AND ARREARS**

1. The State Conference shall determine the maximum amount of contributions (if any) to be paid by members and the State Council, from time to time, shall set, within the decision of State Conference, the rates of contributions (if any) to be paid by members between State Conferences.
2. Contributions as set out in this rule include payment for the Union's regular periodicals.
3. Quarters for purposes of this Rule shall be January-March, April-June, July-September, October-December.

Fines and levies decided upon in accordance with these rules shall be a first charge on all payments made.

4. Any moneys overpaid to the Union by members deceased or retired shall, upon application by them or their next of kin, be refunded.

5. Exemption of contributions may be granted to any member in special circumstances with the approval of State Council.

Members who are in receipt of workers' compensation make-up pay equal to wages shall not be entitled to exemption from contributions.

6. Any member having improperly received any benefit, the amount of such shall, if not repaid within 14 weeks from the date of receiving notice from his State Secretary, be placed to his arrears of contributions.
7. Every member not more than 12 months in arrears shall be supplied with a membership contribution card which shall be proof of membership and financial standing. The member shall be held responsible for its presentation for all purposes of these rules.

8. (a) A member may resign his/her membership by notifying the State Secretary in writing, addressed and delivered to that officer.

A notice of resignation from membership takes effect, where the member ceases to be eligible to become a member of the Union:

- (i) on the day on which the notice is received by the Union; or
- (ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;

whichever is later.

- (b) Where provision, if any, is made in the Industrial Relations Act 1979 as amended for the ending of membership of the Union the membership of a member shall end in accordance with those provisions.
- (c) Any dues payable but not paid by a former member of the Union, in relation to a period before the member's resignation from the organisation took effect, may be sued for and recovered in the name of the Union, in a court of competent jurisdiction, as a debt due to the Union.

A notice delivered to the State Secretary shall be taken to have been received by the Union when it was delivered.

A notice of resignation that has been received by the Union is not invalid because it was not addressed and delivered to the State Secretary.

A resignation from membership is valid even if it is not effected in accordance with this Rule if the member is informed in writing by or on behalf of the Union that the resignation has been accepted.

### **18 - DELEGATES TO REPRESENTATIVE BODIES**

1. State Council may from time to time appoint and remove delegates to representative bodies to which the Union is affiliated in the manner decided by State Council. Such delegateship is not an office and such delegates shall not thereby become Officers of the Union.
2. A proportion of delegates from the Union to any such representative body shall, subject to the requirements of the rules of that body, be drawn in such manner as may be decided by the State Council, from financial members of the Union in the Technical and Supervisory Division and in the Printing Division.
3. Members appointed to a position referred to in paragraph (1) and (2) of this rule must have at least 2 years' continuous membership of the Union and be financial in accordance with these rules. Members shall not be appointed for a period longer than 3 years but may be eligible for re-appointment.

### **19 - TECHNICAL & SUPERVISORY DIVISION**

1. There shall be established a division of the Union to be known as the Technical and Supervisory Division (T & S Division). Such division shall consist of and have attached to it:
  - (i) all members of the union who are eligible for membership of the union and who are admitted to membership of the union pursuant to the provisions of paragraph 2 of Rule 2. -ELIGIBILITY FOR MEMBERSHIP of these Rules; and
  - (ii) all persons who become officers of the union holding an office in the Division.
2. Members of the Union who are attached to the Technical and Supervisory Division shall not be attached to a Zone established pursuant to Rule 11 of these Rules.
3. The officers of the Technical and Supervisory Division shall be:
  - (a) the Regional President;
  - (b) two (2) Regional Vice-Presidents;
  - (c) the Regional Secretary; and
  - (d) the Regional Assistant-Secretary.

