

**THE ASSOCIATION OF PROFESSIONAL ENGINEERS, AUSTRALIA  
(WESTERN AUSTRALIAN BRANCH) ORGANISATION OF EMPLOYEES**

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**RULES**  
**of**  
**THE ASSOCIATION OF PROFESSIONAL ENGINEERS, AUSTRALIA**  
**(WESTERN AUSTRALIAN BRANCH) ORGANISATION OF EMPLOYEES**

**1 - NAME**

The name of the organisation shall be The Association of Professional Engineers, Australia (Western Australian Branch) Organisation of Employees.

**2 – OBJECTS**

(1) The purposes for which the Organisation is established are:-

- (a) to conserve and further the legitimate interests of its members.
- (b) to provide for all matters respecting the conditions of employment, status and welfare of its members and persons entitled to become members.
- (c) to promote co-operation between the Organisation and all other organisations representing professionally qualified engineers.
- (d) to prevent and/or settle disputes between members or between a member and the member's employer or between the Organisation and any employer/person or body of persons by conciliation and/or other lawful means.
- (e) to advance and protect the social and economic interests of its members and employee professional engineers generally.
- (f) to establish funds for the general conduct of the Organisation.
- (g) to establish Groups of members of the Organisation in various parts of the State.
- (h) to assist members by financial and/or other means.
- (i) to establish, publish and distribute journals for the benefit of its members and contribute to and subscribe to journals of other organisations and bodies.
- (j) to purchase, sell, mortgage, lease or otherwise deal in real and personal property of all kinds.

- (k) to borrow and raise money by debentures or otherwise for any of the objects of the Organisation.
- (l) to undertake, defend or intervene in any proceedings in any court of law or arbitration which in the opinion of the Organisation affect or may affect directly or indirectly the rights or interests of its members or of persons eligible to be members or of any of them.
- (m) to appoint and employ officers, solicitors, accountants, auditors and other persons considered necessary for the efficient working of the Organisation and to pay such salaries, fees and allowances to persons so appointed and to members of the Organisation engaged in furthering the objects and work of the Organisation and to establish superannuation and retiring funds for the benefit of officers and employees and ex-officers and ex-employees of the Organisation.
- (n) to amalgamate, affiliate with or absorb any union which has objects and/or constitution similar to the objects and/or constitution of this Organisation.
- (o) to do all such other things as the Organisation may from time to time deem incidental or conducive to the attainment of the above objects or any of them.

### **3 – DEFINITIONS**

In these Rules:-

"Organisation" and "the Organisation" means The Association of Professional Engineers, Australia (Western Australian Branch) Organisation of Employees.

"Committee" means the Committee of Management of the Organisation.

"Executive Officers" and "Executive" means the President, Vice-President, Treasurer and Secretary of the Organisation, duly elected in accordance with these Rules.

"Member" means a member of the Organisation who is usually employed within the area served by the Organisation and whose name is entered in the Register.

"Office" shall mean

- (a) the office of a member of the Committee of Management;
- (b) the office of a President, Vice-President, Secretary, Treasurer or other executive officer by whatever name called, of the Organisation;
- (c) every office within the Organisation for the filling of which an election is required to be conducted within the Organisation.

"Officer" means any person elected or appointed to and holding office in the Organisation, whether honorary or salaried, and shall include Executive Officers and Committee members but shall not include Group Officers.

"Register" means the Register of Members kept by the Secretary at the Registered Office of the Organisation in accordance with these Rules.

"Rules" means the Rules of the Organisation which are in force from time to time.

"Group" shall mean a group of members constituted in accordance with these Rules but shall not include a Branch.

"Group Officer" shall mean the Group President, Group Secretary and Group Committee members elected or appointed pursuant to these Rules and Group Rules.

"The Act" means the Industrial Relations Act 1979.

"The Registrar" means the Registrar of the Industrial Relations Commission appointed pursuant to the Act.

Words importing the singular only shall include the plural. Words importing the plural shall include the singular.

#### **4 – MEMBERSHIP**

- (1) The following persons shall be eligible for membership of the Organisation:-
  - (a) any person temporarily, permanently or usually employed within Western Australia or in any place where the Act applies on a full-time or part-time basis for hire or reward in or in connection with the industry or vocation or craft of engineering provided that:
    - (i) he or she is or has been a Corporate Member or Graduate Member of the Institution of Engineers, Australia, or
    - (ii) he or she has passed the prescribed examinations for or is the holder of qualifications published by The Institution of Engineers, Australia, as granting eligibility for Graduate or Corporate Membership of the said Institution, or
    - (iii) the Committee has received written notification from The Institution of Engineers, Australia, that the qualifications of the applicant would render the applicant eligible for Graduate or Corporate Membership of the said Institution, or
    - (iv) is registered on the National Professional Engineers Register; or
  - (b) any other person whether employed in the industry of engineering or not who is or hereafter becomes an officer of the Organisation and admitted as a member hereof, or
  - (c) any person employed by the Commissioner of Main Roads (WA) as an engineer and who undertakes the role and responsibility of a professional engineer; or

- (d) any person engaged permanently or temporarily in a professional engineering capacity in or in connection with the construction, maintenance, development, operation or control of a railway or railways and/or tramway or tramways and/or road transport and/or aerial transport.
- (2) Provided that the following persons shall not be eligible for membership of the Organisation:-
- (a) any person who is eligible for membership of the Hospital Salaried Officers Association of Western Australia (Union of Workers) at the date of registration of The Association of Professional Engineers, Australia (Western Australian Branch) Organisation of Employees.
  - (b) any person who is eligible for membership of the University Salaried Officers Association of Western Australia (Union of Workers) at the date of registration of The Association of Professional Engineers, Australia (Western Australian Branch) Organisation of Employees.
  - (c) any person employed under the provisions of the Public Service Act, 1978 as that Act was constituted on the first day of July, 1987.
  - (d) any person who is eligible for membership of the Union of Australian College Academics, (W.A. Branch) Industrial Union of Workers at the date of registration of The Association of Professional Engineers, Australia (Western Australian Branch) Organisation of Employees.
  - (e) any person who is eligible for membership of the Federated Clerks' Union of Australia Industrial Union of Workers, W.A. Branch at the date of registration of The Association of Professional Engineers, Australia (Western Australian Branch) Organisation of Employees.
  - (f) subject to sub rule (1)(c) of this rule 4, any person who is eligible for membership of The Civil Service Association of Western Australia (Inc.) at the date of registration of The Association of Professional Engineers, Australia (Western Australian Branch) Organisation of Employees.

