

**MEDIA, ENTERTAINMENT AND ARTS ALLIANCE OF WESTERN AUSTRALIA
(UNION OF EMPLOYEES)**

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MEDIA, ENTERTAINMENT AND ARTS ALLIANCE OF WESTERN AUSTRALIA (UNION OF EMPLOYEES)

1 - NAME

The name of the Association shall be the Media, Entertainment and Arts Alliance of Western Australia (Union of Employees).

2 - OBJECTS

The objects of the Association shall be:

Members

- (a) To regulate, improve and protect the wages and conditions of work, welfare and rights of all members including by advancing and protecting the professional interests, status and rights of members and the usages and customs of callings covered by the Association, and where considered necessary by the Council of the Association, of persons entitled to become members, and to improve and foster the interests of members of the Association.
- (b) To secure the membership in the Association of all persons who are entitled to become members in accordance with these rules.
- (c) To secure preference in employment and in all aspects of that employment for members of this Association.
- (d) To provide effective representation (including legal representation) to members(s) or any section or group of members in connection with any matter where such representation is considered desirable by the Council.
- (e) To provide services generally to members (including legal assistance) to member(s) or any section or group of members or access to such services at special or discounted rates in connection with any matter where such services are considered desirable by the Council.
- (f) To attain sex and racial equality in all spheres of the Association's activity and to oppose all discrimination on the grounds of race, sex, colour, religion, political beliefs, sexual preference or disability.
- (g) To regulate and decide all questions of professional conduct, including, to prescribe and enforce a Code of Ethics to ensure and maintain ethical standards in all areas of journalism.
- (h) To act as, or appoint, bargaining agents on behalf of members for the purposes of the Workplace Agreements Act and to act as, or appoint, agents in relation to matters pertaining to members' industrial and professional interests.

Education and Training

- (i) To take all steps considered necessary or desirable by the Council to further and promote the opportunities for training and education of members especially where such training and education has a direct vocational benefit including by the establishment and fostering of schemes of industry training, apprenticeship and the like.
- (j) To foster and promote trade union training among the membership.

Benevolent Activities

- (k) To provide financial and other assistance at the discretion of the Council of the Association to members in case of accident, death, sickness, unemployment or other distress.
- (l) To establish a Benevolent Fund and/or Funds for the benefit of members of former members of the Association.
- (m) To establish funeral, sick, accident, unemployment or other insurance or assurance funds or benefits for the assistance of members of the Association.

Industry Matters

- (n) To ensure that not less than a minimum proportion of resident members as decided by the State Council are employed in any film, television or theatrical production.
- (o) To maximise the use of Australian creative resources in all aspects of the media, entertainment and amusement industries and ensure that not less than a minimum proportion of all radio and television programs broadcast in Australia are produced in Australia.
- (p) To promote and attain the use of standard contracts of engagement of the members throughout the industries with which the Association is associated.
- (q) To seek the regulation and control, by appropriate legislation if necessary, of the operation of theatrical and other employment and engagement booking agencies and the business methods of theatrical and/or other employment agencies who arrange employment for the members of the Association.
- (r) To issue to members from time to time a list which contains the name of any employer, theatrical agent or employment agent or other person who in the opinion of the Federal Council of the Association has acted in an unfair manner in connection with the employment of any member or members.
- (s) To protect the welfare and rights, including the intellectual property rights, of members, including by:
 - (i) seeking appropriate legislation and/or industrial regulation to protect the welfare and rights, including the intellectual property rights and moral rights, of members and similar rights such as residual, secondary usage, or re-use fees and/or royalties.
 - (ii) acting as agent and/or licensor for members in all respects in relation to the authorisation of uses of copyright material and the collection and distribution of copyright fees and similar fees; and

- (iii) seeking appropriate legislation and/or industrial regulation to protect the welfare and rights of outdoor amusement and recreation workers.

Public Education and Publicity

- (t) To promote the objects, policies and activities of the Association by means of publications and the media generally.

Co-operation with other Bodies

- (u) To co-operate with any other person, for the defence and improvement of theatrical, musical, radio, film and television performances and productions generally and for the promotion of the arts of theatre, music, film, radio and television in all their spheres and to further the establishment and advancement of Australian art and culture within the theatre, live entertainment and in film, radio and television generally.
- (v) To amalgamate with, absorb, affiliate to, or co-operate with (including by providing financial and other assistance thereto) or otherwise combine with, any trade or industrial union or association or associations of trade unions including any international federation of trade unions or similar international bodies, or any other organisations having objects similar in whole or in part to the objects of the Association and to be represented on other bodies and organisations.

Trade Union Rights

- (w) To assist members to obtain a fair remuneration for their labour and to assist other trade unions, whether in Australia or overseas to maintain, preserve and advance the interests of labour.
- (x) To uphold the right of all workers to combine for the preservation and advancement of their interests.
- (y) To promote industrial peace by amicable means and to foster and promote means of conciliation to settle industrial disputes.

Management and other Activities of the Association

- (z) To adopt and promote such other objects which are from time to time considered desirable by the Council.
 - (i) To provide the necessary and reasonable expenses of management of the Association.
 - (ii) To raise funds for the carrying out of the objects, policies and activities of the Association, including by the striking of levies upon members or sections or groups of members for the benefit of those members or sections or groups of members.
 - (iii) To take all steps necessary or desirable to organise and represent the members including by the establishment of sections, sub-branches, delegates committees, and delegates, however described.

- (iv) To hold, purchase, sell, lease, mortgage, borrow or otherwise deal in real property and to enter into agreements in connection with same and to do all such other things as may be deemed necessary in connection therewith.
- (v) To initiate and carry into effect in any way considered necessary or advisable by the Council, authorised as herein provided, all or any of the provisions of any statute, state or federal, relating to industrial disputes and arbitration and for all or any such purposes to employ legal or other assistance.
- (vi) To enforce the rules of the Association.

3 - INDUSTRY

Part A

The industry in connection with which the Association is registered shall be the industry of the employment of every person employed or likely to be employed in or in connection with any of the following industries or callings, namely:

Employees employed in or in connection with, including selling tickets by any means in connection therewith, or in or about, any kind of amusement, whether indoor or outdoor, including:

- (a) Cultural complexes, theatres, halls, racecourses, sports, exhibitions, agricultural shows, planetaria, animal parks, puppet shows and film exchanges, but excluding any person employed in or about the foregoing in any capacity in or in connection with the provision, sale, service or preparation of food or drink or as an administrative officer or as a member of managerial staff;
- (b) Clubs, licensed clubs and discotheques, but only insofar as such employees are employed as set and property carpenters and painters, stage crews, mechanists, projectionists, audio and lighting technicians, flymen, props persons, scenic artists, wardrobe including dressers, costume and property workers, stage managers, make-up artists, hairdressers, wigmakers and wig dressers, directors, choreographers and designers.
- (c) Casinos, but only insofar as such employees are employed as supervisors, pit bosses, in-house inspectors, croupiers, dealers, bankers, cashiers and change clerks, but excluding such persons employed at the Wrest Point Casino, Tasmania.
- (d) In all aspects of Motion Picture Film, Video and Television Production and Processing, including but without limiting the generality of the foregoing, Producers, Directors, Production or Studio Unit Managers, Assistant Directors, Production Accountants, Dialogue and/or Commentary Writers, Script and/or Continuity Recordists, Location and/or Talent Scouts, Contact Men, Make-up Artists, Casting Directors, Art Directors, Chief Cameramen, Operative Cameramen, Special and/or Process Cameramen, Title and/or Cartoon Cameramen, Camera Dolly and/or Rotambulation Operators, Slate Operators, Studio Gripmen, Studio Mechanists, Chief Sound Engineers, Sound Engineers, Sound Recordists, Microphone Boom Operators, Sound Mixers, Film Editors, Film Cutters, Specialist Film Cutters, Film Librarians, Film Vault Keepers, Film Splicers, Laboratory and/or Studio Maintenance Men, Film Stock Keepers, Film Laboratory Managers, Film Laboratory Chemists, Film Printing Operators, Film By-Product Recovery Chemists, Film Timers, Film Cleaners and/or Waxers, Film Checkers, Laboratory and/or Studio Projectionists, Film Processors, Film Graders, Film Despatchers, Film Packers and Film Examiners, Supervising

and other classes of Technician involved in Maintenance, Installation, Videotape, Lighting, Telecine or Audio Departments, Cinecamamen, Videocameramen, Set Designers, Graphic Artists, Co-ordinators, Stills Photographers, Floor Managers, Film Sound Recordists, Wardrobe Supervisors and Assistants, Set and Property Carpenters and Painters, Property men/women, Scenic Artists, Producers/Directors Assistants, Vision Switchers, Set Dressers, Hairdressers, Film Department Assistants, Studio Hands, Film/Videotape and Record Librarians, Property and Scenery Storemen and all trainees and inexperienced adults employed in or in connection with television or videotape production houses.

- (e) In film and television distribution, persons employed in film release and control, statistics and contracts, film despatch, (other than officers in charge), projectionists, assistant projectionists, film packers, film checkers, film examiners, film cleaners and film splicers; and
- (f) Cinemas; throughout the State of Western Australia together with such other persons, whether so employed or not as have been elected Officers and Industrial Staff of the Association and have been admitted as members thereof and:

Part B

In or in connection with journalism, public relations or authorship in or in connection with the printed media, radio, television, satellite, cable transmission or broadcast or electronic data bases and Hansard, law or other reporting and:

Part C

In or in connection with the industry of commercial and industrial art, which, without limiting the generality of the foregoing, includes any business, trade, manufacture, undertaking, calling, service, employment, handicraft or industrial occupation or avocation in the industry or in any branch of the industry including concept visualisation, art direction, art buying, layout, illustration, photography, decorative set and prop design, three dimension and surface packaging design, lettering, typographic design, photo retouching, video, film graphics, cartooning, finished art and assembly of all design elements including type, provided that it has been set in a recognised trade house and production supervision, book brochure design, map drawing, display and exhibition design and development of corporate image provided that persons shall not be eligible to join the Association who are employees in or in connection with the Printing industry.

