

**RULES
OF
UNITED WORKERS UNION (WA)**

CONTENTS

<u>RULE</u>	<u>PAGE</u>
1 - NAME	1
2 - OBJECTS	1
3 - ELIGIBILITY FOR MEMBERSHIP	1
4 - REGISTERED OFFICE	11
5 - DEFINITIONS	11
6 - APPLICATION FOR MEMBERSHIP	11
7 - REGISTER OF MEMBERS	12
8 - RESIGNATION OF MEMBERSHIP	12
9 - CESSATION OF MEMBERSHIP	12
10 - MEMBERSHIP CONTRIBUTIONS	12
11 - BRANCH EXECUTIVE	13
12 - BRANCH COUNCIL	14
13 - BRANCH ELECTIONS	15
14 - ROLL OF ELIGIBLE VOTERS	18
15 - CASUAL VACANCIES - BRANCH APPOINTMENT	18
16 - BRANCH MEETINGS	19
17 - MEETINGS OF BRANCH COUNCIL AND BRANCH EXECUTIVE	20
18 - BRANCH PRESIDENT	20
19 - BRANCH VICE PRESIDENT	20
20 - BRANCH SECRETARY	20
21 - ASSISTANT BRANCH SECRETARY	20
22 - IMPOSITION OF LEVIES BY BRANCHES	21
23 - BRANCH SECTIONS	21
24 - INSPECTION OF RECORDS	22
25 - VACATION OF OFFICE	22
26 - REMOVAL OF OFFICERS	23
27 - LIFE MEMBERS	23
28 - ALTERATION OF RULES	24
29 - COUNTERPART FEDERAL BODY	24

UNITED WORKERS UNION (WA) RULES

1 - NAME

The name of the union is United Workers Union (WA).

2 - OBJECTS

The objects of the union shall be to further the industrial and social interests of its members in such manner as the members, Branch Council and Branch Executive shall think fit.

3 - ELIGIBILITY FOR MEMBERSHIP

- (1) The Union shall consist of an unlimited number of persons who are employed or who are usually employed in or in connection with any of the following industries or callings, within the State of Western Australia: -
 - (a) The manufacture, preparation or processing of butter, casein; cheese; ice cream; milk or yoghurt.
 - (b) The manufacture or preparation of lacquer; of white lead; red lead; zinc or any other paints; of varnish and of synthetic resins or moulding powders (except those used in the manufacture of fibrous plaster).
 - (c) The manufacture of plastics and fibreglass or substitutes therefore (excepting those used in the printing industry) or goods (excepting furniture) made therefrom or goods (excepting furniture) in the manufacture of which plastics or fibreglass or substitutes therefore are used; photographic supplies or materials; records; films; rolls; tapes; or any such like article used for reproducing purposes; floor tiles (excluding porcelain, ceramic and cement tiles): linoleum; stramit board, wall board (excepting fibrous plaster board or asbestos).

- (d) The manufacture, preparation, processing or treatment of coated abrasives, calico, canvas, hessian, jute or stockinet bags; blinds; brooms; brushes; candles; cork or cork products; cotton, felt or felt products; glycerine; insulation material including slagwool; pyrotechnics; rope; soap; soda; tarpaulins, tents; tobacco or tobacco products; twine; typewriter ribbons.
- (e) Photography except workers employed in motion picture production and film processing connected therewith.
- (f) [Not in use]
- (g) Ambulance and first aid attendants; home care aides (aged, destitute or disabled persons); kindergarten aides; animal welfare officers or workers; dancing instructors; house mistresses, masters and supervisors (excluding teachers - qualified or otherwise); domestic staff, groundsmen, gardeners and yardmen of convents, denominational schools, teachers' residentials, student residentials, colleges (excluding agricultural college and school hostels); parking attendants (excluding municipal employees); persons engaged in the sanding or treating of flooring; undertakers' assistants.
- (h) Marine yard employees; rag pickers, flock or cotton waste makers; wharf, jetty or ship's watchmen; wine saloon employees; wool scouring or fellmongery employees.
- (i) The drying and refining of salt; the handling of scrap metals; or wrecking or dismantling of plant or machinery for scrap salvage; reclamation of drums.
- (j) The making, manufacturing or repairing (including any process incidental to such making, manufacturing or repairing) of saddles, harness of all descriptions for horses and other animals, whip thongs, machine belting, trunks, portmanteaux and bags, suit and attaché cases, canvas and leather sporting goods, ladies' handbags, wallets and purses and all other articles or things made of canvas, fibre, leather, plastic, vulcanite or of any substitute material for any of the foregoing materials (other than boots, shoes, sandals and slippers). The term making, manufacturing or repairing shall include such articles or portion of such articles as are made in metal or wood, including metal or wooden frames, corners or handles.
- (k) Tanning and leather dressing; handling, bagging or grinding of bark; the manufacture of bark and other tanning extracts; the manufacture of glue, gelatine, agar agar and adhesives; the washing or treatment of animal hair with tanning, dressing, dyeing or other treatment of furs and other skins.
- (l) Mounters, setters, chainmakers, swivelmakers, belt ring makers, repairers, ring makers, polishers, lappers, melters, refiners, bracelet and bangle makers, stampers, silversmiths, spinners, goldsmiths, gilders, chasers, engravers; watch, clock, clockwork, electric and spring dial clock makers, repairers, attendants and winders; jewellers' tool makers and optical technicians, lapidaries' spectacle makers, makers and renovators of electroplated ware (when working for jewellers or watchmakers), metal badge makers, jewel case makers, and all persons engaged wholly or partly in manufacturing or repairing jewellery, watches and clocks in any of the above branches.
- (m) The production (by total environmental methods) of game and poultry.

Provided that no person employed in the foregoing industries in the capacity of clerk,

storeman, packer, despatch hand, or member of the sales staff shall be eligible for membership.