4. The Regional Secretary of the Technical and Supervisory Division shall, by virtue of holding such office under these rules, also hold office as one of the 3 Assistant State Secretaries whose office is established pursuant to Rule 9 of these Rules.
5. (a) There shall be constituted a Council of the Technical and Supervisory Division which shall consist of:
  - (i) the Regional President, the two Regional Vice-Presidents, the Regional Secretary and the Regional Assistant Secretary, and;
  - (ii) the delegates to State Conference of the Union from the Division, and;
  - (iii) representation from membership groups formed on the approval of the Council on the basis of one for a group having not less than twenty nor more than fifty financial members and two for a group having fifty-one or more financial members. Such persons shall be referred to as group representatives on the Council of the Technical and Supervisory Division.
- (b) A member of the Council who is for any reason or at any time unable to exercise his/her vote or votes at a meeting of the Council may appoint in writing any other member of the Council to exercise his/her vote or votes at such meeting, including a vote or votes in an election provided that:
  - (i) the member so appointed shall exercise that vote in the manner in which he is directed by the member appointing him/her, and;
  - (ii) no member shall hold more than one proxy.
6. Subject to these Rules, the Council of the Division shall conduct and manage the business of the Technical and Supervisory Division.
7. The Council shall meet at least once every three months or at such other times as may be necessary.
8. There shall be constituted within the Division an Executive Committee which:
  - (a) shall consist of the Regional President, the two Regional Vice-Presidents, the Regional Secretary and the Regional Assistant-Secretary;
  - (b) shall meet as often as it deems necessary, and;
  - (c) subject to the direction of the Council, conduct and manage the business of the Division.
9. The Regional President shall;

- (a) Preside at all meetings of the Division, the Council and the Executive Committee and preserve order thereat so that business can be conducted with due form and propriety and in conformity with standing orders;
- (b) upon confirmation of the minutes sign them in the presence of the meeting confirming the same;
- (c) instruct the Regional Secretary to call meetings of the Council and the Executive Committee where necessary, and;
- (d) be one of the delegates of the Division to the State Conference and the State Council of the Union.

10. Regional Vice-Presidents -

- (a) In the absence of the Regional President from a general meeting or a meeting of the Council or Executive Committee, one of the Regional Vice-Presidents shall be selected by those present at such meeting to act in his/her place.
- (b) In the absence of both Regional President and Regional Vice-presidents from such meeting those present shall appoint one of themselves as Chairman of the meeting,
- (c) In the event of the Regional President being temporarily unable or unavailable to carry out his duties, a Regional Vice-President, selected by the Executive Committee shall, for the period of such temporary inability or unavailability, exercise the full powers of the Regional President, provided that, if the Regional President and Regional Vice-Presidents are temporarily absent or unable or unavailable to perform the duties of the Regional President, the Council may appoint from among its members an acting Regional President who, for the period of such temporary absence, inability or unavailability, shall exercise the full powers of the Regional President.

11. The Regional Secretary shall -

- (a) Be and hold office as an Assistant State Secretary of the Union and, as such, shall carry out such duties as are assigned to him/her pursuant to Rule 10(4) of these Rules;
- (b) Call and attend, unless excused, all meetings of the Division, the Council and the Executive Committee and keep or cause to be kept the minutes of all such meetings, and;
- (c) Carry out such other duties as may from time to time be assigned to him/her by the Council or the Executive Committee.

12. The Regional Assistant-Secretary shall assist the Regional Secretary at all times in the execution of his/her duties and where the Council so determines, may hold office as a State Organiser and shall carry out such duties as are assigned to him/her pursuant to Rule 10 of these Rules.

### ELECTIONS

#### Part "A" - Regional President, Regional Vice-Presidents, Regional Secretary, Regional Assistant Secretary and Group Representatives on Regional Council