Part D

The industry of entertaining the public in any place which could reasonably be construed to be a place of entertainment and of acting, rehearsing or otherwise appearing in cinematographic films and of entertaining and providing and/or preparing commercial advertising and/or entertainment, and/or making announcements, and/or devising entertainment for transmission by short or long wave or frequency modulated broadcasting (wireless) transmitters, or televisors or for gramophone recordings.

Part E

The professional musicians' industry.

4 - ELIGIBILITY FOR MEMBERSHIP

Part A: the following persons shall be eligible for membership;
Without limiting Parts B, C, D or E of this rule and without in any way being limited by parts B, C, D, or E;

- (a) The Association shall consist of an unlimited number of persons employed on any contractual, weekly, daily or other basis of employment as actors, actresses, singers, choristers, dancers, variety, revue and/or vaudeville artists, circus artists, supernumeraries, extras, understudies, showgirls, models, nudes, mannequins, stand-ins, skaters, aquatic performers, comperes, announcers, narrators and stunt men or women or persons employed for the purpose of commercial display in the theatrical, concert, cabaret, ballroom, hotel, restaurant, club, circus or skating branches of the entertainment industry or in any other place which could be construed to be a place of entertainment, or who are employed as entertainers in any other place, or who are employed in cinematographic film, television, television film, wireless broadcast recording, commercial wireless broadcasting or other wireless broadcasting stations, or any other sections of the wireless broadcasting industry, or in the production of gramophone recordings and all persons employed by or at commercial or other wireless broadcasting stations, or in the production of transcribed radio programs or transcribed commercial announcements for use in wireless broadcasting as monitors, comperes, narrators, members of general information or quiz programs, announcers, monitors of international broadcasts for the purpose of gathering material, translators, checkers and other persons engaged in the presentation and/or preparation of foreign language broadcasts and all writers who write specialised radio or television scripts and material as defined in Schedule A hereof and writers of film scripts and/or scenarios and all persons who are employed at commercial wireless broadcasting stations or elsewhere in the production of transcribed wireless broadcast programs and/or commercial announcements or direct (live) wireless broadcast programs as members of the presentation, program, record library and/or continuity staff, or in manual sound effects work, or employed as advertising copywriters by a commercial wireless broadcasting station together with such other persons whether employed in the industry or not, as have been appointed officers of the Association (including appointed as Organisers) and admitted as members thereof at present or in the future. Provided, however, that an employee whose work in the main consists of writing news or similar commentaries or an employee whose work in the main consists of writing news and similar commentaries and who also verbally broadcasts these commentaries, instrumental musicians other than variety artists, copyists of music, persons engaged on technical and mechanical duties and included within the constitution of the Professional Radio Employees' Institute of Australia, or the constitution of the Postal Telecommunication Technicians' Association, or employees included within the constitution of the Federated Clerks' Union or officers or employees of the Australian Broadcasting Commission who are qualified by the Constitution of the Australian Broadcasting Commission Staff Association to become other than Associate members of the Australian Broadcasting Commission Staff Association, employees engaged solely as clerks, telephonists, watchmen, caretakers, cleaners or lift attendants or salesmen, copywriters employed by advertising agencies, shall not be eligible for membership.

Schedule A:

- (a) A writer of specialised radio or television material is one who writes specialised radio or television material, irrespective of length, which is suitable only for radio or television presentation and is pre-designed for that purpose, such as comic or straight dramatic spots, straight plays, including drama, comedy, farce, burlesque and musical or variety performances, documentaries in dramatic, musical or other entertainment form and adaptations designed specifically for radio or television performances from an original play or book.

- (b) Without limiting or in any way being limited by sub-rule (a) of this rule, the Association shall also consist of persons employed as:
- (i) disc jockeys and discotheque comperes
 - (ii) bingo/housie callers
 - (iii) puppeteers excluding persons whose sole duties are the building, painting and finishing of puppets
 - (iv) stunt co-ordinators and stunt performers
 - (v) performance artists.

Part B: The following persons shall be also eligible for membership:

Without limiting parts A, C, D or E of this rule and without in any way being limited by parts A, C, D or E:

The Association shall also be composed of an unlimited number of employees employed in or in connection with, including selling tickets by any means in connection therewith, or in or about, any kind of amusement, whether indoor or outdoor, including:

- (a) Cultural complexes, theatres, halls, racecourses, sports, exhibitions, agricultural shows, planetaria, animal parks, puppet shows and film exchanges, but excluding any person employed in or about the foregoing in any capacity in or in connection with the provision, sale, service or preparation of food or drink or as an administrative officer or as a member of managerial staff;
- (b) Clubs, licensed clubs and discotheques, but only insofar as such employees are employed as set and property carpenters and painters, stage crews, mechanists, projectionists, audio and lighting technicians, flymen, props persons, scenic artists, wardrobe including dressers, costume and property workers, stage managers, make-up artists, hairdressers, wigmakers and wig dressers, directors, choreographers and designers.
- (c) Casinos, but only insofar as such employees are employed as supervisors, pit bosses in-house inspectors, croupiers, dealers, bankers, cashiers and change clerks.
- (d) In all aspects of Motion Picture Film, Video and Television Production and Processing, the Australian Film Commission and the Australian Film and Television School, including but without limiting the generality of the foregoing Producers, Directors, Production or Studio Unit Managers, Assistant Directors, Production Accountants, Dialogue and/or Commentary Writers, Script and/or Continuity Recordists, Location and/or Talent Scouts, Contact Men, Make-up Artists, Casting Directors, Art Directors, Chief Cameramen, Operative Cameramen, Special and/or Process Cameramen, Title and/or Cartoon Cameramen, Camera Dolly and/or Rotambulation Operations, Slate Operations, Studio Gripmen, Studio Mechanists, Chief Sound Engineers, Sound Engineers, Sound Recordists, Microphone Boom Operators, Sound Mixers, Film Editors, Film Cutters, Specialist Film Cutters, Film Librarians, Film Vault Keepers, Film Splicers, Laboratory and/or Studio Maintenance Men, Film Stock Keepers, Film Laboratory Managers, Film Laboratory Chemists, Film Printing Operators, Film By-Product Recovery Chemists, Film Timers, Film Cleaners and/or Waxers, Film Checkers, Laboratory and/or Studio Projectionists, Film Processors, Film Graders, Film Despatchers, Film Packers and Film Examiners, Supervising and other classes of Technician involved in Maintenance, installation, Videotape, Lighting, Telecine or Audio Departments, Cinecameramen, Videocameramen, Set Designers, Graphic Artists, Co-ordinators, Stills Photographers, Floor Managers, Film Sound Recordists, Wardrobe Supervisors and Assistants, Set and Property Carpenters and Painters, Propertywomen/women,

Scenic Artists, Producers/Directors Assistants, Vision Switchers, Set Dressers, Hairdressers, Film Department Assistants, Studio Hands, Film/Videotape and Record Librarians, Property and Scenery Storemen and all trainees and inexperienced adults employed in or in connection with television or videotape production houses

- (e) In film and television distribution, persons employed in film release and control, statistics and contracts, film despatch (other than officers in charge), projectionists, assistant projectionists, film packers, film checkers, film examiners, film cleaners and film splicers, and
- (f) Cinemas: Throughout the State of Western Australia together with such other persons, whether so employed or not as have been elected Officers and Industrial Staff of the Association and have been admitted as members thereof.

The following persons, otherwise eligible for membership of the Association under Part B shall not be eligible for membership by reason of that Part:

Part C: The following persons shall be also eligible for membership:

Without limiting parts A, B, D or E of this rule and without in any way being limited by parts A, B, D or E:

- (a) The Association shall also consist of persons employed or engaged
 - (i) as journalists, authors, licensed or official shorthand writers, Hansard reporters and publicity and public relations officers
 - (ii) in any branch of writing or drawing or photographic work for the press
 - (iii) in the collection and/or preparation of news, and/or information on current events for broadcasting or radio transmission
 - (iv) in any form of writing, collection and/or preparation of news and/or information on current events, or drawing or news photography for use in television services
 - (v) in any branch of writing or drawing or photographic work for publicity, published instructions or public relations purposes
 - (vi) wholly or in major part as script writers, except those engaged solely, or in major part, in the preparation of advertising material for broadcasting or radio or television transmission
- (b) Only those persons who constantly or regularly perform substantially the work specified in Clause (a) of the Rule and who are dependent on such work for the major portion of their earnings, shall be eligible for membership.
- (c) Persons not eligible to be members of the Association are:
 - (i) the Editor-in-Chief and the Editor of a metropolitan daily newspaper
 - (ii) the chief of the general reporting staff permanently employed as such on a daily newspaper in a capital city
 - (iii) a proprietor or part-proprietor of a newspaper who does not derive the major part of his or her income from salary or other remuneration for journalistic work
 - (iv) any person eligible for membership of the Theatre Managers' Association as at the 27th day of March, 1958
 - (v) any person who is a member, staff member or special member of the Australian Federal Police

Part D: The following persons shall be also eligible for membership:

Without limiting parts A, B, C or E of this rule and without in any way being limited by parts A, B, C or E:

The Association shall also consist of an unlimited number of persons

- (a) Who are employees or whose occupation is that of an employee in or in connection with the industry as set out in Rule 3, Part C.
- (b) Who are employees engaged in an industrial pursuit in or connected with the industry as set out in Rule 3, Part C.
- (c) Who are employees qualified to be employed in or in connection with the industry or to be engaged as employees in an industrial pursuit connected with the industry as set out in Rule 3, Part C.
- (d) Who are officers of the Association and who have been admitted as members of the Association. A person otherwise eligible under sub paragraph (c) of this part shall not be admitted as a member of the Association if such admission shall have the effect of causing the Association to cease being effectively representative of the members employed in or in connection with the industry and the members engaged in industrial pursuits in or connected with the industry. Provided that persons who are eligible to be members of the Association of Architects Engineers Surveyors and Draughtsmen of Australia in accordance with the registered rules of Association of Architects Engineers Surveyors and Draughtsmen of Australia as at 24th October 1978, shall not be eligible for membership of the Association under this part.