Provided further that no person employed in any of the industries or callings mentioned in paragraphs (a) - (m) of this rule shall be eligible for membership by reason only of being employed in work of such kind as would; if he had been so employed on the 12th day of February, 1957, have made him eligible for membership of any of the following industrial unions of workers, viz:-

Amalgamated Metal Workers' Union of
Western Australia.
Australasian Society of Engineers
Industrial Union of Workers,
Western Australian Branch
Transport Workers' Union of Australia,
Industrial Union of Workers, Western
Australian Branch
The Federated Engine Drivers' and
Firemen's Union of Workers of
Western Australia
Australian Workers' Union, West
Australian Branch, Industrial
Union of Workers
The Breweries and Bottle-Yards
Employees' Industrial Union of
Workers of Western Australia
The United Furniture Trades
Industrial Union of Workers, WA
The Operative Painters and Decorators
Union of Australia, Western
Australian Branch, Union of Workers
The Food Preservers' Union of Western
Australia, Union of Workers
Printing and Kindred Industries Union,
Western Australian Branch,
Industrial Union of Workers
The West Australian Shop Assistants and
Warehouse Employees' Industrial Union
of Workers, Perth
The West Australian Clothing and Allied
Trades Industrial Union of Workers,
Perth
The Civil Service Association of
Western Australia Incorporated
The Plumbers and Gas Fitters Employees'
Union of Australia, West Australian
Branch, Industrial Union of Workers
United Timber Yards, Sawmills and
Woodworkers Employees' Union of
Western Australia
The Boot Trade of Western Australia,
Union of Workers, Perth

West Australian Amalgamated Society of
Railway Employees' Union of Workers
The Royal Australian Nursing Federation
(Western Australian Branch)
Industrial Union of Workers, Perth

AND in addition the Union shall consist of an unlimited number of persons who are employed by the St John Ambulance Association for the purpose of operating first aid and/or ambulance services, and who hold a first aid certificate as a necessary condition of that employment.

- (n) The artificial fertiliser industry, and/or the production of acids for commercial purposes; and/or in connection with any bonemill, animal manure, phosphate, superphosphate, compost, bird manure, fish fertiliser, sea-weed, lime or other mineral processing, and/or
- (o) Other chemical industries including potash, arsenical-compound, alumina, sodium, sodium-sulphate, salt petre, antimony-ore, woodmeal, borax, potassium-chloride, potash-muriate, potassium-nitrate, ammonium-nitrate, golden-sulphide-of-antimony, sulphate-of-iron, trisodium-phosphate, didalcic-phosphate, formalin, phosphoric-acid, acetic-acid, muriatic-acid, sulphurous-acid, puritic-acid, lime-sulphur, hypo-sulphite-of-soda, limil, caustic-soda, sulphate-of-copper, carbon-tetra-chloride, black-hypo, derris-products, mineral wool, manganese-sulphate, agresan, copper-carbonate, copper-oxy-chloride, carbon-bi-sulphide, nicotine-sulphate, copper-sulphate, arsenate of lead, arsenate-of-calcium alunite, glauconite, silicia-products, alkali-chlorites, chlorine, soluble-alkali silicates, stannic-chloride, hydrochloric-acid, sulphuric-acid, nitric acid, arsenic pentoxide, arsenic-acid, phenol-processing, beta-naphthol, ammonium-chloride, ammonium-sulphate, ether-andethyl-chloride, calcium, aluminium and - zinc-sterrates, phthalicanhydride, sodium-bi-sulphite, sodium arsenate, lactic-acid, sulphanilamide, phosphate-compounds, sulphur dioxide, carbon-di-oxide, carbolic-acid, formaldehyde, fungicides, insecticides, veterinary medicines, synthetic hormones, solvents, power alcohol, alkali, synthetic ammonia, bleaching powder or liquid, liquid cattle dips, stock-licks, marking fluid, speddo, milk oil fluid, branding liquid, tricalos, stock food, itch fluid, foot rot paste, blowfly repellent, molasses, manufacture or processing, but excluding pharmaceutical or food processing works, in Western Australia, excluding that portion of the State comprised within the Kimberley Land Division.

Provided that no person employed in any of the industries mentioned in paragraphs (n) and (o) of this Rule shall be eligible for membership if he is eligible to be a member of the -

- (i) Transport Workers' Union of Australia, Industrial Union of Workers, Western Australian Branch
- (ii) Australian Workers' Union, West Australian Branch, Industrial Union of Workers
- (iii) The Western Australian Carpenters and Joiners, Bricklayers and Stoneworkers Industrial Union of Workers; or
- (iv) Any other Union registered under the provisions of the Industrial Arbitration Act, 1979 in accordance with the Constitution of any such Union as registered on the 8th day of May, 1946.

- (p) The making of aerated waters, fruit juices and cordials.
- (q) The occupation of teachers' aides.
- (r) Assistants employed by the Public Health Department in community health work.
- (s) Persons employed by the Slow Learning Children's Group of Western Australia (Inc.) in the calling of the training and care of intellectually or physically handicapped people as represented by the classifications of Cottage Parent or Social Trainer or similar classifications however called.
- (t) Persons employed in community health work by non-Government Aboriginal Agencies other than persons who work in a professional, administrative or clerical capacity, and other than registered nurses, but not excluding enrolled nurses.
- (u) Persons employed in child minding centres; day nurseries; pre-school centres; health or physical culture studios other than registered nurses, but not excluding enrolled nurses.
- (v) The occupation of Enrolled Nurse.
- (w)
 - (i) The industries of animal welfare, animal care, animal breeding or animal homes.
 - (ii) Veterinary surgeons or veterinary nurses employed in veterinary clinics or hospitals.
 - (iii) Persons employed in animal, marine or wild life establishments.

Provided that no person employed in any of the industries or callings mentioned in subclause 4(1)(w) shall be eligible for membership if they are persons employed by a public authority, persons employed in a clerical capacity, or persons employed under and within the Public Service Act, 1978 as amended.

- (2) In addition to the foregoing, the Union shall consist of an unlimited number of persons who are employed, or who are usually employed:
 - (a) By the West Australian Government in the Department of Water Supply, Sewerage and Drainage and the Metropolitan Water Supply, Sewerage and Drainage Board.
 - (b) In or in connection with the industries of laundries, drycleaning and/or linen repair including but not limited to tradesperson drycleaners, receivers and despatchers, cleaners, repairers, spotters, pressers, hand ironers, wet cleaners, steam air-finishers, examiners of garments, assemblers of garments, sorters of garments, washing machine operators and laundry hands throughout the state of Western Australia.

Provided that no person shall be eligible for membership by reason only of being employed in work of such kind as would if he had been so employed on the twenty seventh day of October 1992 made him eligible for membership of the Transport Workers' Union Western Australian Branch, Industrial Union of Workers.