13. The State Returning Officer shall, once each four years, conduct an election for the offices of Regional President, 2 Regional Vice-Presidents, Regional Secretary, Regional Assistant Secretary and Group Representatives on the Regional Council of the T & S Division.
14. In the case of an election other than for Group Representatives on the Regional Council, such election shall be conducted in accordance with the provisions of Part "A" of Rule 4 of these Rules, provided always that:
- (a) a nominee and each nominator shall be a financial member of the Union in the T & S Division at the closing date for lodging nominations;
  - (b) any statement in writing declaring a candidate elected or declaring the results of an election shall also be delivered by the State Returning Officer to the Regional Council of the T & S Division;
  - (c) for the purposes of compiling a roll of voters of the ballot, the State Returning Officer may direct the State Secretary and/or the Regional Secretary of the T & S Division to supply him/her with records relating to membership of the Division;
  - (d) the roll of voters shall be limited to members of the T & S Division but otherwise the provisions of sub-rule 7(c) of Part A of Rule 4 shall apply;
  - (e) the right to inspect the roll of voters shall be restricted to members of the T & S Division;
  - (f) a scrutineer shall be a financial member of the Union in the T & S Division; and
  - (g) where a vacancy occurs in such an office otherwise than at the expiration of the term of office of the persons elected thereto, the State Returning Officer shall, as soon as practicable, conduct an election in accordance with this rule for the office and pending the declaration of the result of an election to fill such vacancy, the Regional Council of the Division may appoint to the office a member of the Division

eligible for election to the office for a period not exceeding twelve months.

15. In the case of an election for Group Representatives on the Regional Council, such election shall be conducted in accordance with the provisions of Part "A" of Rule 4 of these Rules, provided always that:
  - (a) a nominee and each nominator shall be a financial member of the Union in the T & S Division and in the membership group at the closing date for lodging nominations;
  - (b) the nomination shall be signed by the nominee and two (2) nominators;
  - (c) any statement in writing declaring a candidate elected or declaring the results of an election shall also be delivered by the Returning Officer to the Regional Council of the T & S Division;
  - (d) for the purposes of compiling a roll of voters for the ballot the Returning Officer may direct the State Secretary and/or the Regional Secretary of the T & S Division to supply him/her with records relating to membership of the Division and/or of the relevant membership groups;
  - (e) the roll of voters shall be limited to the members of the T & S Division in the relevant membership group but otherwise the provisions of sub-rule 7(c) of Part A of Rule 4 shall apply;
  - (f) the right to inspect the roll of voters shall be restricted to members of the T & S Division in the relevant membership group;
  - (g) a scrutineer shall be a financial member of the Union in the T & S Division; and
  - (h) where a vacancy occurs in such an office otherwise than at the expiration of the term of office of the person elected thereto, pending the declaration of the result of an election to fill such vacancy, the Regional Council of the Division may appoint to the office a member of the Division in the region in the relevant membership group eligible for election to the office for a period not exceeding twelve months.

Part "B" - Delegates to State Conference

16. The State Returning Officer shall, once every four years, conduct an election for the offices of Delegates to the State Conference from the T & S Division.
17. Such election shall be conducted in accordance with the provisions of Part "B" of Rule 4 of these rules provided always that;
  - (a) a person so elected shall take office from the completion of the term of office of the person replaced or from the date of declaration of election,



whichever is the later, and shall hold office for a period of four years or until a successor thereto has been elected and takes office;

- (b) a nominee and each nominator shall be a financial member of the Union in the T & S Division at the closing date for lodging nominations;
- (c) any statement in writing declaring a candidate elected or declaring the results of an election shall also be delivered by the Returning Officer to the Regional Council of the T & S Division;
- (d) for the purposes of compiling a roll of voters for the ballot, the Returning Officer may direct the State Secretary and/or the Regional Secretary of the T & S Division to supply him such records relating to membership of the Division;
- (e) the roll of voters shall be limited to members of the T & S Division but otherwise the provisions of sub-rule 7(c) of Part B of Rule 4 shall apply;
- (f) the right to inspect the roll of voters shall be restricted to members of the T & S Division;
- (g) a scrutineer shall be a financial member of the Union in the T & S Division; and
- (h) where a vacancy occurs in such an office otherwise than at the expiration of the term of office of the person elected thereto, pending the declaration of the results of an election to fill such vacancy, the Regional Council of the Division may appoint to the office a member of the Division eligible for election to the office for a period not exceeding twelve months.

Part "C" - Delegates to State Council from T & S Division

- 19. The delegates to the State Council from the T & S Division shall be elected by secret ballot by and from the delegates to the State Conference from the Division, shall each take office from the declaration of their election to office and shall each hold office for a period of four years or until a successor thereto has been elected and takes office.
- 20. (a) Any nominee for an office under sub-rule 19 shall, at the date of nomination, be a financial member of the T & S Division and a delegate to the State Conference from the T & S Division.
- (b) The State Returning Offices shall conduct elections for such offices every four years at the first meeting of the Regional Council held after 31st January in that year.