Part E

Without limiting parts A, B, C or D of this rule and without in any way being limited by parts A, B, C or D:

The Association shall also consist of an unlimited number of members who are professional instrumental performers and any other persons who receive remuneration for musical services i.e. any type of service other than services of an administrative or clerical nature carried out by a person, which is directly connected with live music, musicians or the production of musical sound, such as librarians looking after music and/or records in connection with a band or orchestra of professional performers, arrangers and copyists of music, composers of music, vocalists who regularly sing as an integral part of a band, conductors of instrumentalists, conductors of singers, musical producers, musical co-ordinators, balancing officer of music employed as an integral part of a band or orchestra of professional performers, provided that sound mixers who are not employed as an integral part of a band or orchestra of professional performers, sound engineers, sound recordists, road crews, stage managers and lighting supervisors shall not be deemed to be persons carrying out musical services as herein defined.

Part F

Deleted

Part G

No restriction or qualification under parts A, B, C, D or E of this rule shall restrict or qualify eligibility for membership under any other parts of this Rule.

5 - DEFINITIONS

Unless the context otherwise requires, the following construction shall be applied throughout these Rules:

- (a) “Member” means a duly admitted member of the Association.
- (b) “International member” means a member who is not ordinarily resident in Australia and who is employed in Australia on a temporary basis or pursuant to a contract for a specified duration and/or specified work (e.g. a theatrical or concert tour, film, radio or television program).
- (c) “Quarter” means those three month periods ending March 31, June 30, September 30 or December 31 in any year.
- (d) “Half-year” means those six month periods ending June 30 or December 31 in any year.
- (e) The “Association” means the Media, Entertainment and Arts Alliance of Western Australia (Union of Employees) {incorporating Actors’ Equity of Western Australia (Union of Employees), the Western Australian Theatrical and Amusement Employees’ Association (Union of Employees) and Western Australian Journalists Industrial Union of Workers (Union of Employees) and the Musicians’ Union of Australia, Perth Branch (Union of Employees)}.
- (f) “Officer” means any person who has been elected or appointed to the Council of the Association.
- (g) “Paid officer” shall be an office which the Council has decided will be filled by a member who will become, upon election, a paid employee of the Council. The terms and conditions for such positions shall be set by the Council and shall not be reduced during the term of office concerned.
- (h) “Honorary officer” shall be an office in the Association other than a full-time office provided that the Council from time to time may decide to second such an officer to an employed position within the Association for a limited period or to work on a particular project or assignment.

Words of the singular number shall include the plural and vice versa. Words of the masculine gender shall include the feminine gender.

6 - REGISTERED OFFICE

The Registered Office of the Association shall be: 224 Stirling Street, Perth WA 6000. The situation of the Registered Office may be altered at the discretion of the Council and such alteration shall be notified immediately to the WA Industrial Registrar by the Secretary.

7 - ADMISSION TO MEMBERSHIP

- (a) Each applicant for membership shall subscribe her or his name to the Application for Membership Form of the Association.

- (b) The application form shall then be placed before a meeting of members of the Branch Council of the branch which the candidate proposes to join and if a motion for her/his admission is carried, the candidate shall be admitted to membership. The motion for admission to membership shall be moved by a member of the section to which the candidate is seeking to be attached, or in the absence of such a member, by the Secretary. No error, omission or want of form in connection with any application for or admission to membership shall invalidate membership.
- (c) Each member shall be deemed to be attached the section to which he or she is allocated by the Council in accordance with the relevant policy regarding allocation to sectional membership then in force.
- (d) Each member when allocated to a section shall have the rights and responsibilities of a member of that section as determined by these rules and by the Council. Members who wish to be allocated to more than one section will nominate for, and be allocated to, a primary section and will be entitled to vote in sectional elections for that primary section only. Where a member wishes to be allocated to another section or sections or transfer to another section, he or she shall submit an application to that effect to the Council. Where an application form is prescribed by the Council for that purpose and forms are available, it shall be done on the prescribed form.
- (e) Where the Council admits a member to another section or transfers her or his membership, the member may be required to pay the difference between any entrance fee or subscriptions applicable to that section.
- (f) Applicants for membership shall, upon application, pay an entrance fee according to their category of membership of not more than four hundred dollars as determined from time to time by the Council.
- (g) Applicants for membership shall be advised by the Association in writing of:
 - (i) the financial obligations arising from membership of the Association; and
 - (ii) the circumstances and the manner in which a member may resign from the Association.

8 - TEMPORARY AND INTERNATIONAL MEMBERSHIP

- (a) The Council of the Association may create categories of temporary membership which will allow the enrolment of members for fixed periods only.
- (b) International members shall be admitted for the period during which they are contracted to perform services in Western Australia pursuant to a valid visa. At the end of such period the member shall cease to be a member of the Association.

9 - ENTRANCE FEES

- (a) Entrance fees shall be determined by Council for the following calendar year. The entrance fee payable by an applicant for membership shall be no more than \$400 according to the category of member concerned as determined by the Council.

- (b) Additional entrance fees shall be payable where a member moves from one category to another or from one section to another. Where this occurs, and the member is admitted to the new category or section, the member shall pay the difference between the entrance fee previously paid by him or her and the entrance fee payable by new applicants coming within the category or section to which he or she has moved. Failure to pay such difference to the Association not later than eight weeks after an account or other written demand for its payment has been forwarded to the member, shall render the member unfinancial. Payment of all or part of the entrance fee may be waived, reduced or deferred by the Council.

10 - SUBSCRIPTIONS

- (a) Unless relieved of the liability to do so by the Council under these rules, all members shall pay an annual subscription to the Association. Subscriptions shall be fixed from time to time by the Council, provided that the subscriptions shall not be more than four hundred dollars per annum or 1% of the member's annual earnings whichever is the greater.
- (b) Except where sub-rule (c) applies, subscriptions for members in any year shall fall due on the first day of January in that year and shall be payable in advance. They may be paid yearly or half-yearly or, where Council so decides, quarterly. Payment of subscriptions must be made as follows:
- (i) in the case of half-yearly payments within two calendar months of January 1 or July 1 in each year
 - (ii) in the case of quarterly payments within one calendar month of January 1, April 1, July 1 or October 1 in each year
- (c) The Council may authorise the Secretary to make arrangements with employers or government departments for the deduction, on the signed authority of the member, of entrance fees and/or subscriptions from the member's wages or other moneys payable to the member and for the forwarding of such amounts to the Association. Any such arrangements shall conform to any guidelines determined by Council to apply to such deduction schemes. As long as such authority remains in force, the member shall be regarded as a financial member provided that if no subscriptions are received from a member in respect of employment for three months, the member shall be regarded as an unfinancial member as from the first day of the succeeding half year until such time as a further payment is received or action is taken under either Rule 15 or 17.
- (d) Where the Council decides, additional subscriptions may be payable where a member moves from one category to another or from one area of employment or section to another. Where this occurs, and the member is admitted to the new category or section, the member shall pay the difference between the subscriptions previously paid by him or her and the subscriptions payable by new applicants coming within the category or section to which he or she has moved. Failure to pay such difference to the Association not later than eight weeks after an account or other written demand for its payment has been forwarded to the member shall render the member unfinancial.
- (e) Fines and levies shall be the first charge on all payments by members.
- (f) Any member who fails to pay her/his subscriptions (and/or fines and levies) prior to or upon the due date may also be required thereafter by the Council to pay any additional costs

incurred by the union in the recovery of the outstanding subscriptions (and/or fines and levies).

- (g) Payment of all subscriptions, entrance fees, levies and fines may be made to any authorised collector, delegate or to the Secretary. No receipt shall be valid or binding upon the Association unless given on the form prescribed by the Association.
- (h) Payment of any sum due by any member under these Rules may be postponed, reduced or waived by the Secretary, if in the view of the Secretary, it would be appropriate to do so, especially in the case of hardship. The member shall be notified of a decision taken under this sub-rule within fourteen days. The Council shall be notified of any decision taken by the Secretary under this sub-rule at the next meeting.
- (i) Where payment of subscriptions is postponed by a decision under sub-rule (h), the member shall be regarded as a financial member as from the date of such decision until the date specified in the decision for payment of such postponed amount, provided that any other sums due by the member to the Association are paid in accordance with these Rules.
- (j) Where an amount is reduced or waived by a decision under this sub-rule, the financial status of the member shall be determined as though the amount reduced or waived had been paid by the member on the date of the decision or such other date as may be specified in the decision.
- (k) It shall be the duty of each member without the necessity for any request to do so, to pay his or her subscriptions when required to do so by these rules, to the Association or to any person authorised by the Association to receive such subscriptions.

10A – ENTRANCE FEES AND SUBSCRIPTIONS

Subject to a person being eligible for membership of the Association and notwithstanding any other rule, the Council may:

1. admit as a member of the Association, for no fee, a member of the WA branch of the Media, Entertainment and Arts Alliance; and
2. wholly or partially exempt a financial member of the WA Branch of the Media, Entertainment and Arts Alliance who is so admitted from the payment of subscriptions to the Association.

11 - RIGHTS OF MEMBERS

- (a) Each financial member shall be entitled to all the rights and privileges of membership prescribed in these rules and to participate to the maximum degree possible in the activities of the Association under the Rules. Without limiting these rights, each member shall also be entitled to vote in any relevant election, plebiscite or ballot in accordance with these rules.
- (b) Each financial member shall be entitled to attend any Association, sectional committee or council meeting as an observer, provided that such member may be required to leave any such meeting where confidential information is being discussed.
- (c) Any financial member may at a reasonable time during office hours inspect the books and records of the Association upon giving the Secretary 72 hours notice in writing of their wish

to do so provided that the member shall not have the right to inspect any graded, staff or employment list other than that relating to his or her employment or to see any confidential record except that relating to the member personally.

12 - DUTIES OF MEMBERS

- (a) Each member shall be bound by the Rules of the Association and each shall take all steps as are reasonable in the circumstances to ensure that the Rules of the Association be observed.
- (b) Each member shall pay his or her dues and any other moneys owing or due to be paid to the Association without a request to do so having to be made to the member.
- (c) Any member in attendance at a meeting of the Association which is to deal with a matter which affects that member's activity as an employer or agent of an employer shall, immediately prior to discussion of that matter, rise to declare his or her interest. Upon the objection of any other member, the Chair of the meeting shall exclude the member with a declared interest while the particular matter is dealt with.
- (d) Any member who believes that another member should declare his or her interest in a matter shall ask the Chair to give a ruling on whether a declaration of interest should be made. The member under challenge shall have the right to be heard. Upon an interest being found by the Chair, the member under challenge shall be excluded from the meeting during the debate and voting on a matter subject of a declared interest upon one member objecting in accordance with this sub-rule.
- (e) A member who is indebted for any sum of money to the Association in any way whatsoever notwithstanding that the member may not be unfinancial within the meaning of the Rule, shall pay within seven days of his or her receipt from the Secretary notification of the resolution by the Council demanding payment of such sum of money.
- (f) Each member shall co-operate with the officers of the Association, representatives and workplace delegates.
- (g) A member changing her or his residence shall report this in writing to the Secretary within twenty-eight days of such change.