(c) In or in connection with the following callings or industries:

The callings of Bakers (hand or machine), Pastrycooks, Confectioners, Apprentices and all others engaged in the manufacture, preparation, handling or processing of bread, pastry and confectionery.

Provided that no person shall be eligible for membership by reason only of being employed in work of such kind as would if he had been so employed on the sixteenth day of August, 1967, have made him eligible for membership of any of the following industrial union of workers, viz:-

The Transport Workers' Union of Australia, Industrial Union of Workers, West Australian Branch;

The West Australian Shop Assistants and Warehouse Employees' Union of Workers;

The Food Preservers' Union of Western Australia, Union of Workers.

(3) In addition to the foregoing, the Union may admit to membership any person who is employed, or who is usually employed, in any hospital in the State of Western Australia other than persons being trained as nurses in registered training schools or persons who are employed as nurses and who are registered or are entitled to be registered under the Nurses' Registration Act 1922, or the Health Act, 1911-1923; provided that this exclusion shall not be deemed to include enrolled nurses or pupils undergoing training as enrolled nurses; provided that the word "Hospital" shall not be deemed to be a hospital for the insane within the meaning of the Lunacy Act, 1901-1920 so far as nurses (attendants) are concerned and provided further that no person shall be eligible for membership of this Union who, except as hereinafter provided, is a member or is eligible for membership of any of the following Unions:

The Metropolitan and South-Western
Federated Engine Drivers and Firemen's
Union of Workers of Western Australia;
Western Australian Amalgamated Society of
Carpenters and Joiners' Association of
Workers;

The West Australian Plumbers and Sheet
Metal Workers' Industrial Union of
Workers, Perth;

The West Australian Plumbers and Sheet
Metal Workers' Industrial Union of
Workers (Fremantle Branch);

Amalgamated Engineering Union of Workers,
Kalgoorlie Branch;

Eastern Goldfields Federated Engine Drivers
and Firemen's Union of Workers of Western
Australia;

The Federated Engine Drivers and Firemen's
Association of Australasia West Australian
Branch Association of Workers;

Nothing herein contained shall deprive the Union of the exclusive right to admit to membership any person now or hereafter employed as a boiler attendant, carpenter,

electrician, bricklayer or plumber at any hospital at which at the 1st September, 1947 any member of the Hospital Employees' Industrial Union of Workers, WA Coastal Branch, or the Hospital and Asylum Employees' Industrial Union of Workers, Eastern Goldfields Branch, was employed in all or any of such avocations.

In addition the following persons shall be eligible for membership.

Persons, employed in or in connection with the training or care of elderly or mentally, intellectually or physically handicapped people other than in hospitals or by the State Government. This sub-rule shall not extend to nurses registered on any register of the Nurses' Board of Western Australia, other than enrolled nurses.

For the purposes of this rule, the term "hospital" shall include -

- (a) Establishments which, by virtue of their occupants, qualify for the payment of a personal care subsidy or are otherwise subsidised under the provisions of the Aged or Disabled Persons Homes Act, 1954-1974.
- (b) Establishments licensed and subsidised under the provisions of the Mental Health Act.
- (c) Establishments known as Princess Margaret Hospital for Children, Sir James Mitchell Spastic Centre, N'Gal-a Mothercraft Training Centre, The Braille Hospital, Hawkevale, Nadezda, Homes of Peace, or other establishments of the same or like nature as the foregoing.

The provisions of this subrule shall not apply to:

- (a) Persons who work in Professional, Administrative and Clerical capacities;
 - (b) Persons employed in any classification which, at the 1st day of July, 1982, was covered by an award or a deemed consent award to which the Hospital Salaried Officers' Association of Western Australia (Union of Workers) was a party.
- (4) In addition to the foregoing, the Union shall consist of an unlimited number of persons who are employed or who are usually employed in or in connection with any of the following industries or callings, within the State of Western Australia:-
- (a) Cleaner, caretaker, lift attendant, window cleaner, watchman, charwoman, usher, door keeper, gate keeper, porter, janitor, day or night patrolman, security officer, attendant in ladies' retiring rooms, and attendant in libraries, art galleries, museums, and car parks; the following classifications of persons employed on the Governor's establishment, or by a public authority or post-secondary education institution, as defined in the Industrial Relations Act, 1979, other than persons employed pursuant to an award to which, at 1st January 1989, the Australian Workers' Union, West Australian Branch, Industrial Union of Workers was a party; gardener, gardener's labourer, maintenance man (other than tradespersons), maintenance labourer, groundsman, power mower operator, tractor mower operator, leading hand and home economics assistant; the following classifications of persons employed in National Parks, Marine Parks, Recreation Camps and Zoological Gardens; keeper, gardener, gardener's labourer, maintenance man, maintenance labourer, groundsman, warden, aquarist and ranger; the classification of ranger employed in Parks (other than those administered by the Rottnest Island Authority, the State Planning Commission or by a Local Government Authority). (Provided that the term gardener shall include

horticulturist).

- (b) Provided that no person who would be eligible for membership pursuant to subrule (4)(a) and who is eligible to be a member of an industrial union of workers in accordance with the rules of such union as constituted and duly registered under the Industrial Arbitration Act, 1912, as at the first day of September, 1932 shall be admitted as a member of this Union but a person employed in any of the callings mentioned in subrule (4)(a) hereof by a contractor engaged in the industry or industries in connection with which this union is registered shall, notwithstanding the foregoing, be eligible for membership of this union.