- (c) The Returning Officer shall call for nominations for the relevant office and any nomination shall be in writing and shall be signed by the nominator (who at the date of nomination shall be a delegate from the Division in the region to the State Conference). The nominee shall signify his/her acceptance of the nomination to the Returning Officer.
- (d) The Returning Officer shall check all nominations received for compliance with the requirements of these Rules and shall reject any that do not so comply; provided that in the event of his/her finding a defect in any nomination he/she shall before rejecting the nomination notify the person concerned of the defect, and where it is practicable to do so, give him/her the opportunity of remedying the defect prior to the conduct of the ballot.
- (e) If there be no more nominations than there are vacancies for a position, he/she shall declare the nominated person or persons elected to the position.
- (f) If more nominations are received than there are vacancies for a position, he/she shall have ballot papers prepared and delivered to him/her containing the names of the candidates for each position in alphabetical order indicating the number to be elected to each position and the manner in which votes shall be recorded.
- (g) He/she shall be responsible for the safe custody of the ballot papers.
- (h) He/she shall initial every ballot paper prior to the distribution.
- (i) He/she shall issue a ballot paper to each delegate to the State Conference present at such meeting and, where a delegate is not present at such meeting, to the member of the Regional Council appointed by such delegate pursuant to these Rules to exercise his/her vote in such ballot. The Returning Officer shall make all necessary provision for absent voting.
- (j) At the time fixed for the closing of the ballot he/she shall, in the presence of the scrutineers (if so requested), count all the votes and subject to paragraph (k) of this clause declare the results of the ballot.
- (k) In the event of a tie occurring the result shall be determined by the Returning Officer drawing lots in the presence of the tied candidates or their scrutineers, provided that if one of the tied candidates is a retiring office-holder from the position subject of the ballot then he/she shall be declared elected.
- (l) The Returning Officer shall report the result of the election to the meeting of the Regional Council at which the election is conducted and shall submit to that meeting a full report of the ballot indicating the number of ballot papers printed, the number distributed, the number on hand and any other relevant matters.

- (m) A candidate at a ballot under this sub-rule may appoint, by notice in writing to the Returning Officer received by him/her prior to the closing of nominations, a financial member of the T & S Division as a scrutineer, who
    - (i) shall be entitled to be present throughout the ballot and may query the inclusion or exclusion of any vote,
    - (ii) shall not remove, mark, alter or deface any ballot paper or other document used in connection with the election,
    - (iii) shall not interfere with or attempt to influence any member at the time such member is casting his/her vote.
21. (a) Where a vacancy occurs in an office referred to in sub-rule 16 otherwise than at the expiration of the term of office of the person elected thereto, the Returning Officer shall, as soon as practicable, conduct a secret ballot of the Delegates to the State Conference from the T & S Division.
- (b) Such ballot shall be conducted at a meeting of the Regional Council in accordance with the provisions of sub-rule 17 and a person so elected shall hold office until the expiration of the term of the person he/she replaces.

### Quorums

22. (a) Quorums for any meetings of the T & S Division held in accordance with these Rules shall be, at any meeting of a Regional Council, a majority of the members thereof or ten members thereof, whichever is the lesser.
- (b) If no quorum be present at the expiration of 30 minutes after the time stated for the commencement of the meeting, such meeting shall lapse but without prejudice to another meeting being called for the same purpose as such meeting was called, at such other time and place as may be thought fit. In the event that any such other meeting has been called, the business for which the same has been called may be transacted by those present, notwithstanding the fact that there is not a quorum present. Any resolutions passed at any such meeting shall be as binding and effectual as if a quorum were present. Seven days notice of any such other meeting shall be given by the appropriate officer to all members entitled to attend such meeting.