13 - MEMBERSHIP HONOURS PREVIOUSLY GRANTED

Any member who has been granted a membership honour by one of the amalgamating unions prior to amalgamation shall have the honour and the associated rights recognised by the Association.

The Association shall issue a certificate to each such member confirming the Association's recognition of the honour. Nothing in this rule shall be construed as conferring a membership honour on such a member by the Association.

14 - UNFINANCIAL MEMBERS

- (a) A member who has not paid subscriptions in accordance with rule 10 (or who is not an honorary life member), shall be deemed to be an unfinancial member and shall remain an unfinancial member until such time as all contributions, including any fines, levies or other moneys payable by the member, have been paid.

- (b) An unfinancial member shall not be entitled to:
- (i) any of the rights, privileges and benefits of the Association
 - (ii) hold any office in the Association
 - (iii) nominate for, or vote in, an election to any office
 - (iv) nominate any candidate for election to any office
 - (v) have access to union records
 - (vi) receive notice of any meetings
 - (vii) take part in any meeting or proceedings connected with the Association
 - (viii) receive copies of any journals, reports or documents issued by the Association.
- (c) Notwithstanding the provisions of sub-rule (a) a member may be declared by the Council to which the member is attached to be a financial member of the Association subject to the provisions of this sub-rule;
- (i) a declaration under this sub-rule may be made on application by the member concerned or on the motion of the Secretary
 - (ii) a declaration under this sub-rule shall only be made where the Council is satisfied that the member concerned has paid such entrance fees, subscriptions, levies and fines as have been demanded of the member by the Association and should in all the circumstances be regarded as a financial member
 - (iii) a declaration under this sub-rule shall not absolve the member concerned of any financial obligation to the Association which may later be discovered and notified to the member in writing
 - (iv) a declaration under this sub-rule may be revoked if the Council determines that the declaration was made on false information supplied by the member concerned. Before any declaration is revoked the member concerned shall be given at least fourteen days notice of the intention to consider such revocation and shall be given the opportunity to address the Council, either orally or in writing before a motion to revoke the declaration is dealt with
 - (v) a member who applies for a declaration under this sub-rule shall be notified in writing by the Secretary within six weeks of such application being made. Where an application has been denied, the notification shall state the reason for the decision and detail any actions which may be taken by the member to become a financial member
 - (vi) the absence of a declaration under this sub-rule in respect of any member shall not be construed as an indication of the financial status of that member for any purpose under these rules.

15 - TEMPORARY SUSPENSION OF MEMBERSHIP

Any financial member who expects to be absent from Western Australia or who expects not to be employed for six months or more on work defined in rule 4 and who desires to retain some form of contact with the Association, may apply to the Council to be taken off the membership list and placed on a temporary suspension list. Unless the Secretary decides otherwise, only persons who agree to notify the Association when they resume employment in the industry shall be eligible to be placed on the temporary suspension list.

- (b) Persons who are placed on the temporary suspension list by a Branch Council shall not pay any fees to the Association and shall not be members of the Association for the period of being on the temporary suspension list.

- (c) A person on the temporary suspension list, on obtaining employment covered by rule 4, shall again become a member entitled to all rights, privileges and benefits of membership provided they make themselves financial in accordance with Rule 10.
- (d) If a person whose membership is temporarily suspended takes up work and does not notify the Association the member's dues shall become payable as and from the date when the member so resumes work.
- (e) A person on the temporary suspension list shall, if she or he desires, receive copies of any relevant Association publication. Council may require a subscription fee for any publication.

16 - TERMINATION OF MEMBERSHIP

- (a) A member may resign her or his membership of the Association by notice in writing and such resignation shall take effect on the day on which the notice of resignation is received or a later date if that later date is specified in the notice.
- (b) The notice of resignation shall either be delivered in person to the Association office or by certified mail to the Secretary.
- (c) Where a member's subscription has expired and has not been renewed, on expiration of the period of three months the membership is terminated.
- (d) For the purposes of this Rule, subscriptions payable shall be calculated on a quarterly basis. Nothing in this rule shall mean that any or all subscriptions, fines and levies owed by the member to the Association and payable on the date on which the resignation is to take effect and unpaid, shall not continue as a debt owed by the member to the Association.

17 - REMOVAL FROM THE ROLL OF MEMBERS

The Council may at any time purge the roll of membership by striking off the names of members:

- (i) who are in arrears of more than three months
- (ii) who have ceased to be eligible to be members of the Association
- (iii) whose addresses are unknown, or
- (iv) who are deceased

provided that such purging shall be carried out at least four times a year.

18 - OFFICES

Each office in the Association may; from such time as the Council may determine, be held by the person who, in accordance with the rules of the Association's Counterpart Federal Body namely the Media, Entertainment and Arts Alliance - Western Australian Branch, holds the corresponding office in that body.

19 - COUNCIL

- (a) Subject to these rules, the supreme governing body of the Association shall be the Council. The council shall meet at least quarterly or more frequently as decided by the Council. Meetings shall be convened by the Secretary or President and notice of any such meeting shall be given to all councillors by the officer convening the meeting. Where practicable such notice shall be given in writing.
- (b) The Council shall consist of the President, three Vice-Presidents, the Secretary and no more than twenty-five delegates from the sections of the Association. The number of delegates shall be determined by the Council.

20 - POWERS AND DUTIES OF THE COUNCIL

The Council shall have the general conduct and control of the business of the Association and in that regard shall have complete authority to take any action it considers necessary or desirable on policy, management or any matter concerning the Association and/or its members and without limiting the foregoing, such powers shall include:

- (a) The overall management of the affairs of the Association.
- (b) The determination, enforcement and protection of the policy of the Association in relation to the industrial and/or professional welfare of members, or any other matter of concern to the Association.
- (c) The amendment, rescission or alteration of the rules of the Association.
- (d) The enforcement of the rules of the Association.
- (e) Any action it considers necessary or advisable concerning any industrial claim or actual, threatened, impending or probable industrial dispute or in settlement of any industrial claim or dispute.
- (f) The determination of the rate of entrance fees, payments and contributions to be paid by members of the Association.
- (g) The imposition and enforcement of the payment of levies on all or a portion of members provided that where a levy is imposed on a section of the membership, it shall be used for the benefit of that section.
- (h) The creation, re-formation, merger or abolition of any section or branch and, subject to these rules, the determination of its authority, territory and membership.
- (i) The determination of the wages and conditions of employment of officers and employees and of any honoraria or similar payments.
- (j) The disciplining and/or dismissal of officers of the Association.
- (k) The accumulation, investment, custody and disposition of the property and funds of the Association, including the power to enter into any arrangements to secure mortgages or similar arrangements.

- (l) The delegation of any of its authority or business, except the power to delegate, to the Secretary and, subject to the control of the Council, an Officer.
- (m) The admission or rejection of applicants for membership, subject to the rights of sectional committees under Section 4.
- (n) The engagement of such legal assistance as may be required to advance the objects of the Association.
- (o) The control, including the editorial control, of the policy and publication of the Association publications.
- (p) The Council shall decide all matters in accordance with these Rules. A decision of Council shall be final and binding and shall remain in force until superseded, amended or rescinded either at a subsequent meeting of the Council or by decision of the members reached by plebiscite.
- (q) Deleted.
- (r) The right to act as or appoint bargaining agents on behalf of members for the purposes of the Workplace Agreements Act and to act or appoint agents in relation to matters pertaining to members' industrial and professional interests.

21 - MEETINGS OF THE COUNCIL

- (a) The President or in his or her absence, a Vice President, shall preside at all Council meetings or in the absence of these officers, a Chair shall be elected by the Council members present.
- (b) The Council shall meet at least quarterly. Meetings shall be convened by the Secretary or President.
- (c) A quorum of members at a Council meeting shall be no less than a third of the members.
- (d) Each member of Council shall be entitled to exercise one vote at meetings of Council.

22 - CONTROL OF COUNCIL BY MEMBERS

- (a) All decisions of the Council shall be subject to review by the members either by decision of a Special General Meeting or by the members voting in a plebiscite.
- (b) A Special General Meeting of members may be called to consider a decision of the Council where a petition of financial members signed by not fewer than 5% of the financial members requests it.
- (c) Alternatively, a Branch plebiscite shall be held to review a decision of the Branch Council where a petition of financial members signed by not fewer than 10% of the financial members of the Branch request it.
- (d) A request for a plebiscite must be made within eight weeks of the decision of Council sought to be reviewed.

- (e) Where a valid request for a plebiscite is made, the Council shall appoint a Returning Officer who shall:
 - (i) take all such steps and have all necessary authority to conduct such plebiscite
 - (ii) set out the question to appear on the ballot paper
 - (iii) fix a date and time for the issue of ballot papers by the returning officer and also a date and time for the closing of the plebiscite
 - (iv) ensure that a full and fair explanation as to the reason for the plebiscite and the competing views as to whether members should vote for or against it, accompanies the ballot paper.
- (f) A ballot paper issued in relation to this rule, shall be in the following form:

“Are you in favour of the following.....?”

Then follows the resolution of Council on which the plebiscite is being taken.
 YES () NO ()

- (g) The returning officer shall conduct such ballot in accordance with rule 79 of these rules and any member may arrange to attend to scrutinise the Returning Officer’s activities. The Returning Officer shall conduct the plebiscite promptly.
- (h) The Secretary shall submit the report of the Returning Officer to the next meeting of the Council.
- (i) Any decision of the members voting in plebiscite shall be final and binding on the Association and its members, until superseded by another plebiscite decision.

23 - BANKING OF INCOME

The Council shall take all necessary steps to ensure that all moneys received by the Association from or on behalf of members are properly accounted for and banked.