(5) In addition to the foregoing, the following persons shall be eligible for membership:

- (a) Any graduate of a University or College of Advanced Education, or Child Care Certificate Course or equivalent who -
 - (i) holds a certificate, diploma or degree specialising in early childhood care and/or education; and
 - (ii) is or usually is actively engaged in teaching and/or caring for children under the age of six years.
- (b) Any teacher with qualifications equivalent to that outlined in paragraph (a) of subrule (5) hereof, approved by the Australian Early Childhood Association and who is or usually is actively engaged in teaching children under the age of six years.
- (c) Any teacher who holds a certificate of a Teachers' Training College approved by the Australian Early Childhood Association and who is or usually is actively engaged in teaching children under the age of six years.
- (d) Any other graduate of a course in early childhood education at a University or College of Advanced Education who it is considered would assist the union to attain its objectives. The nomination of such a proposed member shall be proposed and seconded by two financial members of the Union and shall be submitted in writing to the Executive and, if unanimously approved, submitted in writing to a general meeting of the Union for ratification.
- (e) Provided that no person who would be eligible for membership pursuant to subrule (5) and who is, or who is eligible to be, a member of the Independent Schools Salaried Officers' Association of Western Australia, Industrial Union of Workers, as registered with the Western Australian Industrial Commission shall be eligible to become a member of this Union.
- (f) Any person who holds a recognised qualification in early child care and who is or usually is actively engaged in the care of children under normal primary school age unless that person is or is eligible to be a member of the Civil Service Association of Western Australia Incorporated or the Royal Australian Nursing Federation (Western Australian Branch) Industrial Union of Workers, Perth as registered on the 29th June, 1973.
- (g) Any graduate with early childhood education qualifications as specified in paragraphs (a) - (f) of subrule (5) hereof who is or is usually engaged in administration or

supervision of services for education or care of children under the age of six years.

- (h) Any graduate with early childhood education qualifications as specified in paragraphs (a) - (f) of subrule (5) hereof who is or is usually engaged in tutoring or lecturing to students of childcare or early childhood education.
 - (i) Any student enrolled at a University or College of Advanced Education in a course of early childhood education or in a Child Care Certificate Course at an approved institution is eligible to become a student member. These members shall not be eligible to exercise a vote or to hold office. The subscription payable by the student member shall be five dollars per annum or such other sum as determined by the Executive from time to time.
 - (j) Any person who, though not usually or ordinarily engaged in teaching and/or caring for children under the age of six years is a qualified person as defined in the foregoing subrules relating to union membership with an interest in the care and education of young children who is not working in an area covered industrially by this union is eligible to become a complementary member. These members shall not be eligible to exercise a vote or to hold office. The subscription payable by a complementary member shall be ten dollars per annum or such other amount as is determined by the Executive from time to time.
- (6) Together with such other persons whether employed in the foregoing industries or not as have been appointed officers of United Workers Union (WA) as at the date of registration of this union.
- (7) In addition to the foregoing, the Union shall consist of an unlimited number of persons who are employed or who are usually employed in any capacity in or in connection with:
- (a) Hotels, Motels, Tourist Complexes and/or Resorts, Service Flats and/or apartment Houses, Boarding and/or Lodging Houses;

- (b) Casinos;
 - (c) Clubs, Cabarets, Convention Centres, Taverns, Winehouses, Restaurants, Cafes, Eating Houses, Tearooms, Coffee Lounges, Oyster Saloons, Ice Cream and Cool Drink Saloons provided that it does not include milk bars, confection shops and delicatessens. (Provided further that it shall not include persons employed in food service establishments which primarily provide a take away service where no alcohol is sold or served except for employees of Pizza Hut);
 - (d) the preparation and service of food and drink wherever consumed by persons employed by professional or contract caterers for any commercial, social, industrial or other purpose or function and all persons employed in or in connection with canteens, mobile canteens, messes, kitchens and catering establishments ;
 - (e) cleaning and attending to the provision of board and lodging or any other form of accommodation in camps and staff or workers' quarters;
 - (f) Tea Attendants, (including those employed in Government Departments, Instrumentalities and Trading Concerns) and persons employed by agencies or domestic service businesses in the preparation and/or cooking of food, the serving of meals and/or light refreshments and/or drinks. Provided that no persons employed in a retail or wholesale establishment shall be eligible to be a member pursuant to this sub-rule except where employed by a contract caterer.
- (8) In addition to the foregoing, the Union shall also consist of an unlimited number of persons, whether permanent or casual, who are employed (or who are usually employed) by or in any of the following industries or callings, within the State of Western Australia:-
- (a) Hotels, motels, service flats and/or apartment houses, boarding and/or lodging houses:
 - (b) Clubs, cabarets, casinos (provided that it shall not include any persons who are employed or usually employed in casinos and whose major and substantial employment is such as to enable them to be eligible for membership of the Federated Clerks' Union of Australia industrial Union of Workers, W.A. Branch);
 - (c) Taverns, winehouses, restaurants, cafes, tearooms, coffee lounges, oyster saloons, ice cream and cool drink saloons, catering establishments, including persons employed by any company, firm or person carrying on business as a catering contractor;
 - (d) tea attendants, (including those employed in government departments, instrumentalities and trading concerns) and person employed in the preparation and/or cooking of food in retail establishments, (provided that it shall not include any person whose major and substantial employment is that of a shop assistant, storeman or storewoman) and persons employed by agencies or domestic service businesses in the preparation and/or cooking of food, the serving of meals and/or light refreshments and/or drinks.

Provided that in respect of the foregoing contained in this paragraph 8, no other person shall be eligible to become a member of the union excepting those persons who have been appointed officers of the Federated Liquor and Allied Industries Employees' Union of Australia, Western Australian Branch, Union of Workers ("the FLAIEU") as at the date of registration of this union together with such other persons who may have been appointed Honorary Life Members of the FLAIEU.

- (9) Provided further that in respect of all of the foregoing no person shall be eligible to become a member who is not an employee within the meaning of the Industrial Relations Act 1979 or the Workplace Agreements Act 1993.

4 - REGISTERED OFFICE

The office of the union shall be at 61 Thomas Street Subiaco, or at such other place as the Branch Council or Branch Executive may determine.

5 - DEFINITIONS

In these rules, unless the contrary intention appears, words in the singular shall include the plural, and words in the plural shall include the singular. The following terms shall include the meaning set against them respectively, that is to say -

“Act” - shall mean the Industrial Relations Act 1979 or any amending or succeeding legislation.

“Branch” - means the Union

“Financial year” - means the year ending 30 June and commencing 1 July.

“Month” - means a calendar month.

“Quadrennial” - means the four year period commencing on 3 July 1998, and then each subsequent four year period.

“Quarter” - means three calendar months which shall end on the following “quarter days”, the last day of the month of March, June, September or December.

"Union" and "union" - mean the union of which these rules are the rules.

6 - APPLICATION FOR MEMBERSHIP

Application for membership of the union shall be made in such manner and form as the Branch Executive may from time to time decide.