## **5 – MEMBERSHIP APPLICATIONS**

- (1) An applicant for membership shall:-
- (a) Complete an application in the form prescribed from time to time by the Committee and forward the application to the Secretary.
  - (b) Furnish such additional information as the Committee or Organisation may require.
- (2) The Secretary on receiving an application shall promptly submit it to the Committee which shall consider each application and shall accept it or reject it or call for further information from the applicant concerned.

- (3) In the event of the Committee rejecting an application for membership the Secretary shall notify the applicant in writing.
- (4) Any applicant for membership whose application has been rejected may appeal to the Organisation at a Special General Meeting or at the next Annual General Meeting.
- (5) The Secretary shall notify in writing an applicant for membership whose application has been accepted by the Committee or by the Organisation on appeal and shall state the date of his or her admission.
- (6) No person shall have any of the rights of membership of the Organisation until his or her application for membership has been accepted by the Committee or in the case of an appeal to the Organisation and the applicant has been notified of the acceptance of membership by the Secretary.
- (7) The Committee when accepting the application of a member may date the admission to membership from the date of the application or any date subsequent thereto up to and including the date of acceptance.

#### **6 – CESSATION OF MEMBERSHIP**

- (1) A member may end membership of the Association by giving written notice of the intention to resign. The notice of resignation shall be delivered in person or by certified mail to the Registered Office. The resignation takes effect from the day on which it is received by the Association or on such later date specified in the notice but the member will remain responsible for any subscriptions levies or fines owing up to and including the date of ceasing to be a member of the Association
- (2) The Secretary on receiving from a member a notice of intention to resign shall promptly report thereon to the Committee.
- (3) A member shall cease to be a member when:-
  - (a) the member is no longer eligible for membership, or
  - (b) the member is expelled, or
  - (c) the member dies, or
  - (d) the period of the member's notice of intention to resign (unless previously withdrawn) has expired, or
  - (e) the Committee accepts the member's resignation as effective upon a date prior to the expiry of the written notice, or
  - (f) being unfinancial and having failed to keep the Organisation informed of his or her place of residence, employer and place of employment as required by these Rules and the Secretary having made proper attempts to do so, being unable to contact the member for a period of more than three months, the Committee rules that his or her membership shall be determined.

- (g) if on the 30<sup>th</sup> day of November in any year the member is unfinancial and has been so for a period of not less than 12 months.
- (4) The Secretary shall promptly notify each person (where practicable) of the determination of his or her membership stating the date thereof and the reason therefore and amount and nature of any debts owing by the member to the Organisation. The notification shall be made by certified mail addressed to the last known address of the member as shown in the Register.

### **7- OFFENCES BY MEMBERS**

- (1) The Committee may call upon any member who the Committee has reason to believe is acting or has within 12 months preceding acted in a manner prejudicial to the interests of the Organisation or Groups or has committed any offence against these Rules to show cause why the member should not be reprimanded, fined or expelled from the Organisation.
- (2) The Secretary shall give to the member concerned at least 21 days notice in writing of the time, date and place fixed for hearing evidence relating to the offence which the member is alleged to have committed and all particulars of the alleged offence and such notice in writing shall be given by certified mail to the member's address as shown in the Register.
- (3) The evidence relating to the alleged offence shall be heard by the Committee or by a Sub-Committee consisting of not less than three members of the Committee appointed for the purpose and the member concerned shall be heard in his or her defence either personally or through any person nominated by the member or the member may make in writing such submissions as he or she may desire to make.
- (4) If the evidence relating to the offence is heard by a Sub-Committee that Sub-Committee shall report its finding to the Committee together with a recommendation to the Committee as to penalty, if any.
- (5) If in the opinion of the Committee the member is guilty of the offence alleged the Committee may reprimand the member or may fine the member a sum not exceeding one quarter of the annual subscription as decided by the Committee according to sub clause (1) (d) of Rule 26 for any one offence or may expel the member from the Organisation.
- (6) The Secretary shall promptly inform the member by letter of the decision of the Committee. In the event of expulsion the expulsion shall become effective one month after the date of posting such letter and in the event of a fine being imposed the fine shall become payable immediately and the member shall be deemed unfinancial if the fine is unpaid three months after the date of posting such letter and shall remain as unfinancial until the fine is paid.
- (7) A member who is found guilty of an offence shall have a right of appeal to a Committee Meeting called for the purpose if, and only if, the penalty imposed by the Committee is expulsion from the Organisation or is a fine exceeding one eighth of the annual subscription as decided by the Committee according to sub clause (1) (d) of Rule 26.

- (8) Such appeal must be submitted to the Secretary in writing not more than one month after the date of posting of the letter informing of the decision of the Committee and if the appeal is against expulsion, such expulsion shall not become effective before the appeal is determined.
- (9) The decision of the Committee determining the appeal shall be given to the member in writing and shall be the final determination.
- (10) An offence shall not include an act of compliance with the member's contract of service.

## **8 - REGISTER OF MEMBERS**

- (1) The Secretary shall keep -
  - (a) a register of its members each member's name and residential address and details of the financial status of each member in respect of his or her membership.
  - (b) a list of the names, residential addresses, and occupations of the persons holding offices in the Organisation
- (2) The Organisation shall file with the Registrar once in each year at such is prescribed, a copy of the list of the names, residential addresses and occupations of persons holding office and a record of the number of members in the Organisation, certified by statutory declaration by the Secretary or President of the Organisation to be a correct statement of the information contained therein.
- (3) Notification of any change in the holding of office in the Organisation shall be filed with the Registrar in writing within 14 days of the date of the change.
- (4) The Register of members shall be available at the office of the Organisation for inspection by the Returning Officer, the Auditor, any Officer holding office under the Rules, any member so authorised from time to time by the Committee, and by the Registrar or by any person authorised by the Registrar at such times as are appointed by him.
- (5) The Register of members shall be purged at least four times each year by striking off the name of members who have resigned from the Organisation in accordance with Rule 6 or whose membership has been ended in accordance with Rule 6.