24 - GENERAL DUTIES OF FINANCIAL OFFICIALS

- (a) The secretary shall supply a copy of the provisions of the Industrial Relations Act 1979 to each officer of the Association upon that officer’s election to office which relate to:
 - (i) the duties of officers of organisations; and
 - (ii) the accounting records of the Association.
- (b) The financial officials of the Association are the persons who:
 - (i) are entitled to participate directly in the financial management of the Association; or
 - (ii) are elected to the office of president, vice-president, secretary, assistant secretary or councillor and are entitled to participate directly in the financial management of the Association.
- (c) Each financial official is to ensure the Association keeps and maintains accounting records as required by the Industrial Relations Act 1979.

- (d) Each financial official shall comply with the provisions of the Industrial Relations Act 1979.
- (e) Each financial official is to act honestly at all times and to exercise a reasonable degree of care and diligence at all times, in the performance of the functions of his or her office or employment.
- (f) Except in and for the performance of the functions of a financial official's office or employment, or with the consent of the Council, a person who is or has been a financial official of the Association is not to make use of the information acquired by virtue of his or her position as a financial official;
 - (1) to obtain or seek to obtain directly or indirectly, a pecuniary advantage for him or herself or any other person; or
 - (2) to cause or seek to cause detriment, loss or damage to the Association.
 - (ii) Where the Council gives its consent under (i) of this clause, full circumstances of the matter must be disclosed to the members of the Association (e.g. publication in the Association newsletter or by some other means).
- (g) In any matter involving the Association, each financial official is to disclose the nature of all material personal interests as soon as practicable after the relevant facts become known to him or her.
- (h) Each financial official shall provide on July 1 each year a list of all of his or her pecuniary interests. The list is to be in the form of a letter and shall set out all relevant details of interests which result in, or which would give rise to an expectation of, the payment, loss or saving of money, by or to, the financial official.

25 - DUTIES OF PRESIDENT

The President shall:

- (a) Be the senior officer of the branch and preside at all meetings of the branch and superintend the discussion of all business tabled for consideration.
- (b) Have the right to move motions, to vote and speak at Council. He or she shall have a deliberative vote.

Be an *ex officio* member of all sections, branches, committees and sub-committees formed within the Association to advise it on matters concerning members or other Association matters and have the right to move and second motions, speak and vote at all meetings whether Council, Section, Committee or Sub-Committee or Special or General Meetings of members. The President may delegate this power, except the right to vote, to any member of the Council to represent the President at any such meeting except at a meeting of the Council.

- (d) Sign the Minutes of the proceedings of all meetings of the Association.
- (e) Sign cheques in conjunction with the Secretary or in his or her absence, a Vice-President.

- (f) Where practicable, the President shall be consulted by the Secretary where urgent matters of substance arise between Council meetings which require an urgent decision by the Secretary. Any decisions so taken shall be reported to the Council at the earliest opportunity by the President and Secretary.
- (g) The President shall observe and cause to be observed all the rules, policies and decisions of the Association.
- (h) The President shall comply with the provisions of the Industrial Relations Act 1979.
- (i) The President shall ensure the Association keeps and maintains accounting records as required by the Industrial Relations Act 1979.
- (j) The President shall act honestly at all times and exercise a reasonable degree of care and diligence at all times in the performance of the functions of the office.

25A - DUTIES OF VICE-PRESIDENTS

- (a) There shall be three Vice-Presidents. One of the Vice-Presidents shall take the chair in the absence of the President and thereupon shall have and may exercise all the powers of the President.
- (b) In ordinary cases, one of the Vice-Presidents shall assist the President in maintaining order at the meetings of the branch.
- (c) One of the Vice-Presidents shall sign cheques with the President in the absence of the Secretary and with the Secretary in the absence of the President.
- (d) The Vice-Presidents shall comply with the provisions of the Industrial Relations Act 1979.
- (e) The Vice-Presidents shall ensure the Association keeps and maintains accounting records as required by the Industrial Relations Act 1979.
- (f) The Vice-Presidents shall act honestly at all times and exercise a reasonable degree of care and diligence at all times in the performance of the functions of the office.

26 - POWERS AND DUTIES OF THE SECRETARY

The Secretary (and a person appointed to act as Secretary in any temporary capacity in accordance with these Rules) shall conscientiously, efficiently and expeditiously do all things required to safeguard the interests of members and of the Association as a whole and shall:

- (a) Be the Registered Officer of the Association for the purposes of the Industrial Relations Act 1979.
 - (i) be empowered to act on behalf of the Association
 - (ii) be the Officer to sue and be sued on behalf of the Association
- (b) Attend all General Meetings and Council, keep the Minutes of such meetings, take note of all the necessary proceedings, sign orders for the payment of money to which his or her

signature is requisite and sign cheques on behalf of the Association in conjunction with the President or in his or her absence a Vice-President.

- (c) Shall receive all Entrance Fees, Contributions, Levies, Fines and Fees payable by members.
- (d) Keep proper books of account of all moneys received and expended by or on account of the Association as required by the Industrial Relations Act 1979.
- (e) Produce at the end of every twelve months, all books, documents and accounts to the Auditor, together with a Balance Sheet showing to the best of her or his knowledge the monetary position of the Association.
- (f) Deal with all correspondence and provide all reports and returns required under the WA Industrial Relations Act or otherwise by law.
- (g) Produce, at each Council meeting, an account of the receipts and expenditure of the Association since the preceding meeting. In this regard the Secretary shall be responsible for the day to day management of the Association strictly in accordance with and within the budget set by Council. The Secretary shall immediately notify the branch officers of any matter which might affect the branch's adherence to the budget as determined.
- (h) Be an *ex officio* member of all sections, branches, committees and sub-committees formed to advise the Association in matters concerning members or other Association matters and have the right to move and second motions, speak and vote at all meetings whether Council, Branches, Section, Committee or Sub-Committee or Special or General Meetings of members.
- (i) Keep a register of all members.
- (j) On a request signed by a majority of Council members or on resolution of a General Meeting, hand over all books, documents and papers of the Association to a person named in such request within twenty-four hours of the receipt of such request, always provided that the provisions of these Rules relating to the removal of and/or suspension of officers shall prevail.
- (k) Punctually attend and be in attendance as far as his or her duties allow at the office during the hours fixed by the Council for such attendance.
- (l) Check accounts and sign cheques in conjunction with the President or in the President's absence, a Vice-President.
- (m) Obey the directions of the Council.
- (n) Attend to all affairs which require Secretarial attention.
- (o) Give eight weeks notice of resignation from office.
- (p) Sue for the recovery of arrears in membership dues.
- (q) Produce an annual report of Association activities for presentation tot the Council and Annual General Meeting and distribution to members.
- (r) Observe and cause to be observed all the rules, policies and decisions of the Association.

- (s) The Secretary shall comply with the provisions of the Industrial Relations Act 1979.
- (t) The Secretary shall ensure that, on being elected, the President, Vice-Presidents and Councillors shall provide copies of the Industrial Relations Act 1979 provisions that relate to finance officers and to the accounting records of the Association.
- (u) The Secretary shall act honestly at all times and to exercise a reasonable degree of care and diligence at all times in the performance of the functions of the office.

27 - DUTIES OF COUNCILLORS

- (a) As far as practicable, councillors shall attend council meetings and meetings of their relevant sectional committees. They shall give their apologies if unable to attend. Where a councillor has not attended three consecutive meetings of Council he or she shall provide an explanation to the Council.
- (b) Councillors shall inform the Secretary or other relevant full-time union officer of any matters of interest to the union that have arisen in the councillor's workplace or area of the industry.
- (c) Councillors shall comply with the provisions of the Industrial Relations Act 1979.
- (d) Councillors shall ensure the Association keeps and maintains accounting records as required by the Industrial Relations Act 1979.
- (e) Councillors shall act honestly at all times and exercise a reasonable degree of care and diligence at all times in the performance of their functions of office.

28 - Deleted

29 - GENERAL MEETINGS

- (a) Meetings which all the members are entitled to attend shall be known as General Meetings. Meetings which all members of a section within are entitled to attend shall be known as Section General Meetings.
- (b) A general meeting may be convened at any time by:
 - (i) resolution of the Council or Sectional Committee as the case may be;
 - (ii) a request in writing signed by not less than five per cent of the financial members of the membership or of the section as the case may be.
- (c) A general meeting shall be called by the Secretary by notice giving at least 14 days notice either by:
 - (i) posting a notice to each financial member at his or her last known address; or
 - (ii) placing a notice in a daily newspaper circulating in the area in which the meeting is to be held and by forwarding a notice to places of work where more than three members are employed and to theatrical and employment agents (where applicable).

- (d) The notice calling the meeting shall set out the place, date and time of the meeting and the nature of the business to be brought before the meeting.
- (e) The quorum necessary to transact business at general meetings shall be:
- (i) at least 15 financial members where the financial membership does not exceed 200
 - (ii) two more financial members for each 100 financial members thereafter, provided that no quorum shall exceed 85
 - (iii) general meeting quorums shall be calculated according to the following table:

Financial Members Quorum

000-200	15
201-300	17
301-400	19
401-500	21
501-600	23
601-700	25
701-800	27
801-900	29
901-1000	31
1001-1100	33
1101-1200	35
1201-1300	37
1301-1400	39
1401-1500	41
1501-1600	43
1601-1700	45
1701-1800	47
1801-1900	49
1901-2000	51
2001-2100	53
2101-2200	55
2201-2300	57
2301-2400	59
2401-2500	61
2501-2600	63
2601-2700	65
2701-2800	67
2801-2900	69

and thereafter an extra 2 members for each additional 100 members to a maximum of 85 members.

- (f) The Association shall hold an Annual General Meeting in the second quarter in the year. At that meeting, the Secretary shall produce the Annual Report and Balance Sheet and Statement of Accounts showing the financial transactions of the previous year. That meeting shall also consider such other agenda items as have been mentioned in the notice convening the meeting. Any financial member may place an item on the business paper for the meeting.