7 - REGISTER OF MEMBERS

- 7.1 There shall be a Register of Members which shall be kept in such manner and form as the Branch Executive may from time to time decide.
- 7.2 The Secretary shall purge from the Register each 3 months, the name of any person whose membership ceases because of resignation, death, expulsion or any other reason.

8 - RESIGNATION OF MEMBERSHIP

- 8.1 A member of the union may resign from membership by written notice addressed and delivered to the Union or by sending the same by certified mail to the address of the union.
- 8.2 Any such notice of resignation from membership of the union takes effect:
- (1) on the day on which the notice is served on the union, or
 - (2) on the day specified in the notice,
- whichever is later.
- 8.3 Any dues payable but not paid by a former member of the union in relation to a period before the member's resignation from the union took effect, may be sued for and recovered in the name of the Union, in a court of competent jurisdiction, as a debt due to the union.

9 - CESSATION OF MEMBERSHIP

- 9.1 A person shall cease to be a member of the union if the member resigns, dies, is expelled or becomes unfinancial for any period exceeding 3 months.
- 9.2 Nothing in this rule shall affect the liability for payment in full of all obligations in relation to contributions, dues, levies, fines or penalties up until the date on which membership ceases.

10 - MEMBERSHIP CONTRIBUTIONS

- 10.1 Fees (if any) payable on application for membership, membership contributions, levies or any other payments to be made by members to the Union and the date, manner and form of payment thereof shall be determined from time to time by the Branch Executive. Differing rates of contribution may be set for different members or groups of members. The Branch Executive may waive any or all fees or contributions of any kind to be made by any group of or all members.

- 10.2 Where a person has applied for membership of the Union and is a financial member of some other union or representative organisation of employees including the counterpart federal body, the Branch Executive may determine that that person's financial membership of that other union or representative organisation of employees shall constitute financiality of this Union. Where such a determination is made then, for the purposes of rule 9, that person shall be unfinancial with the Union if and when he/she becomes unfinancial for 3 months or more with that other union or representative organisation of employees.

11 - BRANCH EXECUTIVE

- 11.1 There shall be a Branch Executive consisting of:
- 11.1 The President
 - 11.2 Two Vice-Presidents
 - 11.3 The Secretary
 - 11.4 Two Assistant Secretaries
 - 11.5 Eleven other members
- 11.2 Subject to the rules and subject to the control of the Branch Council in respect of those matters referred to in sub-rule 12.1 (i) to (vi), the Branch Executive shall have the control and conduct of the business of the Branch and shall act on its behalf in all matters. It shall have the daily management of the business of the Branch.
- 11.3 The Branch Executive shall have the power to:
- 11.3.1 accumulate, purchase, invest, act as custodian for or dispose of property or funds of the union, and authorise payments subject to further endorsement by the Branch Council where such property or funds exceed \$100,000;
 - 11.3.2 employ any person considered necessary to assist in the proper functioning of the union and the carrying out of its objects;
 - 11.3.3 dismiss any person whose conduct or activities warrants dismissal;
 - 11.3.4 implement the national wages and conditions structure of the counterpart federal body by classifying all employees and applying the conditions of employment.
 - 11.3.5 direct the day to day operation and administration of all office premises and facilities of the Branch;
 - 11.3.6 allocate organising, industrial and administrative responsibility among officials and employees of the Branch.
 - 11.3.7 record by resolution the admission of all persons to membership of the union and refuse to admit an otherwise eligible candidate for membership who is of general bad character;
 - 11.3.8 delegate any of its functions, duties and powers (except this power of delegation) to any other body within the union so long as such delegation is first recorded in a resolution of the Branch Executive.

- 11.3.9 do all such things as it decides are necessary for the purposes of the union and its members
- 11.4 The Branch Executive shall be the committee of management of the Branch and its members shall be elected in accordance with the rules.

12 - BRANCH COUNCIL

- 12.1 Subject to the rules, the Branch Council shall have the control and conduct of the Branch in the following matters:
- (i) The determination of the industrial policies and practices of the Branch.
 - (ii) Subject to rule 28, the amendment, rescission or alteration of the Branch rules.
 - (iii) The accumulation, purchase, investment, custody and disposition of the property and funds of the union where such property or funds exceed \$100,000.
 - (iv) To hear and determine appeals from any decision made by the Branch Executive or the Branch Secretary affecting the rights of any member.
 - (v) To call any meeting of the Branch Executive, any Section Committee or of the members of Section or of any members or category of members of the union.
 - (vi) Any other matter for which it has authority to act in accordance with these rules or which is referred to it by the Branch Executive.
- 12.2 The Branch Council shall have the power to delegate by resolution any of its functions, duties and powers (except this power of delegation) to any other body within the union.
- 12.3 The Branch Council shall consist of:
- (i) The members of the Branch Executive.
 - (ii) Delegates elected by each Branch Section formed in accordance with Rule 23 on the basis of:
 - one delegate for up to and including 500 financial members of the union;
 - two delegates for 501 to 1,000
 - three delegates for 1,001 to 1,500
 - four delegates for 1,501 to 2,000
 - five delegates for 2,001 to 4000
 - six delegates for 4,001 to 6000;
 - seven delegates for 6,001 to 8,000;
 - eight delegates for 8,001 to 10,000;
 - nine delegates for 10,001 to 12,000;
 - ten delegates for 12,001 to 14,000;
 - eleven delegates for 14,001 to 16,000;
 - twelve delegates for 16,001 to 18,000;
 - thirteen delegates for 18,001 to 20,000;
 - fourteen delegates for 20,001 to 22,000;
 - fifteen delegates for 22,001 to 24,000;

sixteen delegates where in excess of 24,000.

- 12.4 The Branch Council shall meet quarterly or more frequently as determined by Branch Council.