## **20 - PRINTING DIVISION**

1. There shall be established a division of the Union to be known as the Printing Division. Such division shall consist of and have attached to it:

- (i) all members of the union who are eligible for membership of the union and who are admitted to membership of the union pursuant to the provisions of paragraph 4 of Rule 2. -ELIGIBILITY FOR MEMBERSHIP of these Rules; and
  - (ii) all members of the union who the State Council determines should be transferred to the Printing Division; and
  - (iii) all persons who become officers of the union holding an office in the Division.
2. Members of the Union who are attached to the Printing Division shall not be attached to a Zone established pursuant to Rule 11 of these Rules.
3. The officers of the Printing Division shall be:
- (a) the Regional President;
  - (b) the Regional Vice-Presidents;
  - (c) the Regional Secretary; and
  - (d) the Regional Assistant-Secretary.
  - (e) such number of State Organisers (if any) as the Regional Council of the Printing Division may from time to time determine provided that the office of State Organiser may also be held by the Regional Assistant-Secretary.
4. The Regional Secretary of the Printing Division shall, by virtue of holding such office under these rules, also hold office as one of the 3 Assistant State Secretaries whose office is established pursuant to Rule 9 of these Rules.
5. (a) There shall be constituted a Regional Council of the Printing Division which shall consist of:
- (i) the Regional President, such number of Regional Vice-Presidents as the Council may determine, the Regional Secretary and the Regional Assistant Secretary, and;
  - (ii) such number of organisers as may be determined by the Council; and
  - (iii) such number of persons holding such positions on the Council (hereinafter "Councillors") as may be determined by the Council.
- (aa) For the purpose of sub-rule 5(a)(iii) the Council may establish industry sections, permit sub-branches and chapels to elect persons to the

Council in proportion to the size of the industry section, sub-branch or chapel as the case may be.

- (b) A member of the Council who is for any reason or at any time unable to exercise his vote or votes at a meeting of the Council may appoint in writing any other member of the Council to exercise his/her vote or votes at such meeting, including a vote or votes in an election provided that:
  - (i) the member so appointed shall exercise that vote in the manner in which he/she is directed by the member appointing him/her, and;
  - (ii) no member shall hold more than one proxy.
- 6. Subject to these Rules, the Council of the Division shall conduct and manage the business of the Printing Division.
- 7. The Council shall meet at least once each year and at such other times as may be necessary.
- 7A. A quorum for a meeting of the Council shall be 40% of the members of the Council unless otherwise determined by the Council by a two-thirds majority of members voting.
- 7B. A meeting of the Council may be convened by:
  - (a) the Executive Committee; or
  - (b) a meeting of the Council; or
  - (c) the Secretary to conduct urgent business; and
  - (d) shall be convened by the Secretary on receipt of a request from 50% plus one of the members of the Council.
- 8. There shall be constituted within the Division an Executive Committee which:
  - (a) shall consist of the Regional President, the Regional Vice-Presidents, the Regional Secretary, the Regional Assistant-Secretary and such number of Executive Members elected by and from the Council as may be determined by the Council;
  - (b) shall meet as often as it deems necessary but at least 3 times every year; and
  - (c) subject to the direction of the Council, conduct and manage the business of the Division.
- 9. The Regional President shall;

- (a) Preside at all meetings of the Division, the Council and the Executive Committee and preserve order thereat so that business can be conducted with due form and propriety and in conformity with standing orders;
  - (b) upon confirmation of the minutes sign them in the presence of the meeting confirming the same;
10. Regional Vice-Presidents -
- (a) In the absence of the Regional President from a general meeting or a meeting of the Council or Executive Committee, one of the Regional Vice-Presidents shall be selected by those present at such meeting to act in his/her place.
  - (b) In the absence of both Regional President and Regional Vice-Presidents from such meeting those present shall appoint one of themselves as Chairman of the meeting,
  - (c) In the event of the Regional President being temporarily unable or unavailable to carry out his duties, a Regional Vice-President, selected by the Executive Committee shall, for the period of such temporary inability or unavailability, exercise the full powers of the Regional President, provided that, if the Regional President and Regional Vice-Presidents are temporarily absent or unable or unavailable to perform the duties of the Regional President, the Council may appoint from among its members an acting Regional President who, for the period of such temporary absence, inability or unavailability, shall exercise the full powers of the Regional President.
11. The Regional Secretary shall -
- (a) Be and hold office as an Assistant State Secretary of the Union and, as such, shall carry out such duties as are assigned to him pursuant to Rule 10(4) of these Rules;
  - (b) Call and attend, unless excused, all meetings of the Division, the Council and the Executive Committee and keep or cause to be kept the minutes of all such meetings, and;
  - (c) Carry out such other duties as may from time to time be assigned to him/her by the Council or the Executive Committee.
12. The Regional Assistant-Secretary shall assist the Regional Secretary at all times in the execution of his/her duties and where the Council so determines, may hold office as a State Organiser and shall carry out such duties as are assigned to him/her pursuant to Rule 10 of these Rules.