## **9 – MEMBERS CHANGE OF ADDRESS**

In the event of a Member changing his or her place of residence, employer, place of employment or postal address, the member shall notify such change to the Secretary in writing within 14 days.



## **10 - REGISTERED OFFICE**

- (1) The Registered Office of the Organisation shall be at 12/14 Thelma Street, West Perth or at such other place as the Committee may from time to time determine.
- (2) Notification of a change of address of the registered office of the Organisation shall be notified to the Registrar, by the Secretary of the Organisation in writing, within 14 days of the date of change.

## **11 - MANAGEMENT**

- (1) The Management of the Organisation shall be vested in an Annual General Meeting and a Committee of Management. Subject to the control of any plebiscite of members taken pursuant to these Rules, the Annual General Meeting and the Committee shall carry out such functions as shall be prescribed by these Rules or delegated to it by the Annual General Meeting.
- (2) Subject to the control of the Committee, the Executive shall carry out such functions as shall be prescribed by these Rules and such functions as are delegated to it from time to time by the Committee.

## **12 - ANNUAL GENERAL MEETING**

- (1) An Annual General Meeting shall be held by the Organisation once in every year at a time and place decided by the Committee, and on a day between the first day of October and the 30<sup>th</sup> day of November. The Annual General Meeting while in session shall govern, manage and conduct the affairs of the Organisation subject to decisions made by a majority of votes cast in a plebiscite of the Organisation and shall have power subject to these Rules to:-
  - (a) make, repeal and amend and/or add to these Rules provided that notice of the proposed making, repeal, amendment, addition or alteration has been included in the notice of the Annual General Meeting;
  - (b) receive and adopt a statement of income and expenditure and an audited balance sheet as at the 30<sup>th</sup> day of June of each year;
  - (c) determine any matter referred to it by the Committee;
  - (d) review the acts or decisions of the Committee;
  - (e) do all acts or things which by virtue of the Rules it or the Committee is empowered to do;
  - (f) do all other acts and things which are not by the Act or these Rules specifically directed to be done by any other person or body, and which in the opinion of the Annual General Meeting are in the interests of the Organisation or in the interests of members or persons eligible to be members.

- (2) Notice of the Annual General Meeting shall be given by the Secretary by posting to or leaving for each member at the member's place of employment or postal address for service of notices as shown in the Register a written notice of the time, date and place of the meeting, at least 21 days prior to the holding thereof.
- (3) The publication of the necessary information in a journal of the Organisation distributed to each member so as to be received in the normal course of post within the specified time shall be deemed and held to be adequate notice for the purpose of this clause.
- (4) Notices of intention to make, amend, repeal, add to, or alter the Rules shall be made by not less than 50 financial members or by not less than 10 per centum of the financial members, whichever is the lesser, or by the President. The Secretary shall include in the notice of the Annual General Meeting such notices of intention to make, amend, repeal, add to or alter the rules as shall be received by the Secretary in sufficient time to permit inclusion in the said notice. Such notice shall include a brief statement of the reasons for each proposal to amend the Rules and shall inform the members that they may object to any proposed alteration by forwarding a written objection to the Registrar within 21 days of having received the notice.
- (5) If five per centum or more of the members object to any proposed amendment the proposal shall not be put to the Annual General Meeting and instead a ballot shall be conducted in accordance with these Rules or in such other manner as the Registrar approves and if a majority of the members of the Organisation who vote in the ballot shall authorise or approve the proposal the same shall be deemed to have been adopted and, subject to Section 62 of the Act, the Rules shall be amended accordingly.
- (6) All acts and decisions of the Annual General Meeting, unless contrary to these Rules, shall be binding on all members.

### **13 - SPECIAL GENERAL MEETING**

- (1) The Secretary shall convene a Special General Meeting of the Organisation:-
  - (a) when the Committee so resolves, or
  - (b) when the President so directs, or
  - (c) when a meeting is requisitioned in writing by not less than 50 financial members or by not less than ten per centum of the financial members (whichever number is the lesser) and in each case such requisition shall be addressed to the President or Secretary, and shall set out the reasons for requiring such meeting, or
  - (d) when so resolved by Annual General Meeting or a Special General Meeting of the Organisation, or
  - (e) when so requested by a Committee member in accordance with sub clause (4) of Rule 15.

- (2) The time and place of Special General Meetings shall be decided by the Committee, or in cases of urgency, by the Executive, provided that when a meeting has been requisitioned for in accordance with the previous clause it shall be convened by the Secretary within 28 days of the requisition reaching the President or Secretary.
- (3) Notice of Special General Meeting shall be given by the Secretary by posting to or leaving for each member at the member's place of employment or postal address for service of notice as shown in the Register, a written notice stating shortly the nature of the business to be transacted and the date, time and place of such meeting, at least seven days prior to the holding thereof.
- (4) No business shall be transacted at a Special General Meeting unless notice thereof has been given in accordance with these Rules.
- (5) A Special General Meeting shall have powers equal to those of an Annual General Meeting in transacting all business, the nature of which has been outlined in the notice of the meeting.