- (g) A general meeting shall be called not later than 14 days after the receipt by the Secretary of a request in writing signed by not less than 5 per cent of the financial members of the Association or section as the case may be.
- (h) A general meeting shall not be convened in accordance with sub-rule (f) hereof for the purpose of reviewing any action or resolution of Council or a section committee unless such request is made within eight weeks of the action or resolution which it is proposed to review.
- (i) A general meeting shall have the power to require the Council or Section Committee to deal with a matter. The relevant body shall deal with the matter promptly.

30 - ROLL OF MEMBERSHIP

A register of the names of the officers and members, their postal addresses, sections and place of work (as far as known), shall be kept at the office and shall be open for inspection at all convenient times to the Industrial Registrar or any persons appointed by him or her. The register may be kept in a computerised form.

31 - WORKPLACE REPRESENTATIVES

The financial members at any workplace concerned in consultation with the Council, may appoint one or more job representatives who shall be financial members under the rules. Where there are no representatives of the members at the workplace, the Council may appoint a job representative. The job representatives shall perform the following duties:

- (a) Recruit members and collect fines, fees, levies, subscriptions or contributions from members at their place of work.
- (b) Pass all information relevant to the industrial interests of members to and from the Association.
- (c) Watch over the general interests of the Association and report to the Secretary any infringement of the Rules or breaches of industrial awards or agreements or policies of the Association.
- (d) Liaise with management concerning industrial matters at the workplace representative's place of work under instruction from the Secretary.
- (e) Receive no subscriptions, entrance fees and levies without giving a printed official receipt for same from a duplicate receipt book to be supplied to him or her by the Secretary.
- (f) When instructed by the Secretary, a workplace representative shall supply the Secretary with a list of names of all members who are or have been employed at each place of work for a week previously or part thereof.
- (g) Distribute and place on notice boards all matters as requested by the Secretary.

- (h) Properly care for all Association property entrusted to him or her. He or she shall be totally liable for all moneys lost by him or her whilst in his or her responsibility and shall be liable to a fine not exceeding one hundred dollars for the loss of other Association property including any receipt book.
- (i) Pay any moneys held by him or her to the Secretary promptly and surrender any Association property including moneys and any receipt book promptly on the request of the Federal or Branch Secretary.
- (j) Any workplace representative who fails to pay into the Association any moneys or property collected by him or her from members may be dealt with in accordance with Rule 12 and/or Section 9 of these Rules.
- (k) With the approval of Council, job representatives at a workplace may form themselves into a house committee. Council may devise by-laws for the operation of a house committee in accordance with the Rules of the Alliance and decisions of a Council or General Meeting.

32 - PROTECTION OF SECTIONAL PROFESSIONAL INTERESTS

- (a) Notwithstanding anything else contained in these rules, the policies adopted by the Association regarding the professional standards and interests of members of any section (and in relation to Journalists the establishment of a code of professional ethics) shall be determined exclusively by the section of the Association concerned. Such issues shall include the admission to membership of prospective members and approval of the entry to the country and the issue of permission to take up employment of those prospective members.
- (b) This rule shall only be altered with the consent of each of the sections of the Association and only after a plebiscite of each of the sections approves of any such alteration in accordance with the rule alterations rule 75.
- (c) For the purposes of this rule, professional standards and interests shall not include matters pertaining to wages and conditions of employment.

33 - SECTIONS

- (a) The Council shall, by resolution, establish sections within the membership to reflect occupational or industry groupings within the Association.
- (b) The following divisions are examples of sections which may be established by the Council:

Actors	Variety Artists
Dancers	Cinema
Live Theatre/ Concert	Television and Film
Outdoor	Theme Parks
Radio	Amusement Parks
Commercial and Industrial Artists	Book Industry
The Australian Journalists' Assoc.	Musicians
Rugby League Players' Union	Australian Soccer Players' Assoc. Section
Artworkers/visual arts and craft workers	

- (c) Upon the establishment of each section the Council shall issue a charter to the section, defining the scope of the section and allocate members to each section.
- (d) Subject to Rule 75(d), new members shall be required to nominate a section which corresponds with their primary employment in the industry in accordance with Rule 7 of these rules. Once allocated to a section, a member shall not be reallocated without the approval of the Council. A member shall be allocated to a primary section and may stand for any elective office and vote only as a member of that section.
- (e) The Council shall have the power, subject to this sub-rule, to decide that a section shall be dissolved or amalgamated with another section. The size of a section shall be a factor to be taken into account by the Council when making such a decision. No section shall be dissolved or amalgamated without first being consulted by the Secretary or President and approved by a vote of Council carried by no fewer than 75% of votes.

34 - SECTIONAL COMMITTEES

- (a) The Council shall by resolution establish sectional committees.
- (b) The Sectional Committee shall consists of:
 - (i) officers who are members of that section
 - (ii) such other members of the section who are co-opted to the committee.
- (c) A section may adopt by-laws to govern its conduct and activities, subject to the approval of those by-laws by the Council.

35 - GENERAL POWERS AND DUTIES OF SECTIONAL COMMITTEES

- (a) The Sectional Committee shall have the power to make recommendations to Council on all matters pertaining to that section especially those matters affecting the policies and industrial objectives to be adopted by the Association.
- (b) Each recommendation of a Sectional Committee shall be considered by Council at its next ordinary meeting except in cases of urgency, whereupon the Secretary shall act and report to council.

36 - MEETINGS OF SECTIONAL COMMITTEES

- (a) Each Sectional Committee shall meet quarterly or more frequently as determined by the Sectional Committee.
- (b) The time and place of Sectional Committee meetings shall be determined by the Sectional Committee as the case requires and such meetings shall be convened by the Secretary or his or her nominee.

36A - SECTIONAL PLEBISCITES

- (a) All decisions of a Section Committee shall be subject to review by the members of that section either by decision of a Special General Meeting or by the members of that section voting in a plebiscite.
- (b) A sectional plebiscite shall be held to review a recommendation of the Sectional Committee where a petition of financial members signed by not fewer than 10% of the financial members of the section requests it.
- (c) The Council may conduct a plebiscite on any question affecting a section or sections.
- (d) Where the plebiscite seeks to review a decision of the Council, a request for a plebiscite must be made to the Secretary within eight weeks of the decision sought to be reviewed.
- (e) Where a valid request or decision to hold a plebiscite is made, shall appoint a returning officer who shall:
 - (i) take all such steps and have all necessary authority to conduct such plebiscite
 - (ii) set out the question to appear on the ballot paper
 - (iii) fix a date and time for the issue of ballot papers by the Returning Officer and also a date and time for the closing of the plebiscite
 - (iv) ensure that a full and fair explanation as to the reason for the plebiscite and the competing views as to whether members should vote for or against it, accompanies the ballot paper.
- (f) A ballot paper issued in relation to this rule shall be in the following form:
 "Are you in favour of the following.....?"

 Then follows the question or matter on which the plebiscite is being taken.
 YES () NO ()
- (g) The Returning Officer shall conduct such ballot in accordance with rule 79 of these rules and any member may arrange to attend or to be represented by a scrutineer to scrutinise the Returning Officer’s activities. The Returning Officer shall conduct the plebiscite promptly.
- (h) The Secretary shall submit the report of the Returning Officer to the Council.
- (i) Any decision of the members voting in plebiscite shall be final and binding on the section unless overturned by a subsequent plebiscite.

37 - INDUSTRIAL AWARDS AND AGREEMENTS

- (a) An Industrial Agreement or Award within the meaning of the WA Industrial Relations Act or any statutory modification or amendment thereof made, entered into or executed on behalf of the Association or any alteration, variation, or cancellation thereof, shall be executed under the Seal of the Association and attested under the hand of the Secretary.
- (b) Proposed variations to all Industrial Agreements of Awards shall not conflict with Association policy.

38 - NOTIFICATION OF INDUSTRIAL DISPUTES TO THE INDUSTRIAL RELATIONS COMMISSION

- (a) Council is empowered to take any action considered necessary or desirable in connection with any industrial dispute or probable industrial dispute.
- (b) An industrial dispute may only be submitted to the Western Australian Industrial Relations Commission on the authority of the Secretary.

39 - PROSECUTIONS ON BEHALF OF THE ASSOCIATION

- (a) The Secretary shall be:
 - (i) the registered Officer of the Association for the purposes of the WA Industrial Relations Act
 - (ii) empowered to act on behalf of the Association
 - (iii) the Officer to sue and be sued on behalf of the Association
 - (iv) empowered on behalf of the Association to lay any information or take proceedings to recover any penalty under any Act of Parliament by the provisions of which the Association or any authorised person may take proceedings.
- (b) In any proceedings or matter to which it is necessary that some other person shall exercise the power to sue on behalf of the Association, such person shall be deemed to be so authorised on production of a letter to that effect signed by the Secretary and bearing the Seal of the Association.

40 - EMPLOYEES OF THE ASSOCIATION

All employees of the Association are employees of the Council and answerable to the Secretary.

41 - SEAL AND EXECUTION OF DOCUMENTS

The Seal of the Association shall be kept by the Secretary. The fixing of the seal to any documents shall be attested to under the hand of the Secretary.

42 - AUDITOR

- (a) A properly qualified Auditor (or Auditors)(as required by the WA Industrial Relations Act), not an Association member, shall audit the Accounts of the Association yearly.
- (b) The Auditor(s) shall be appointed by the Council.
- (c) The Auditor(s) shall have the power to call for all books, papers, vouchers and documents belonging to the Association. He or she shall furnish the report upon the books, balance sheets and accounts verifying correctness or otherwise.

43 - FINANCIAL YEAR

The Financial Year shall terminate on the thirty first day of December in each year and all books and accounts shall close on that date. A duly audited balance sheet shall be presented to the Annual General Meeting.

44 - PROPERTY AND FUNDS OF THE ASSOCIATION

The property and funds of the Association shall be vested in and administered by the Council subject to the following limitations:

- (a) There shall be a fund known as the General Fund which shall consist of:
 - (i) any real or personal property of which the Council by these Rules or by any established practice not inconsistent with these Rules has, or in the absence of any limited term lease, bailment or arrangement, would have the right of custody, control or management
 - (ii) all Entrance Fees and Contributions received from members
 - (iii) any other amounts which under these rules are payable to the Association
 - (iv) any interest, rents, dividends or other income derived from investments or use of the General Fund
 - (v) any superannuation or long service leave or other fund operated or controlled in accordance with these Rules by the Council relating to the Association as a whole for the benefit of its officers or employees
 - (vi) any sick pay, accident, funeral or like fund operated in accordance with these Rules relating to the Association as a whole for the benefit of its members
 - (vii) any property acquired wholly or mainly by expenditure of the moneys of the General Fund or derived from other assets of the Fund
 - (viii) the proceeds of any disposal of parts of the General Fund
 - (ix) any other fund or asset as determined by Council
 - (x) fines imposed on members and levies struck in accordance with these Rules
 - (xi) payments received from Benevolent and like Funds
 - (xii) any accident, funeral or similar fund established for members or for any other purpose.