- 12A. (a) General meetings of the members of the Division may be convened by a general meeting, the Council or in accordance with paragraph (b).
- (b) On receipt of a request from 10% of the financial members of the Division the Secretary shall call a special general meeting, as soon as practicable, to deal with the matter which is the subject of the request.
- (c) A quorum for a general meeting shall be 50 members unless otherwise determined by Council.
- (d) A decision of a general meeting shall be binding on the Council and Executive Committee.

### ELECTIONS

#### Part "A" - Regional President, Regional Vice-Presidents, Regional Secretary, Regional Assistant Secretary, Councillors and Organisers

13. The State Returning Officer shall:
- (a) once each year, conduct an election for the offices of Regional President, Regional Vice-Presidents and Councillors; and
- (b) once each four years conduct an election for the offices of Regional Secretary, Regional Assistant Secretary and Organisers - Printing Division.
14. The election shall be conducted in accordance with the provisions of Part "A" of Rule 4 of these Rules, provided always that:
- (a) a nominee must be nominated by a person who is at the closing date for lodging nominations a financial member of the Union and
- (i) be a financial member of the Division; and
- (ii) have been a member of the Union, in the case of President, Vice-President, Secretary, Assistant Secretary and Organisers, for a continuous period of not less than 3 years immediately preceding the closing date for lodging nominations; and
- (iii) have been a member of the Union, in the case of Councillors, for a continuous period of not less than 12 months immediately preceding the closing date for lodging nominations;
- (iv) have not been, during the period of 12 months immediately preceding the closing date for nominations, unfinancial for a period longer than 3 months;
- (v) have been, during the period of 12 months immediately preceding the closing date for lodging nominations:

- A. employed as an employee in a trade or calling or branch thereof or in connection with which the union is registered;
  - B. unemployed on account of illness, incapacity or inability to obtain employment; or
  - C. engaged in a full time office of the Union after having been elected or temporarily appointed thereto.
- (b) any statement in writing declaring a candidate elected or declaring the results of an election shall also be delivered by the State Returning Officer to the Regional Council of the Printing Division;
  - (c) for the purposes of compiling a roll of voters of the ballot, the State Returning Officer may direct the State Secretary and/or the Regional Secretary of the Printing Division to supply him with records relating to membership of the Division;
  - (d) the roll of voters shall be limited to members of the Printing Division in that region but otherwise the provisions of sub-rule 7(c) of Part "A" of Rule 4 shall apply;
  - (dd) The ballot paper shall be marked:
    - (a) where one candidate is to be elected - with the symbol "x" or the figure "1" opposite the candidate favoured by the voter; or
    - (b) where more than one candidate is to be elected - the ballot paper shall be marked opposite each candidate up to the required number of candidates favoured by the voter with the symbol "x", the figure "1" or the figures "1, 2 ..." etc.
    - (c) The Returning Officer shall declare elected - where one candidate is to be elected - the candidate receiving the highest number of votes, or where more than one candidate is to be elected - the candidates receiving the highest number of votes.
    - (e) the right to inspect the roll of voters shall be restricted to members of the Printing Division;
    - (f) a scrutineer shall be a financial member of the Union in the Printing Division; and
    - (g) where a vacancy occurs in such an office otherwise than at the expiration of the term of office of the persons elected thereto, the State Returning Officer shall, as soon as practicable, conduct an election in accordance with this rule for the office provided however that where the term of office is 4 years and the



unexpired portion of the term of office is less than 3 years the Council may appoint to the office a member of the Union eligible for election to the office for the unexpired portion of the term of office.