#### **14 – COMMITTEE OF MANAGEMENT**

- (1) A Committee of Management consisting of not less than six or more than 10 Committee members elected by the members as hereunder provided, shall take office on the first day of February in each year, and shall hold office until the first day of February next following and thereafter until the succeeding Committee has been elected.
- (2) The Committee shall have the following powers and duties:-
  - (a) Except when the Annual General Meeting or a Special General Meeting is in session, to manage the affairs and conduct the business of the Organisation to administer the Rules and to do all acts or things as the Annual General Meeting is empowered to do unless specifically prohibited from so doing by the General Meeting provided that the Committee may not make, repeal, amend and/or add to the Rules.
  - (b) To carry out such specific duties or directions as are delegated to it by the Annual General Meeting or by a Special General Meeting.
  - (c) To investigate fully all grievances and disputes affecting members which shall have been placed before it.
  - (d) To authorise such expenditure of moneys from the Organisation funds as may be necessary for the conduct of the affairs of the Organisation.
  - (e) To purchase, take on lease, hold, sell, lease, mortgage, exchange, and otherwise own, possess, and deal with any real or personal property.
  - (f) To employ such persons as deemed necessary in the service of the Organisation and to terminate the services of such persons.
  - (g) To co-opt members of the Organisation to the Committee who shall have the right and duty to attend Meetings of the Committee and participate therein during the period for which they are co-opted but shall not have the right to propose any motion or to vote on any motion.

- (3) The Committee shall meet as often as is necessary to transact the business of the Organisation, and at least once in every quarter and at such other times as the President or the Organisation in general meeting shall direct, or when three or more Committee members notify the Secretary or the President that they desire a meeting to be held. The Secretary shall post to each member of the Committee to the member's postal address for service of notices shown in the Register at least seven days before the time of meeting, a notice of such meeting of the Committee, provided that if in the opinion of the President a meeting of the Committee should be summoned in emergency, notice may be served by telegrams or such other means and with such notice as the President shall direct.
- (4) All acts and decisions of the Committee shall be subject to review by the Organisation in general meeting, and subject thereto and until so reviewed, the determination of the Committee, unless contrary to these Rules shall be binding on all members, provided that any Committee member may exercise a right of appeal to a Special General Meeting called for the purpose against any act or decision of the Committee.
- (5) Subject to the Industrial Relations Act 1979, the Committee may, if and when it deems it necessary, determine that an office or offices on the Committee of Management shall henceforth be held by the person who, in accordance with the rules of the Western Australian Branch of The Association of Professional Engineers, Australia, holds the corresponding office in that body.

#### **15 - QUORUM**

- (1) At all Annual General Meetings or Special General Meetings of the Organisation not less than 20 financial members present in person shall form a quorum.
- (2) At all meetings of the Committee five members thereof present in person shall form a quorum.

#### **16 - PROXIES**

- (1) Subject to the limitations on use of proxy votes set out in sub clause (3) of this Rule, any member may appoint in writing in a form approved by the Committee any financial member as the member's proxy to attend for the member at any meeting or at any general meeting or meetings of the Organisation or any Committee meetings.
- (2) Such proxy may relate to one specific meeting or to any number of meetings but shall not be effective unless the appointment is made in writing and lodged with the Secretary before the meeting for which it is to be used and not later than 24 hours before the appointed time for any general meeting of the Organisation for which it is to be used.
- (3) At any General Meeting of the Organisation a member shall be entitled to record votes for or against any motion in addition to the member's own vote, on behalf of no more than 10 proxies irrespective of the number of proxies held by the member for that meeting provided that the member may record a vote on behalf of every proxy for which the member has received specific directions in writing in relation to a motion on the notice paper.

## **17 - EXECUTIVE OFFICERS**

- (1) The Organisation in General Meeting or if a General Meeting is not in session, the Committee may elect any Committee member to carry out temporarily the duties of any Executive Officer who is absent from Australia, is ill, or for any other reason is unable in the opinion of the general meeting or the Committee to carry out his duties, and any person temporarily elected an Executive Officer shall have all the powers and duties of the Executive Officer whose place he is temporarily filling.
- (2) The powers and duties of Executive Officers, in addition to the powers and duties expressly conferred by these Rules, shall be as follows:-
  - (a) The Organisation President shall be the Chief Officer of the Organisation and ex-officio a member of all committees and sub-committees of the Organisation and shall preside at all meetings of the Organisation Committee and all General Meetings at which he or she is present provided that he or she may vacate the chair or decline to preside if he or she considers such action to be appropriate in view of the nature of the business before the meeting. The President shall be entitled ex-officio to attend any meeting of a Group, a Group Committee or any formal or informal assembly of all or any of the members, and shall have the same responsibilities and privileges as any other member present, provided that he or she shall not have power to cast a vote at any meeting or assembly at which he or she exercises this entitlement to attendance.
  - (b) The Vice-President shall assist the President in the execution of his or her duties, and shall deputise for the President in his or her absence. In the absence of both the President and Vice President at any meeting, the meeting shall elect a member present to act as President for that meeting.
  - (c) The Secretary shall carry out the directions of the Committee and the President, and subject to such directions shall supervise and control the routine and office work of the Organisation, and shall attend to all correspondence of the Organisation and shall keep the records thereof, and shall keep proper and accurate minutes of all meetings of the Committee and General Meetings of the Organisation.
  - (d) The Treasurer, subject to the general direction and supervision of the Committee, shall handle all moneys of the Organisation and shall keep proper banking accounts and books of account recording all financial transactions thereof, including an account of all receipts, payments, funds and effects of the Organisation. The Treasurer shall supply from time to time all information required by the Auditors and by the Committee, and within three weeks after the close of the financial year of the Organisation prepare a full statement of income and expenditure for that financial year, and balance sheet of the Organisation, and shall forward the same to the Auditors for audit prior to submission to the Committee, and to the Annual General Meeting.
  - (e) The Executive Officer presiding in the chair at any meeting of the Organisation Committee or any General Meeting shall have a casting vote.

## **18 - REMOVAL FROM OFFICE**

- (1) Where the Committee at a special meeting called for the purpose finds an Executive Officer or a Committee member guilty, in accordance with these Rules, of misappropriation of the funds of the Organisation or a substantial breach of the Rules of the Organisation or gross misbehaviour or gross neglect of duty, or finds that such a person is not eligible to hold office, it may by resolution remove such person from office, provided that such removal shall not operate until the resolution is confirmed by the majority of votes cast in a plebiscite of all members of the Organisation or by a resolution of a Special General Meeting of the Organisation called for that purpose.
- (2) No such resolution shall be moved at a meeting of the Committee unless the person concerned has been given adequate notice of the intention to move the resolution and an opportunity to show cause to the Committee why the resolution should not be passed.