13 - BRANCH ELECTIONS

- 13.1 Branch elections shall be held quadrennially according to a timetable determined by the returning officer in consultation with the Branch Executive.
- 13.2 Except for the filling of extraordinary vacancies the method of electing delegates to Branch Council and of members to the Branch Executive shall, except where otherwise specified in the rules, be by secret postal ballot of the whole of the financial members entitled to vote in such elections as provided in these rules. Delegates to the Branch Council representing Sections shall be elected by secret postal ballot of the financial members of the Section concerned.
- 13.3 When an election is required to be conducted by these rules, the Branch Executive shall appoint a returning officer who shall not be the holder of any office in and shall not be an employee of the union. The returning officer shall have the conduct of such election, including the acceptance or rejection of nominations, in accordance with these rules.
- 13.4 All elections conducted under this rule shall be conducted according to a 'first past the post' system of voting such that in any election a person shall mark his or her vote on the ballot-paper by writing a cross (X) in the square opposite the name of the candidate or candidates for whom the person votes.
- 13.5 To be eligible to nominate as a candidate for the position of Branch President, Branch Secretary or Branch Assistant Secretary, the member:
- (i) must be a financial member of the union at the closing of nominations; and
 - (ii) must have been a member of the union for at least twelve months immediately prior to the closing of nominations; and
 - (iii) at the time of closing of nominations, must not have been unfinancial in accordance with Rule 16 at any time during the twelve months immediately preceding the closing of nominations; and
 - (iv) during the twelve months immediately prior to the closing of nominations must have been regularly employed in an industry or industrial pursuit covered by these rules, or have been an officer or official of the union; provided that any period in the said twelve months during which that person held a position as an officer or official of the union shall be deemed to be a period of being regularly employed in such an industry or industrial pursuit. The nomination must contain particulars relating to the person concerned of the occupation(s) in which the member has been employed during the twelve months immediately preceding the close of nominations and the name of each employer by whom the person nominated has been employed during that period. Provided that of itself a want of form in the provision of such particulars shall not invalidate a nomination.

- 13.6 To be eligible to nominate as a candidate for the position of delegate to National Council and Branch Council or member of the Branch Executive, or Divisional or Section committees for which these rules make special provision, (other than the positions of Branch President, Branch Secretary or Branch Assistant Secretary), the member must be a financial member of the union at the closing of nominations; and have been a member of the union for at least twelve months immediately prior to the closing of nominations.
- 13.7 A person shall not be eligible to nominate as a candidate for or be elected to, or hold any office:
- (i) if the person has been guilty of larceny, embezzlement, or any other form of dishonesty in relation to the property or funds of any trade union, registered organisation, voluntary association or similar body;
 - (ii) if at the time of such nomination, twelve months or more have elapsed since the person was last employed in any of the callings in the industry covered by the union except where that person is an officer or official of the union.
- 13.8 No member shall be eligible to hold more than one office on the Branch Executive and/or Branch Council. No member shall be eligible to nominate for more than one office on the Branch Executive and/or Branch Council at any election or appointment of a casual vacancy in accordance with rule 15.
- 13.9 The returning officer shall call for nominations for the offices by advertising in at least one metropolitan daily paper at least ten days before the date for closing of nominations, which shall be at a time or in a manner fixed by the returning officer and mentioned in the advertisement.
- 13.10 Nominations in writing signed by the candidate and endorsed by at least two financial members must be made at the time and place or in the manner mentioned in the advertisement.
- 13.11 The returning officer shall have the power in accordance with these rules to accept or reject such nominations; provided that before the returning officer rejects any nomination the following provisions shall have effect:
- (i) the returning officer shall notify the person concerned of the defect in the nomination; and
 - (ii) the returning officer shall, where it is practicable to do so, give the person concerned the opportunity if possible of remedying the defect not less than seven days of notification or seven days from the close of nominations whichever event shall first occur; and
 - (iii) if the person concerned within such period is able to and does in fact remedy the defect in the nomination in accordance with these rules, the returning officer shall thereupon accept such nomination.
- 13.12 Where, after the closing of nominations, there are more candidates than the number required for any office, the returning officer shall have ballot papers printed and obtain a certificate as to the number of ballot papers printed.

- 13.13 The returning officer shall fix an opening and closing date for the ballot.
- 13.14 A roll of members eligible to vote shall be compiled and certified in accordance with rule 14.
- 13.15 The returning officer shall have power to and shall make all necessary arrangements for members who are to be temporarily absent from their normal place of residence during the ballot to record an absent vote.
- 13.16 The returning officer shall forward by prepaid post a ballot paper to each financial member entitled to vote so as to reach such member not less than two weeks before the closing of the ballot, together with an envelope that may be posted without expense to the member.
- 13.17 The ballot paper shall be returned in such envelope addressed to a post office box rented in the name of the Branch and key of such box shall, before ballot papers are sent out, be placed in the hands of the returning officer.
- 13.18 The returning officer shall after 12 noon on the day of the closing of the ballot, open the box, collect the ballot papers, and convey them to an office selected by the returning officer and proceed to count the ballot papers until the ballot is finished.
- 13.19 Any candidate in any ballot may nominate in writing to the returning officer prior to the counting of the ballot one scrutineer to represent the said candidate. The candidate may at any time, by notice in writing given to the returning officer, change the scrutineer representing such candidate. A scrutineer shall not be eligible to act for two or more candidates who are standing for the same position in any ballot. The scrutineer shall be entitled to represent the candidate at all stages of the ballot. The duties of the scrutineer shall be to represent the interest of the candidate who nominated the scrutineer, to attend at any stage of the ballot as required by the candidate and to report to the returning officer any irregularity in or in connection with the conduct of the ballot which has come to the scrutineer's notice. A scrutineer shall obey all lawful directions of the returning officer.
- 13.20 The returning officer shall give every facility to the scrutineers to examine the count and to attend and represent at every stage of the ballot the interests of the candidates who nominated them.
- 13.21 In the case of equality of vote for any two or more candidates the returning officer shall determine by lot which of the candidates is elected.
- 13.22 In the event of any protest being entered against a candidate or in respect of any matter or thing done or omitted to be done in connection with the ballot, the voting and/or the counting of the votes shall continue and the protest shall be made the subject of an enquiry after the count has concluded and before the returning officer has announced the result of the ballot.
- 13.23 The returning officer shall have power to uphold or dismiss the protest, and in the event of the protest being upheld to order a new ballot to be taken and thereupon a new ballot shall be taken in accordance with the provisions of these rules.
- 13.24 The ballot shall be declared by the returning officer declaring the result of the election within seven days of the result being ascertained (or in the case of an uncontested election by the declaration that the person concerned is elected unopposed) by handing or sending

same in writing to the Branch President and by posting same up at the Branch office in a prominent place.