Part "B" - Delegates to State Conference

15. The State Returning Officer shall, once every four years, conduct an election for the offices of Delegates to the State Conference from the Printing Division.
17. Such election shall be conducted in accordance with the provisions of Part "B" of Rule 4 of these rules provided always that;
  - (a) a person so elected shall take office from the completion of the term of office of the person replaced or from the date of declaration of election, whichever is the later, and shall hold office for a period of four years or until a successor thereto has been elected and takes office;
  - (b) a nominee and each nominator shall be a financial member of the Union in the Printing Division at the closing date for lodging nominations provided that the nominee must also have been a member of the Union for a continuous period of not less than 2 years immediately preceding the closing date for lodging nominations and have not been, during the period of 12 months immediately preceding the closing date for nominations, unfinancial for a period longer than 3 months;
  - (c) any statement in writing declaring a candidate elected or declaring the results of an election shall also be delivered by the Returning Officer to the Regional Council of the Printing Division;
  - (d) for the purposes of compiling a roll of voters for the ballot, the Returning Officer may direct the State Secretary and/or the Regional Secretary of the Printing Division to supply him/her such records relating to membership of the Division in each region in that State;
  - (dd) The ballot paper shall be marked:
    - (a) where one candidate is to be elected - with the symbol "x" or the figure "1" opposite the candidate favoured by the voter; or
    - (b) where more than one candidate is to be elected - the ballot paper shall be marked opposite each candidate up to the required number of candidates favoured by the voter with the symbol "x", the figure "1" or the figures "1, 2 ..." etc.
    - (c) The Returning Officer shall declare elected - where one candidate is to be elected - the candidate receiving the highest number of

votes, or where more than one candidate is to be elected - the candidates receiving the highest number of votes.

- (e) the roll of voters shall be limited to members of the Printing Division but otherwise the provisions of sub-rule 7(c) of Part "B" of Rule 4 shall apply;
- (f) the right to inspect the roll of voters shall be restricted to members of the Printing Division;
- (g) a scrutineer shall be a financial member of the Union in the Printing Division; and
- (h) where a vacancy occurs in such an office otherwise than at the expiration of the term of office of the persons elected thereto, the State Returning Officer shall, as soon as practicable, conduct an election in accordance with this rule for the office provided however that where the term of office is 4 years and the unexpired portion of the term of office is less than 3 years the Council may appoint to the office a member of the Union eligible for election to the office for the unexpired portion of the term of office.

#### Part "C" - Delegates to State Council from the Printing Division

- 19. The delegates to the State Council from the Printing Division shall be elected by secret ballot by and from the delegates to the State Conference from the Division, shall each take office from the declaration of their election to office and shall each hold office for a period of two years or until a successor thereto has been elected and takes office.
- 20.
  - (a) Any nominee for an office under sub-rule 19 shall, at the date of nomination, be a financial member of the Printing Division in the region and a delegate to the State Conference from the Printing Division.
  - (b) The State Returning Officer shall conduct elections for such offices each second year at the first meeting of the Regional Council held after 31st January in that year.
  - (c) The Returning Officer shall call for nominations for the relevant office and any nomination shall be in writing and shall be signed by the nominator (who at the date of nomination shall be a delegate from the Division in the region to the State Conference). The nominee shall signify his/her acceptance of the nomination to the Returning Officer.
  - (d) The Returning Officer shall check all nominations received for compliance with the requirements of these Rules and shall reject any that do not so comply; provided that in the event of his finding a defect in any nomination he/she shall before rejecting the nomination notify

the person concerned of the defect, and where it is practicable to do so, give him/her the opportunity of remedying the defect prior to the conduct of the ballot.