## **19 - GROUPS**

- (1) The Organisation may establish Groups consisting of members within the area which the Organisation is serving and a register of such Groups showing the name of each Group together with the section of membership of the Organisation served by each Group and the names and addresses of the Officers of each Group shall be kept by the Organisation.
- (2) All Groups shall be subject to these Rules and to their Group Rules provided that such Group Rules have first been approved by the Committee.
- (3) In the event of any inconsistency arising between these Rules and the Rules of a Group these Rules shall prevail and the decision of the Committee on any question of conflict between Rules shall be final.

## **20 - PLEBISCITE**

- (1) A plebiscite of members on any matter shall be taken if:-
  - (a) directed by the Committee, or
  - (b) requisitioned for in writing by at least 50 or 10 per centum of financial members, whatever is the lesser.
- (2) Every direction or requisition for a plebiscite shall be in writing, addressed to the Secretary, and shall set out the matter to be voted upon in the form of a motion.
- (3) Immediately such a direction or requisition is received the Executive shall appoint a Returning Officer who shall not be the holder of any office in and shall not be an employee of the Organisation and who shall within 28 days after the direction or requisition is received submit the motion to a postal vote of all members. Members shall be directed to vote for or against the matter submitted to them and to return ballot papers to the Returning Officer at a place fixed by the Returning Officer within 28 days of their posting.

- (3) The Committee may appoint a member as Scrutineer, and in the case of a plebiscite requisitioned by members, the members who so requisitioned may appoint a member as their Scrutineer. Such appointments shall be in writing, and shall be signed, in the case of the Committee by a person authorised in that behalf, and in the case of requisitioning members by the majority of such members, and shall be lodged with the Returning Officer not less than seven days prior to the last day for the return of ballot papers.
- (4) The Returning Officer shall not open or count any ballot papers until after midday on the last day for the return of ballot papers, and shall at least three days prior thereto notify all Scrutineers appointed in accordance with this Rule of the time and place for the counting of ballot papers, and at the time and place so appointed shall, in the presence of such Scrutineers as may be present, open the ballot papers and count the votes.
- (5) After the completion of the count the Returning Officer shall prepare a statement of the votes cast for and against the motion, and the statement shall be submitted to such Scrutineers as may be present when the count is completed who may sign the statement if they so desire, and the Returning Officer shall then transmit the statement to the Secretary.
- (6) Subject to the above provisions of this Rule, the provisions of Schedule A - Elections in respect to the conduct and duties of Returning Officer, the conduct of the ballot, the appointment, conduct and duties of scrutineers, the declaration of the results of the ballot and assistance to and honorarium for the Returning Officer and the assistants appointed by the Returning Officer shall, mutatis mutandis, apply to ballots under this Rule.

## **21 - INDUSTRIAL DISPUTES**

- (1) The Committee shall have power on behalf of the Organisation to negotiate and claim for improvement of salaries and conditions of employment and other matters affecting the industrial interests of the members of the Organisation and all claims, demands, negotiations and settlements made by the Committee whether within the jurisdiction of the Western Australian Industrial Relations Commission or any Industrial Tribunal or otherwise shall be binding on the members of the Organisation.
- (2) The Committee may refer any industrial dispute to an appropriate Industrial Tribunal and shall be authorised to act on behalf of the members of the Organisation concerned in such dispute without any authority in general meeting being obtained.

## **22 - BANK ACCOUNT**

- (1). A current account or current accounts in the name of the Organisation shall be kept with a Bank or Banks approved by the Committee, and all funds of the Organisation shall be banked with such Bank or Banks.
- (2). Not more than five Officers shall be authorised by the Committee to sign cheques on the bank account or accounts of the Organisation and at least two of such Officers, including one Executive Officer, shall sign each cheque.

### **23 - FINANCE**

- (1) The Organisation shall raise funds by subscriptions and/or levies and/or any other means approved by the Committee which funds together with any other moneys received shall be applied for any or all of the objects or purposes of the Organisation.
- (2) All subscriptions and levies shall be paid to and collected by the Treasurer and shall be applied and accounted for by the Treasurer in accordance with these Rules and any By-Laws of the Organisation and the directions of the Committee for time being in force.
- (3) The financial year of the Organisation shall be from the first day of July to the thirtieth day of June in each year both dates inclusive.
- (4) The Organisation shall keep accounting records that are in accordance with generally accepted accounting principles and truly record and explain the financial transactions and financial position of the Organisation.

### **24 – AUDITOR**

- (1) The Organisation at its Annual General Meeting shall appoint an Auditor who shall be a person registered as an auditor under the Corporations Act 2001 of the Commonwealth.
- (2) The Auditor shall hold office until a new Auditor is appointed at the next Annual General Meeting, and shall be eligible for re-election.
- (3) The Auditor shall within six calendar months after the end of each financial year of the Organisation thoroughly audit and check the accounts of the Organisation and shall make such report to the Annual General Meeting or to the Committee as the Auditor shall deem fit, including a duly audited balance sheet of the assets and liabilities of the Organisation made up to the date of closing of the accounts, and also a duly audited statement of the receipts and expenditure of the Organisation during the year, subject to the audit.
- (4) Within one calendar month after the completion of the audit referred to in sub clause (3) of this Rule, deliver to the Registrar -
  - (a) a balance sheet of the assets and liabilities of the Organisation audited by the auditor and made up to the date of the closing of the accounts of the Organisation in respect of the financial year concerned,
  - (b) a statement of the receipts and expenditure of the Organisation during the financial year concerned audited by the auditor; and
  - (c) a cash flow statement of the Organisation for the financial year concerned audited by the Auditor.
- (4) The auditor shall have access to the Organisations records and officers and employees of the Organisation as prescribed by Section 65 of the Industrial Relations Act 1979.