- 13.25 The returning officer shall be empowered to appoint such assistants to assist in the conduct of the election in accordance with these rules as the returning officer may reasonably require; but such assistants, if any, shall not be the holder of any office in and shall not be an employee of the union.
- 13.26 The Branch Executive may provide an honorarium for and for the payment of expenses of the returning officer and any assistants appointed by the returning officer in amounts that shall be determined from time to time by the Branch Executive.
- 13.27 Except in so far as any Act from time to time provides otherwise, whenever any member has been declared elected to any office the member declared to be elected to such office shall hold office notwithstanding anything else in these rules and notwithstanding any defect or irregularity which may have occurred in or in connection with the calling for and dealing with nominations or the conduct of the ballot and every member of the union shall be bound to recognise the member as validly holding such office.
- 13.28 Successful candidates (whether elected in a contested ballot or unopposed) shall take office on 3 July in each election year, following on the declaration of the result of the election in accordance with any directions of the returning officer, and shall hold office until their successors take office but in any case for not more than 4 years.

14 - ROLL OF ELIGIBLE VOTERS

- 14.1 For each election the Branch Secretary shall prepare and certify a roll of voters which roll shall be supplied to the returning officer and be the roll of voters for the relevant election.
- 14.2 The roll shall contain those members who are financial members as at the end of the quarter immediately preceding the date upon which nominations are called.
- 14.3 Nothing in this rule shall prevent the Secretary from compiling and certifying supplementary rolls for provision to the returning officer in the course of the election where eligible voters who have not been included on a roll of voters come to the attention of the Secretary.
- 14.4 In compiling the roll the Branch Secretary shall comply with all directions of the returning officer and shall provide such information and access to the union's records as the returning officer may require.

15 - CASUAL VACANCIES - BRANCH APPOINTMENT

- 15.1 Whenever the office of a delegate to the Branch Council or member of any Branch Executive is or becomes vacant or is required to be filled between the date of periodical elections the provisions of this rule shall apply.
- 15.2 Where, pending the filling of a vacancy in the office of President, Vice President, Secretary, or Assistant Secretary or while the holder of one of the above offices in the Branch is absent or incapacitated, it is necessary for the proper conduct of business that some person perform the duties of such office the Branch Executive may appoint one of its members or an officer of the union or member of the branch to act in any one of the above positions.

- 15.3 Casual vacancies other than those provided for in sub-rule 15.4 shall be filled by the appropriate manner of election elsewhere provided in these rules.
- 15.4 Any casual vacancy occurring within the term of an office where the unexpired part of the term of such office does not exceed:
- (i) twelve months, or
 - (ii) three quarters of the term of office

whichever is the greater may be filled by resolution of the Branch Council appointing any eligible member thereto.

16 - BRANCH MEETINGS

- 16.1 The annual meeting of the Branch shall be held on the last Tuesday in August of each year or at such other time as may be decided by the Branch Executive. If the meeting day falls on a holiday it shall be held on the next day which is not a holiday.
- 16.2 Special meetings of the Branch shall be held:
- (i) When decided by the Branch Council, the Branch Executive, any meeting of the Branch or the Branch Secretary.
 - (ii) Upon a requisition signed by not less than 200 members of the Branch or, if there are less than 5,000 members of the Branch, upon requisition signed by 50 members of the Branch.
- 16.3 Special meetings of the Branch may be summoned by giving notice of the time and place of the meeting and of the purpose for which the meeting is summoned by notice:
- (i) In any daily newspaper;
 - (ii) In any paper issued by the union or the Branch;
 - (iii) To members' delegates at their addresses for notices kept at the office of the Branch;
 - (iv) Letter, circular, telegram or written notice to the members of the Branch;
 - (v) Telephone, orally; or
 - (vi) By any one or more of the above methods.

The special meeting shall be deemed to be valid notwithstanding any informality in the notice provided that the substance is fairly given or notwithstanding that every job delegate is not notified or that all members concerned are not notified provided there is a substantial compliance with this rule.

17 - MEETINGS OF BRANCH COUNCIL

AND BRANCH EXECUTIVE

- 17.1 Meetings of the Branch Council and Branch Executive shall be held when decided by the Branch Council, Branch Executive or the Branch Secretary. Until otherwise decided by the Branch Council, meetings of the Branch Council shall be held at least bi-monthly.
- 17.2 All ordinary meetings of the Branch Council shall not exceed four (4) hours in length. All ordinary meetings of the Branch Executive shall not exceed three hours in length.
- 17.3 Subject to subrule 17.5, the Branch Secretary shall summon meetings of the Branch Council or Branch Executive by giving each member thereof reasonable written or oral notice.
- 17.4 The quorum for meetings of the Branch Council shall be eight and for meetings of the Branch Executive shall be four.
- 17.5 Ordinary meetings may be held at some regular meeting time and place appointed in which case it shall not be necessary to summon the meeting as aforesaid.

18 - BRANCH PRESIDENT

The Branch President shall preside at all meetings of the Branch. The Branch President shall preserve order and give an impartial decision on all questions submitted to the Branch President. All members shall comply with directions given by the Branch President at a meeting. The Branch President shall have a deliberative vote only, and in the event of an equality of votes, the proposal shall lapse except in the case of a motion of dissent from the chair in which case the President's ruling shall be upheld.

19 - BRANCH VICE PRESIDENT

The Branch Vice President shall attend all meetings and generally assist the Branch President in the proper discharge of the Branch President's duties. Should the Branch President be absent, the Branch Vice President may preside at the meeting with full power of the Branch President.

20 - BRANCH SECRETARY

The Branch Secretary shall between meetings of the Branch Council and the Branch Executive have the general control and conduct of the business of the Branch including the exercise of all of the powers of the Branch Executive and Branch Council (excepting the power to alter Branch rules). The duties of the Branch Secretary shall be to faithfully and conscientiously serve the interests of the union in accordance with these rules and in particular to safeguard the employment, wages and conditions of branch members.

21 - ASSISTANT BRANCH SECRETARY

The Assistant Branch Secretary shall carry out the instructions of the Branch Council, Branch Executive and Branch Secretary.

22 - IMPOSITION OF LEVIES BY

BRANCHES

- 22.1 The Branch Executive or Branch Council or a special meeting of members of the Branch may, by resolution, impose a levy on the members of the Branch or on any members or class of members of the Branch or of any Section.
- 22.2 The purpose of the levy shall be specified in the resolution as shall the terms on which and the times when the levy is to be paid.