- (e) If there be no more nominations than there are vacancies for a position, he/she shall declare the nominated person or persons elected to the position.
- (f) If more nominations are received than there are vacancies for a position, he/she shall have ballot papers prepared and delivered to him/her containing the names of the candidates for each position in alphabetical order indicating the number to be elected to each position and the manner in which votes shall be recorded.
- (g) He/she shall be responsible for the safe custody of the ballot papers.
- (h) He/she shall initial every ballot paper prior to the distribution.
- (i) He/she shall issue a ballot paper to each delegate to the State Conference present at such meeting and, where a delegate is not present at such meeting, to the member of the Regional Council appointed by such delegate pursuant to these Rules to exercise his/her vote in such ballot. The Returning Officer shall make all necessary provision for absent voting.
- (j) The ballot paper shall be marked:
  - (a) where one candidate is to be elected - with the symbol "x" or the figure "1" opposite the candidate favoured by the voter; or
  - (b) where more than one candidate is to be elected - the ballot paper shall be marked opposite each candidate up to the required number of candidates favoured by the voter with the symbol "x", the figure "1" or the figures "1, 2 ..." etc.
  - (c) The Returning Officer shall declare elected - where one candidate is to be elected - the candidate receiving the highest number of votes, or where more than one candidate is to be elected - the candidates receiving the highest number of votes.
- (k) At the time fixed for the closing of the ballot he/she shall, in the presence of the scrutineers (if so requested), count all the votes and subject to paragraph (k) of this clause declare the results of the ballot.
- (l) In the event of a tie occurring the result shall be determined by the Returning Officer drawing lots in the presence of the tied candidates or their scrutineers, provided that if one of the tied candidates is a retiring office-holder from the position subject to the ballot then he/she shall be declared elected.

- (m) The Returning Officer shall report the result of the election to the meeting of the Regional Council at which the election is conducted and shall submit to that meeting a full report of the ballot indicating the number of ballot papers printed, the number distributed, the number on hand and any other relevant matters.
  - (n) A candidate at a ballot under this sub-rule may appoint, by notice in writing to the Returning Officer received by him/her prior to the closing of nominations, a financial member of the Printing Division as a scrutineer, who
    - (i) shall be entitled to be present throughout the ballot and may query the inclusion or exclusion of any vote,
    - (ii) shall not remove, mark, alter or deface any ballot paper or other document used in connection with the election,
    - (iii) shall not interfere with or attempt to influence any member at the time such member is casting his vote.
21. (a) Where a vacancy occurs in an office referred to in sub-rule 19 otherwise than at the expiration of the term of office of the person elected thereto, the Returning Officer shall, as soon as practicable, conduct a secret ballot of the Delegates to the State Conference from the Printing Division.
- (b) Such ballot shall be conducted at a meeting of the Regional Council in accordance with the provisions of sub-rule 20 and a person so elected shall hold office until the expiration of the term of the person he/she replaces.

Part "D" - Election of the Executive Members of the Executive Committee of the Printing Division

22. Each State Returning Officer shall conduct an election for the offices of executive members of the Executive Committee each year.
23. Executive members of the Committee shall:
- (a) be elected by a secret ballot by and from the members of the Regional Council of the Printing Division;
  - (b) each take office from the declaration of their election to office; and
  - (c) each hold office for a period of 1 year or until a successor thereto has been elected and takes office.
24. (a) Any nominee for the office of executive member of the Committee shall, at the date of nomination, be a financial member of the Printing Division and a member of the Printing Division Council.

- (b) The State Returning Officer shall conduct the elections at the first meeting of the Council after the election for the offices of President and Councillors of the Printing Division.
- (c) The Returning Officer shall call for nominations. Nominations shall be in writing and be signed by the nominator who, at the date of nomination, shall be a Councillor. The nominee shall signify his/her acceptance of the nomination to the Returning Officer.
- (d) Paragraphs (c) to (n) of sub-rule 18 shall apply mutatis mutandis to the election of the executive members of the Committee.

### **21 - CONTINUITY**

For the purposes of these rules and for the purpose of calculating length of service of employees of the Union, membership of and/or service with The Metals & Engineering Workers' Union - Western Australian Branch or The Printing and Kindred Industries Union, Western Australian Branch, Industrial Union of Workers shall be deemed to have been membership of and/or service with, as the case requires, the Union.