## **25 - ACCESS TO BOOKS**

Members of the Organisation may inspect the books of the Organisation during normal working hours provided reasonable notice of the intention to inspect the books is given to the Secretary of the Organisation.

## **26 - SUBSCRIPTIONS, ENTRANCE FEES AND LEVIES**

- (1) Except as otherwise provided in Rule 27 the following fees shall be payable by each member:-
  - (a) A subscription for membership to the thirty-first day of May next after admission or re-admission to membership due on the date of notification of admission or re-admission the amount of such subscription being the amount calculated to the nearest dollar of one-twelfth of the annual subscription of each complete calendar month between the date of admission or re-admission and the first day of June next after admission or re-admission.
  - (b) An annual subscription for each subsequent year of membership or part thereof, due and payable on the first day of June of each year.
  - (c) Such levies not exceeding one eighth of the annual subscription as decided by the Committee according to clause (d) of this Rule in any one year as the Committee may direct.
    - (i) At the time of each decision to impose a levy the Committee shall specify a date not less than two months later before or on which the levy shall be payable. The Secretary shall promptly notify all members in writing at least one month before the date on which the levy is payable.
  - (d) The annual subscription applicable to members shall be such amount as the Committee shall from time to time determine.
  - (e) Provided that for the period up to and including the first full subscription year after qualifying as a Professional Engineer only fifty per centum of fees prescribed by these Rules is payable.

## **27 - SUBSCRIPTIONS PAYABLE IN INSTALMENTS**

- (1) An arrangement for payment of subscriptions may be made between a member's employer and the Organisation whereby the member may authorise his or her employer to make regular deductions from his or her salary. Such an arrangement must be approved by the Committee. The following subscriptions shall be payable and the following procedures shall apply:-
  - (a) To the subscription determined in accordance with Rule 26 hereof shall be added a loading as determined by the Committee to accommodate additional costs.

- (b) At the commencement of the arrangement, and subsequently before the first day of June in each year, the Organisation shall advise the member and his or her employer of the total amount due to thirty-first day of May next. The employer shall deduct an appropriate regular amount from the member's salary and shall then forward that amount to the Organisation at agreed intervals.
- (2) An individual member may elect to pay his or her annual subscription direct to the Organisation by quarterly installments in accordance with the following provisions:
    - (a) To the subscription determined in accordance with Rule 26 shall be added a loading as determined by the Committee to accommodate additional costs.
    - (b) A member who elects to pay his or her subscription on a quarterly basis shall advise the Organisation in writing of his or her intention and shall pay, in addition to the subscription, the loading as determined in the previous sub-clause.
    - (c) The member shall be advised by the Organisation of the amount of subscription for membership and the additional loading converted into quarterly payments.
    - (d) The amount so determined for each quarter shall be due and payable on the first day of June, September, December and March.
  - (3) Any levy as set in accordance with sub clause (1) (c) of Rule 26 shall be paid in accordance with sub paragraph (i) of of sub clause (1) ( c) of Rule 26 and not be the subject of any installment arrangements.

## **28 - FINANCIAL MEMBERS**

- (1) A member shall be a financial member only if the member has paid all subscriptions, levies and fines payable by the member and his or her current subscription unless such current subscription or fine has been due and payable for less than three months and unless the date decided at the imposition of any levy or fine concerned has not yet been reached provided that a member who has made an approved arrangement in accordance with Rule 26 shall be deemed to be financial in respect of the member's current subscription for which the deductions are being made.
- (2) The Committee may in special circumstances (of which circumstances the Committee shall be the sole judge) waive the whole or any portion of levies, fines and subscriptions payable by a member and on such member and the Secretary being informed in writing by the Committee that the whole or any portion of levies, fines or subscriptions payable by him have been waived by the Committee the amount so waived shall be deemed to be not payable.

- (3) The existence of a debt to the Organisation by any member or former member in respect of any subscription, fine or levy payable by the member shall be sufficiently proved by production of:-
- (a) the Rules of the Organisation, and
  - (b) the original or duplicate application form signed by the member for admission to the Organisation, and
  - (c) the Minutes of a Meeting of the Committee in which the existence of the debt is indicated, unless the member or former member can prove otherwise.
- (4) No member other than a financial member shall
- (a) vote upon any matter or
  - (b) propose or second any motion nor
  - (c) sign any requisition nor
  - (d) hold or continue to hold any office in the Organisation nor
  - (e) be eligible for nomination or election thereto nor
  - (f) nominate or second any member for election to any office in the Organisation nor
  - (g) act as proxy or deputy for any officer of the Organisation.
  - (h) Provided that no member other than a member who is a financial member on the fifteenth day of October immediately preceding the date of the election shall be eligible for nomination or election as an officer, nor shall he or she nominate or second any member for such office nor shall he or she vote in the election of such officers.

#### **29 - SEAL**

- (1) The Common Seal of the Organisation shall be kept in the custody of the Executive as directed by the Committee. Such Seal shall be affixed to any instrument including any Industrial Award or Agreement only on the authority of the Committee and in the presence of two Executive Officers appointed by the Committee from time to time for that purpose.
- (2) Any person may be authorised under the Seal of the Organisation to appear for the Organisation in any proceedings or to institute or defend any proceedings on behalf of the Organisation.

### **30 - DISSOLUTION**

- (1) The Organisation may be dissolved when the financial members fall below 20 in number.
- (2) The resolution in favour of such dissolution shall be passed at a Meeting of financial members specially called for that purpose, which meeting shall direct the distribution of any remaining funds.