23 - BRANCH SECTIONS

23.1 Object of Branch Sections

The object of a Branch Section shall be to further the objects of the union and, particularly, to advance the interests of the members of the Branch Section.

23.2 Formation of Branch Sections

- (i) The Branch Council shall constitute all branch sections so as to be equivalent to the Branch Sections constituted by the Union's counterpart federal body referred to in rule 29 hereof and shall not constitute any other section.
- (ii) Subject to any decisions of the Branch Council, Branch Sections existing in either of the unions from which this Union is formed shall continue in existence and be deemed to be Branch Sections of this Union.
- (iii) Election of delegates to Branch Council by each Branch Section shall be held quadrennially in accordance with Rule 13. For the purpose of determining the number of delegates to be elected in accordance with this rule, the number shall be determined in accordance with the number of financial members in each Branch Section at the end of the quarter preceding the calling for nominations for election to the Branch Council.
- (iv) Where a Branch Section is formed between the regular quadrennial elections, elections shall be called in accordance with these rules for the delegates to Branch Council and the other members of the Section Committee for a term of office to conclude when the terms of office for other Branch Council members conclude.

23.3 Constitution of Branch Sections

- (i) A Branch Section where formed shall comprise of groups of members of the Branch having a strong community of interest.
- (ii) No Branch Section shall consist of less than 50 members (or less than 25 members in the case of Branches with less than 5,000 members).
- (iii) The Branch Secretary, subject to the directions of the Branch Council or Branch Executive, shall allocate members to Branch Sections.
- (iv) No member shall be transferred against the member's wish from the Branch Section to which such member was originally allocated unless such transfer is approved by the Branch Council. Every member shall be attached to one and not more than one

Branch Section.

23.4 Committees of Branch Sections

- (i) Branch Council may establish a Committee of the Branch Section. The Committee of the Branch Section shall consist of
 - (a) Convenor (to be appointed by the Branch Council);
 - (b) The delegates to the Branch Council representing the Branch Section; and
 - (b) Such other member or members, if any, as may be determined from time to time by the Branch Council, to be elected in such manner and at such intervals as the Branch Council may from time to time decide, provided that the provisions of Rule 13 shall apply in such election.
- (ii) The Committee shall appoint one of its members to be Chair and may appoint another to be Vice Chair of the Branch Section. The members of the Committee of the Branch Section as such and the Chair and Vice Chair of the Branch Section as such shall not be officers of the Branch.
- (iii) The Committee shall report regularly on all matters affecting the interest of members.
- (iv) A Branch Section Committee will perform those functions and have those responsibilities which the Branch or Branch Executive shall determine from time to time.

23.5 Meetings of Branch Sections

The Branch Section shall meet as and when determined by the Branch Section Committee in consultation with the Branch Secretary.

24 - INSPECTION OF RECORDS

Any member shall have the right to inspect the records and files (including the register of members) of the Branch and the auditor of the union shall have the right to inspect the books of account on giving 48 hours' notice to the Secretary of the Branch.

25 - VACATION OF OFFICE

The office of any officer, representative or delegate of the union shall be automatically vacated:

- (a) If the officer, representative or delegate is convicted or found guilty of any offence against the property or funds of the union.
- (b) If the officer, representative or delegate ceases to be a member of the union.
- (c) If the officer, representative or delegate becomes unfinancial, excepting where this is occasioned in circumstances where the person concerned could not reasonably have been aware of or was beyond their control.

- (d) If a member of either the Branch Council or Branch Executive is absent from three consecutive meetings of any such bodies at which the member is entitled to attend without giving satisfactory apology. The Branch Secretary shall notify the Branch President, who shall declare the office vacant.
- (f) If he/she has been removed from office pursuant to Rule 26 hereof.

26 - REMOVAL OF OFFICERS

- 26.1 An officer of the Union may be removed from office by the Branch Executive where that person has been found guilty of an offence under the rules which offence when found proved has involved:
- (i) misappropriation of funds of the union; or
 - (ii) a substantial breach of the rules of the union; or
 - (iii) gross misbehaviour or gross neglect of duty; or
 - (iv) a matter involving a ground for the deregistration of the union pursuant to the Act; or
 - (v) where the person has ceased, under the rules of the organisation, to be eligible to hold office.
- 26.2 A person may be charged with any of the offences referred to in 26.1 above by member of the Branch Executive or a member of the Branch Council as the case may be. Where such a charge is made, the person concerned shall be provided in writing with particulars of the offences alleged and shall be given adequate time to respond to the charges. When hearing the charges, the Branch Executive or the Branch Council as the case may be shall take all reasonable care to ensure that the charges are carefully and fairly dealt with and, in particular, a reasonable opportunity is provided to the person charged to present his or her defence to the charge(s). If the Branch Executive or the Branch Council as the case may be so decides, such charges may be dealt with by written submissions.
- 26.3 The decision as to whether the officer is guilty or not as charged shall be made by resolution passed by a majority of members voting at the meeting called to deal with the matter.
- 26.4 The meeting of the Branch Executive or Branch Council may decide to censure or suspend from exercising or fulfilling any of the rights, privileges or duties of the office or delegateship for a period not exceeding 90 days as an alternative to removal from office or delegateship.

27 - LIFE MEMBERS

- 27.1 Where a person who is no longer employed in an occupation covered by Rule 3 and in the opinion of the Branch has rendered long and faithful service to the union, the Branch Council or Branch Executive may appoint the person a life member of the union.
- 27.2 Such life member shall not have to pay any contributions and shall enjoy all the privileges of

membership of the union excepting the ability to nominate for or hold office within the Union.

28 - ALTERATION OF RULES

The Branch Council shall have power to alter these rules. Not less than 21 days written notice of any proposed alteration and reasons therefore shall be given to all members of the union and any member shall be entitled to object in writing to the Branch Council concerning the proposed alteration.

In addition, any member shall be entitled to object to the proposed alteration by forwarding a written objection to the Registrar of the WA Industrial Relations Commission.

At the time of the giving of notice of proposed alterations and the reasons therefore, members shall be informed in writing of their rights to object thereto.

29 - COUNTERPART FEDERAL BODY

Each office within the union may, from such time as the Branch Executive or Branch Council may determine, be held by the person who, in accordance with the rules of United Workers Union, in respect of United Workers Union (WA), holds the corresponding office in that body.