- (b) The Council may expend such necessary part of the Funds under its control as shall be required for activities and management in accordance with the objects of the Association.

Banking

- (c) The funds of the Association shall be banked in the name of the Media, Entertainment and Arts Alliance of Western Australia.

- (d) Withdrawals from all funds shall be made by cheque signed by any two of the President or the Secretary (or the Assistant Secretary in the absence of the Secretary when authorised to do so by the Secretary in accordance with Section 3 Rule 29 of these rules) or a Vice-President appointed by the Council for the purpose.

Investments

- (e) In respect of funds, the Council shall be empowered lawfully to invest the funds of the Association and make arrangements relating to the purchase of shares and securities and

lodgement thereof provided always that any such transactions shall be attested under the hand of not less than two officers.

- (f) Where funds of the Association are invested in the names of officers, these officers shall be required to execute a Deed of Trust that they are merely trustees for the Association.

Loans, Grants and Donations

- (g) A loan, grant or donation of an amount exceeding \$1,000 shall not be made by the Association unless the Council has satisfied itself:
- (i) that the making of the loan, grant or donation would be in accordance with the other rules and policy of the Association, and
 - (ii) in relation to a loan - that, in the circumstances the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory; and it has approved the making of the loan, grant or donation.

45 - OFFENCES AND COMPLAINTS

- (a) A member shall be held to have committed an offence if, after procedures as laid down in these Rules, he or she shall have been found guilty of any of the following:
- (i) violation of and/or refusal to observe a lawful decision of the Association or abide by these Rules
 - (ii) violation of and/or refusal to observe a lawful decision of Council or Sectional Committee, attention to which has been drawn in any journal of the Association or in a letter, memorandum or bulletin issued by Council or Sectional Committee
 - (iii) violation of and/or refusal to carry out a provision of an Industrial Award determination or agreement applicable to him or her
 - (iv) disclosing to a person not entitled to know it, any confidential matter of the Association
 - (v) misappropriating money and/or property belonging to the Association
 - (vi) knowingly works with a non-unionist without first notifying the workplace representative or in the absence of such a representative, the Secretary of the branch to which he or she belongs
 - (vii) obstructs or having been requested to assist, fails to assist any officer or duly appointed representative of the Association in the performance of his or her duty
 - (viii) fails to attend any meetings of the Executive or of a branch to which he or she belongs when requested to do so
 - (ix) fails to observe by-laws, which may be enforced by the Association from time to time
- (b) A member, found guilty of an offence, shall be liable to any of the following penalties, namely, warning, rebuke, censure, fine (to a maximum of one thousand dollars), suspension for a period of up to one year or expulsion from membership of the Association.

46 - REMOVAL FROM OFFICE

A person elected to an office in the Association may be removed from office where the person has been dealt with in the manner set out in this section and found guilty of misappropriation of any of

the funds of the Association, a substantial breach of the rules of the Association or gross misbehaviour or gross neglect of duty or has ceased under the rules to be eligible to hold the office.

47 - CHARGES AGAINST MEMBERS

- (a) The Council shall appoint a three-person Disciplinary Committee to determine complaints.
- (b) Any persons or members complaining of violation and/or refusal to observe these Rules by any member or any member alleging that a member has committed an offence under these Rules, shall submit the complaint in writing within seven days of the matter complained of coming to the notice of the member making the complaint, to the Secretary, setting out the allegations fully and clearly.
- (c) The Secretary shall, upon receiving the complaint, convene a meeting of the Disciplinary Committee as soon as possible. At this meeting the Committee shall determine whether or not the complaint is of substance. If so, the committee shall fix a date and time for investigation by the Committee.
- (d) The Secretary shall, within 10 days of the fixed meeting, forward by registered or certified mail or personal service to the member concerned, a copy of all allegations made against her/him and any evidence received in support of them, the charges under the rules and particulars of those charges. It shall also inform her/him of the date, time and place fixed for investigation by the Committee of the complaint and of her/his right to appear personally or submit a reply in writing.
- (e) The respondent member shall have the right to appear personally at the investigation or to submit to the Committee in writing his or her reply to the complaint. If the respondent appears personally at the investigation, the complainant shall also have the right to appear. Each party shall be permitted to call witnesses. No party shall be entitled to be legally represented.
- (f) A copy of any evidence by Statutory Declaration by one party shall be sent to the other party who shall have the right to submit evidence in reply.
- (g) If either party is not present at the investigation or fails to submit evidence, the Committee may nevertheless proceed to consider and decide upon the complaint or if it decides that there is insufficient evidence it may, before reaching a decision, call for further evidence from either party or other persons, to be submitted orally or in writing.
- (h) The formalities associated with legal procedure shall be followed where it is necessary to protect the member against whom the allegations are made. The formal rules of evidence shall not be applied. The object of the investigation shall be to ascertain the truth and substance of the matter and to that end, the rules of natural justice shall be observed.
- (i) The Secretary shall keep a written record of all complaints received and investigated, a précis of the evidence produced or heard and also a record of all decisions of the Committee.
- (j) All communications to members shall be conducted by the Secretary upon the directions of the Committee and shall be by registered or certified mail or personal service.

- (k) Within seven days of the determination by the committee of the matter, the Secretary shall inform both parties and inform them of the rights of appeal to the Council by giving written notice to the secretary within 28 days.
- (l) If no appeal is received, the secretary shall refer the Committee's decision to the next Council meeting for confirmation.
- (m) Notwithstanding the foregoing, the Council shall have the authority to instruct the Secretary to initiate proceedings against any member.

48 - APPEAL FROM A DECISION OF THE DISCIPLINARY COMMITTEE DECISION

- (a) Either party may appeal against the decision of the Disciplinary Committee by giving written notice to the Secretary within 28 days of receiving the decision.
- (b) The appellant shall state fully and clearly the reasons for appeal.
- (c) On receiving the appeal the Secretary shall refer the matter to the next council meeting and inform the parties of this referral to Council, provided the Secretary gives the parties at least seven days notice of the time and place of the Council meeting.
- (d) The Council shall determine whether the appeal is substantial and, if so, proceed to investigate the matter. The Council shall follow the principles and procedures governing the previous rule - CHARGES AGAINST MEMBERS.
- (e) The decision of Council shall be final.

49 - NEW RULES AND ALTERATIONS OF RULES

- (a) No new rules shall be made nor shall any of the rules of the Association for the time being be altered, added to, amended or rescinded except by the Council. Any proposal to alter, amend, add to or rescind the Rules shall be submitted to the Secretary to enable it and the reasons therefore to be circulated to all members of the Union at least 28 days before the date on which the meeting or the postal ballot of Council to consider the proposal is scheduled to begin. A member wishing to object to a proposed amendment shall notify the Secretary in writing of his or her objection and the reasons for it not less than 14 days before the meeting of Council which will consider the amendment. The Secretary shall circulate the objection to members of Council at least 7 days before the meeting of Council.
- (c) Any proposal to alter, amend, add to or rescind the rules may be proposed by any Sectional Committee at any time between meetings of the Council. Such proposed rules and/or amendments shall be submitted to the Secretary and shall be circulated in accordance with (b) hereof.
- (d) No new rule (or amendment, addition or rescission) shall be made which alters any sectional professional rights without the section first approving any such change in accordance with the rules governing those sections.

50 - INTERPRETATION OF RULES

Where a dispute arises about the meaning of any rule, subject to any authoritative interpretation of the rules by a court or the WA Industrial Relations Commission, the Council shall be the body to determine authoritatively the true meaning of that rule.

51 - AFFILIATION AND REPRESENTATION

- (a) Council, Sectional Committee or Branch shall be authorised to affiliate with any industrial organisation or peak body of bona fide trade unions or such other body as is in accordance with the objects of the Association.
- (b) Council or any Section or Branch shall not be affiliated with or represented by any organisation, cause or movement, or at any meeting which is party-political or sectarian, in relation to The Australian Journalists Association section.
- (c) Council, Sectional Committee, Branch shall not affiliate with any industrial organisation or peak body of bona fide trade unions in relation to Journalist members of the Association, except where:
 - (i) at the date of amalgamation the WA Journalists Union was affiliated with the relevant peak body;
 - (ii) the Journalists' section approves the affiliation.
- (d) A Section or Branch shall not affiliate with or be represented by or on any other organisation, cause or movement, unless Council has granted approval.

52 - TERMS OF OFFICE

- (a) The terms of office for each office shall be as follows:

Secretary (and Assistant Secretary)	4 years
Honorary Officers	2 years
Other Councillors	2 years
- (b) Notwithstanding (a), an incumbent officer shall hold office for the term specified in (a) or until a declaration of the ballot for that office occurs, whichever is the later.
- (c) No employee of the Association may hold any honorary office in the Association.

53 - ELECTIONS

- (a) Not later than February 1 in each uneven-numbered year, commencing in 1999, Council shall:
 - (i) fix dates for nomination and election of officers as required by these Rules
 - (ii) appoint a Returning Officer for the conduct of the elections. The Returning Officer shall not be a holder of any office in, nor be an employee of, the Association.
 - (iii) determine a date for close of voting

Notice of Elections

- (b) The Returning Officer shall:
- (i) in each uneven-numbered year for honorary positions and in each second uneven-numbered year for full-time positions (or when appropriate in the case of a casual vacancy), circulate a notice to all financial members or take such other measures as are necessary calling for nominations of financial members of the Association entitled to nominate in accordance with these rules as candidates for election as:
 - President
 - Vice-Presidents (3)
 - Secretary
 - Delegates from the Sections of the Association to Council (the number to be determined by rule 54)
 - (ii) the notice shall stipulate that a member cannot stand for more than one of each of the positions specified in sub-rule 52(a)
 - (iii) the notice shall specify the time and date for the closing of nominations and the name and address of the Branch Returning Officer appointed to receive the nominations.