## SCHEDULE A - ELECTIONS

- (1) The retiring Committee shall appoint a Returning Officer for the election of Officers and such Returning Officer shall hold office until a successor is appointed or the appointment is terminated by the Committee.
- (2) A person so appointed may or may not be a financial member of the Organisation but in any event shall not be:-
  - (a) a candidate for election to the Committee, or
  - (b) the holder of any office in the Organisation, or
  - (c) an employee of the Organisation.
- (3) Nothing in this Rule shall prevent the Returning Officer from accepting appointment to a casual vacancy as prescribed in the Rules but upon doing so he or she shall cease to be eligible to continue as Returning Officer in relation to the conduct of any election commenced after his or her acceptance of such appointment.
- (4) After the 17<sup>th</sup> day of September and before the first day of October in each year, the Returning Officer shall forward to each financial member, by post, a notice announcing the forthcoming elections and call for nominations from financial members for 10 Committee members, and
  - (a) The Returning Officer shall, not less than fourteen and not more than 21 days before the date of commencement of the period for lodging nominations of candidates for an election for an office cause to be published in a newspaper or newspapers circulating widely within the State a notice setting out:-
    - (i) the name of the Organisation;
    - (ii) the title of the office(s);
    - (iii) the form in which nominations are to be made;
    - (iv) the place for lodging nominations;
    - (v) the times and dates of the commencement and close of the period for lodging nominations, which shall be a period of not less than seven days, and inviting nominations of persons eligible for election for the office under the Rules of the Organisation to stand as candidates for election for the office.

- (5) Nomination for the above mentioned Officers shall be made in the form prescribed by the Returning Officer. Each nominee shall be proposed and seconded by one financial member respectively and shall sign his or her nomination indicating consent to the nomination. Completed nominations shall be addressed to the Returning Officer at the Registered Office of the Organisation or at another address specified by the Returning Officer so as to reach that office or address not later than the 15<sup>th</sup> day of October following the calling for nominations provided that where a nomination is forwarded by certified mail and is posted on a date prior to the 15<sup>th</sup> day of October it shall be deemed to have reached that office or address not later than the 15<sup>th</sup> day of October. As soon as possible after a nomination is received at such office or address it shall be examined by the Returning Officer who shall then promptly advise the nominee of receipt of such nomination and whether it complies with all requirements of the Rules. In the event of the Returning Officer finding a defect in a nomination, the Returning Officer shall before rejecting the nomination, notify the person concerned and where practicable to do so, give the person the opportunity of remedying the defect within seven days of being notified.
- (6) Every nominee may provide with his or her nomination information on his or her age, employer and position and may provide as his or her policy a brief statement of the objectives he or she intends to pursue if elected. Such a statement shall be limited to 50 words.
- (7) In the event of:-
- (a) There being more nominations than the number of vacancies to be filled a secret postal ballot of all financial members shall be conducted by the Returning Officer.
  - (b) The number of nominations received being equal to the number of vacancies to be filled the Returning Officer shall within seven days after the closing date for the lodging of nominations declare in writing to the Secretary that the persons so nominated are elected to office.
  - (c) There being fewer nominations than the number of vacancies to be filled the Returning Officer shall within seven days after the closing date for the lodging of nominations declare in writing to the Secretary that the persons so nominated are elected to office and such declaration shall indicate each vacancy resulting.
  - (d) Vacancies resulting from a shortfall in nominations shall be filled by recalling nominations according to sub clauses (4), (5) and (6) of this Rule, with the word September replaced by November and the word October replaced by December where appropriate.
- (8) (a) Where a secret postal ballot is required according to sub clause (7) of this Rule, a rectangular or square ballot paper containing the name of every person duly nominated for the position of Committee member, with such names ordered according to the drawing of lots, shall be forwarded by pre-paid post to each financial member on or before the eighth day of November, along with any statements provided by nominees under sub clause (6) of this Rule and an envelope in which the member may return his or her ballot paper without expense to the member.

- (b) The ballot paper shall direct that the person voting shall indicate his or her preferences by placing crosses opposite the names of the candidates for whom the member desires to vote provided that the number of preferences so indicated shall be the same as the number of candidates to be elected as stated on the ballot paper.
  - (c) Completed ballot papers shall be addressed to the Returning Officer at a post office box specified by the Returning Officer and rented in the name of the Union. Key of such box shall, before ballot papers are sent out, be placed in the hands of the Returning Officer. Closing date for return of ballot papers shall be the twenty-sixth day of November provided that where a ballot paper is forwarded by certified mail and is posted on a date prior to the twenty-sixth day of November it shall be deemed to have been received not later than the twenty-sixth day of November.
- (9) Following the use of paragraph (d) of sub clause (7) of this Rule and in the event of:-
- (a) There being more nominations than the number of vacancies to be filled a secret postal ballot of all financial members shall be conducted by the Returning Officer.
  - (b) The number of nominations received being equal to the number of vacancies to be filled the Returning Officer shall within seven days after the closing date for the lodging of nominations declare in writing to the Secretary that the persons so nominated are elected to office.
  - (c) There being fewer nominations than the number of vacancies to be filled the Returning Officer shall within seven days after the closing date for the lodging of nominations declare in writing to the Secretary that the persons so nominated are elected to office and such declaration shall indicate each vacancy resulting which shall be filled as a casual vacancy in accordance with these Rules.
  - (d) A secret postal ballot being required according to paragraph (a) of sub clause (9) of this Rule, such ballot is to be conducted according to sub clauses (8), (10), (11), (12), (13), (15), (16) and (17) of this Rule with the word November replaced by January and the word December replaced by February where appropriate.
- (10) Each candidate for election shall be entitled to appoint a member as his or her Scrutineer. The appointment shall be in writing and shall be signed by the candidate and lodged with the Returning Officer not later than the eighth day of November. Scrutineers shall look after the interests of the candidates they represent, they shall not interfere with the functions of the Returning Officer and shall not handle ballot material.
- (11) The Returning Officer shall not open or count any ballot papers until after mid-day on the 26th day of November, and shall on or before the 19<sup>th</sup> day of November notify all scrutineers appointed in accordance with this Rule of the time and place for the counting of ballot papers, and at the time and place so appointed by the Returning Officer shall, in the presence of such Scrutineers as may be present, open the ballot papers and count the votes.
- (12) In the case of equality of vote for any two or more candidates the Returning Officer shall determine by lot which of the candidates is elected.

- (13) The Returning Officer shall be empowered to appoint such assistants to assist him or her in the conduct of the election in accordance with these Rules as are reasonably required, but such assistants, if any, shall not be the holder of any office in and shall not be an employee of the Organisation.
- (14) The Committee may provide an honorarium for and for the payment of expenses of the Returning Officer and any assistants appointed by the Returning Officer, in amounts that shall be determined from time to time by the Committee.
- (15) After the completion of the count the Returning Officer shall prepare a declaration of the candidates elected as Committee members and the declaration shall be submitted to such Scrutineers as may be present when the count is completed, who may sign the declaration if they so desire and the Returning Officer shall then transmit the declaration to the Secretary so as to reach the Secretary not later than the fifth day of December next following the ballot, and such declaration shall be evidence of the persons elected as Committee members.
- (16) The Committee members so elected shall take office on the first day of February in the succeeding year, and shall hold office for the ensuing 12 months and shall, if otherwise qualified under these Rules, be eligible for re-election.
- (17) The Secretary shall notify all retiring Committee members and all newly elected Committee members and all candidates for office as Committee members, of the results of the election of Committee members.



## **SCHEDULE B – ELECTION OF EXECUTIVE OFFICERS**

- (1) After the election of Committee members, and not later than the 12<sup>th</sup> day of December in each year, the Returning Officer shall call for nominations from the Committee members elected for the ensuing year for the positions of President, Vice-President, Secretary, and Treasurer, and the Committee members elected as hereinafter provided to those positions shall constitute the Executive for the ensuing year.
- (2) Each nominee for the position of Executive Officer shall be a Committee member elected for the ensuing year, and shall be proposed and seconded in writing by one Committee member respectively elected for the ensuing year, and the nominee shall sign his or her nomination indicating consent to the nomination. No nominee shall nominate for more than one position.
- (3) Completed nomination forms shall be addressed to the Returning Officer at a place fixed by the Returning Officer and shall reach such place not later than the 28<sup>th</sup> day of December in each year.
- (4) As soon as possible after a nomination is received by the Returning Officer he or she shall examine it and advise the nominee of receipt of the nomination and whether it complies with the Rules. In the event of the Returning Officer finding any defect in a nomination, he or she shall before rejecting the nomination, notify the person concerned of the defect, and where practicable to do so, give the nominee the opportunity of remedying the defect within seven days of being notified provided that any nomination found to be defective shall be remedied not later than the fifth day of January.
- (5) In the event of:-
  - (i) There being no nomination for one or more of the positions of Executive Officer the Returning Officer shall within seven days after the closing date for the lodging of nominations report in writing to the Secretary each position for which no nomination has been received and each such vacancy shall be filled as a casual vacancy in accordance with these Rules.
  - (ii) There being one nomination only for any of the positions of Executive Officer the Returning Officer shall within seven days after the closing date for the lodging of nominations declare in writing to the Secretary that each person so nominated is elected to office.
  - (iii) There being more than one nomination for any of the positions of Executive Officer a secret postal ballot of the Committee members elected for the ensuing year shall be conducted in respect of any such positions by the Returning Officer.
- (6) (i) Where a secret postal ballot is required according to sub clause (5) of this Rule, a rectangular or square ballot paper containing the name of every person duly nominated for any of the positions of Executive Officer, with such names ordered according to the drawing of lots, shall be forwarded by pre paid post to each Committee member on or before the tenth day of January along with an envelope in which the Committee member may return his or her ballot paper without expense to the member.

- (ii) The ballot paper shall direct that the person voting shall indicate his or her choices by placing a number opposite the name of each candidate indicating degree of preference.
  - (iii) Completed ballot papers shall be addressed to the Returning Officer at a place specified by the Returning Officer. Closing date for return of ballot papers shall be no later than the 20<sup>th</sup> day of January provided that where a ballot paper is forwarded by Certified mail and is posted on a date prior to the twentieth day of January it shall be deemed to have been received not later than the 20<sup>th</sup> day of January.
- (7) Each candidate for election shall be entitled to appoint in writing a member as his or her Scrutineer. The appointment shall be lodged with the Returning Officer no later than the 10<sup>th</sup> day of January, and the Returning Officer shall, not later than the 15<sup>th</sup> day of January, notify the Scrutineers of the time and place for the counting of ballot papers.
  - (8) The preferential system as used for the election of Members of the House of Representatives of the Australian Commonwealth Parliament shall be used in the recording and counting of the votes to decide the candidate so elected to each Executive Office.
  - (9) After the completion of the count the Returning Officer shall prepare a declaration of the Executive Officers so elected which may be signed by the Scrutineers if they so desire, and the Returning Officer shall transmit the declaration to the Secretary so as to reach the Secretary not later than the 30<sup>th</sup> day of January next following the ballot.
  - (10) The members of the Executive elected in accordance with this Rule shall take office on the first day of February after their election, and shall continue in office for 12 months and thereafter until their successors are elected, and they shall, if otherwise qualified under the Rules, be eligible for re-election.
  - (11) Subject to the above provisions of this Rule, the provisions of Schedule A - Elections in respect of the conduct and duties of Returning Officer, the conduct of the ballot, the appointment, conduct and duties of scrutineers to represent the candidates at the ballot and assistance to and honorarium for the Returning Officer and the assistants appointed by the Returning Officer shall apply to elections under this Rule.

### SCHEDULE C- CASUAL VACANCIES

- (1) The office of a member of the Committee, including any Executive Officer shall become or be deemed vacant when no nomination has been received for that office which is required to be filled in accordance with these Rules or when a person holding such office:-
  - (a) dies, or
  - (b) tenders his or her resignation from office and such resignation is accepted by the Committee, or
  - (c) is expelled from the Organisation, or
  - (d) is removed from office in accordance with these Rules, or
  - (e) ceases to be a member of the Organisation in consequence of his or her resignation from membership.
- (2) Casual vacancies in the office of a Committee member or Executive Officer shall be filled by the Committee provided that such vacancy shall be filled within two months of the vacancy occurring.