Nominations

- (c) Nominations must be in writing and contain the given names and/or other identifying names and place of employment and address of each candidate. Nominations:
- (i) must be signed by at least one other financial member and contain the addresses of the signatories
 - (ii) must be accompanied by the written consent of the member nominated
 - (iii) may be accompanied by a statement to a maximum of 150 words; and
 - (iv) nominations must be submitted in the following form;

Date _____
 I hereby nominate _____ (block letters), a financial member, as a candidate for election as _____ (state the position to which election is desired).
 Signature _____
 Name (block letters) _____
 Address _____
 I hereby consent to the above nomination.
 Signature _____
 Address _____
 Place of Employment _____

Close of Nominations and Defective Nominations

- (d) The Returning Officer shall close receipt of nominations at the time fixed. If the Returning Officer conducting such an election finds a nomination to be defective he or she shall, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, give him or her the opportunity of remedying the defect where practicable, within seven days after his or her being so notified. The Returning Officer shall submit a report in writing on all nominations received by him or her to the next meeting of the Council.

Contested Election

- (e) Should the number of valid nominations received exceed in any case the number required to fill the office or position concerned such nominations shall be submitted to a secret postal ballot of all financial members.
- (f) The Returning Officer shall:
 - (i) fix a date and time for the closing of the roll of voters and give instructions for the preparation of a list of names and last known addresses of financial members entitled to vote
 - (ii) arrange for the printing of prepaid reply envelopes and ballot papers to be distributed by post to each eligible voter
 - (iii) upon receiving advice in writing from any eligible member that the member shall be absent from his or her usual address during the period of the ballot, forward a ballot paper, prepaid reply envelope and candidates' statements (if provided) to such address as advised by the eligible member.
- (g) The Returning Officer shall draw lots to determine the order in which the names of candidates shall appear on the ballot paper.
- (h) The given names and/or other identifying names and the place of employment of each candidate for election shall be included on the ballot paper for the guidance of members in voting. This information shall be supplied by a candidate with his or her nomination. Each candidate may also prepare and include with his or her nomination a statement containing his or her Association and employment/professional history and place of employment to a maximum of 150 words. The Returning Officer shall issue a copy of each statement (including where applicable, the candidate's photograph) with each ballot paper.

System of Voting

- (i) The system of voting to apply to elections in the Association shall be the optional preferential system. Each voter is required to vote for at least the number of vacancies to be filled in each position. The following procedure shall be followed for the counting of ballots:

Election of One Candidate Only

- (j) Where one candidate only is to be elected, the Returning Officer shall observe the following procedure to determine the successful candidate:
 - (i) a candidate who receives more than half the number of first preference votes cast shall be the successful candidate
 - (ii) should no candidate be successful on the first round, the candidate who receives the least number of first preference votes shall be excluded from the count and his or her second preference votes shall thereupon be distributed among the remaining candidates. A candidate then receiving more than half the total number of votes cast shall be thereupon the successful candidate
 - (iii) the above procedure shall be continued until one candidate has received the requisite number of votes to become the successful candidate
 - (iv) if on any count two or more candidates each receive the same number of votes, the candidate who received the greater number of first preference votes shall remain in the count. If two or more candidates receive an equal number of first preference

votes the Returning Officer shall decide by lot which candidate shall remain in the count.

Election of More Than One Candidate

- (k) Where two or more candidates are to be elected the Returning Officer shall observe the following procedure to determine the successful candidate:

The votes shall be classified into two categories as follows:

- (i) the preference votes for the number of vacancies to be filled shall be termed 'primary' votes and shall have equal value in the first count and be credited to the candidate for whom they are cast, whether marked 1, 2, 3 etc. according to the number of vacancies. The preference votes beyond those referred to in the previous sentence shall be termed 'secondary' votes and shall have rank according to their numerical number and shall be allocated in rank order unless the ranking secondary vote has been previously allocated
- (ii) the 'primary' votes shall first be counted and a list shall be prepared of the candidates in order according to the primary votes cast for them. The candidate who is lowest on the list thus compiled shall be excluded from the count
- (iii) each ballot paper on which such excluded candidate received a 'primary' vote shall then be examined to determine its 'secondary' vote and the preference so found shall be allotted to the appropriate remaining candidate on the first count
- (iv) on the conclusion of the second count, the above procedure of exclusion of candidates from the count and the distribution of their secondary votes shall continue until the required number of successful candidates has been determined
- (v) if, in any count, the next available preference vote of an excluded candidate is cast in favour of an excluded candidate, such preference vote shall be disregarded and the next available preference vote cast in favour of a remaining candidate shall be added to the votes credited to that candidate
- (vi) if, in any count, two or more candidates each receive the same number of votes and one of them has to be excluded, the Returning Officer shall decide by lot which candidate shall remain in the count
- (vii) if at the conclusion of all necessary counts, the provisions of Rule 54(a) (vi) have not been applied for reasons other than that provided for in Rule 54, the Returning Officer shall apply the provisions of the Rule.

Appointment and Conduct of Scrutineers

- (l) Any candidate shall be entitled to appoint a scrutineer to inspect any aspect of the conduct of the election by the Returning Officer.
- (m) A scrutineer shall not interfere with the conduct of the ballot or the counting of votes. If he or she considers that any vote is invalid or that there is any irregularity in the counting, he or she may bring the matter under the notice of the Returning Officer who shall record in his or her report to the Secretary any objection raised by a scrutineer.

Returning Officer's Report and Declaration of Ballot

- (n) The Returning Officer shall report the result of the ballot to Council.

- (o) After Council has received the report of the Returning Officer on the election of Officers, the President shall declare the result of the elections. If a vacancy then exists Council shall take whatever action it considers necessary or desirable to fill the vacancy.
- (p) A member who has been declared elected or re-elected as an Officer shall assume the title and carry out the duties of his or her office immediately upon the cessation of the term of office of his or her predecessor or, in the case of a casual vacancy, after the close of the meeting of Council at which the result of the election is declared.
- (q) The Council on receiving the report of the Returning Officer on the result of the ballot shall submit it to the Annual General Meeting.
- (r) If there are not sufficient nominations to fill the offices and positions listed in sub-clause (b) of this Rule or it is demonstrated that a successful candidate has become unable or ineligible to assume the office or position to which he or she has been elected, the Council shall take action to fill the vacancy for the balance of the term, in accordance with sub-rule (t).
- (s) Any candidate defeated on a ballot may demand a recount of votes by lodging with the Returning Officer an application in writing within three days of the declaration of the ballot by the Returning Officer.

Casual Vacancies

- (t) Should any person elected to any office in the Association die, resign or be removed from office during the term for which they have been elected, the vacancy so created will be filled in the following manner:
 - (i) in the case of honorary officers, in a manner determined by the Council, provided that where the unexpired part of the term of office so vacant exceeds 12 months or three quarters of the term of office, whichever is the greater, an election shall be conducted in accordance with this rule
 - (ii) in the case of full-time officers, an election shall be conducted in accordance with these rules, provided that Council may determine not to fill a position so vacant if it falls vacant within six months of the normal biennial elections
 - (iii) any person so elected or appointed to a casual vacancy shall hold the office until the expiration of the balance of the term left vacant, provided that, in the case of full-time officers, the person elected shall hold office until the second biennial election occurring after the vacancy.

54 - FORMULA FOR ELECTION OF SECTIONAL DELEGATES TO COUNCIL

- (a) The Council shall determine the number of Council delegates to which each section is entitled by applying the following formula:
 - (i) the annual income of each section from entrance fees and membership subscriptions for the aggregate dues paid to the Association and its federal counterpart the WA Branch of the Media, Entertainment and Arts Alliance and shall be ascertained for the previous financial year
 - (ii) the 'notional' number of members of each section shall be ascertained by dividing the amount of income for each section by \$200 (or another amount as determined by Council)

- (iii) the respective proportions of the notional members of each section shall be ascertained
- (iv) the proportional formula so obtained in respect of sections shall be applied to the number twenty-five (being the number of sectional delegates to Council)
- (v) the result rounded to the nearest whole number which is one or greater shall be the number of delegates to Council from the respective sections
- (vi) where sections are entitled to three or more delegates or three or more Vice-President positions are to be filled, one of each three of the positions filled shall be a woman according to the following formula:

3 to 5 delegates:	at least one woman
6 to 8 delegates:	at least two women
9 to 11 delegates:	at least three women

- (b) If insufficient eligible candidates nominate in any election for delegate(s) from a section, the provisions of sub-rule (a)(vi) shall not apply.

55 - AVOIDANCE OF IRREGULARITIES

Notwithstanding the provisions of the Rule a Returning Officer may take such action and give such directions as he or she considers necessary in order to ensure the secrecy of the ballot and that no irregularities occur in or in connection with the election or to remedy any inconsistency or inadequacy that may arise in the application of this Rule.

56 - OFFICERS ILLEGALLY ELECTED

Should any office of Council or Sectional Committee be illegally elected, any business transacted by such Officer or body of which such illegally elected person is a member, shall nevertheless be held to be properly transacted and the legality of his or her act shall not be capable of being challenged or called into question unless it was done in bad faith.

57 - MEMBERS' RIGHT TO VOTE IN BALLOT

Financial members entitled to vote in elections for officials of the Association shall have the right to vote in all ballots conducted under law for the amalgamation of the Association with any other association or organisation.

58 - DISSOLUTION OF THE ASSOCIATION

No vote of the members shall be taken for the purpose of dissolving the Association so long as there be fifteen financial members in favour of carrying on the Association. If such fifteen members cannot be found the Association may be dissolved and after the discharge of all liabilities, all Association money, property and effects shall be converted to money and distributed equally between the financial members of the Association and all branch funds and all branch money, property and effects of each branch shall be converted to money and distributed equally between the financial members of that branch.

59 - Deleted

60 - RIGHTS OF MEMBERS

All members of the amalgamating organisations shall enjoy all the rights, privileges and duties of membership of the amalgamated association, provided that nothing in this sub-rule will relieve a member from paying any dues owing to one of the amalgamating organisations at the date of amalgamation.