

Rules of

**The Pharmacy Guild of Western Australia
(Organisation of Employers)**

The Pharmacy Guild of Western Australia (Organisation of Employers)

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DEPUTY REGISTRAR
25 JULY 2012

1 NAME OF ORGANISATION

- 1.1 The name of the organisation of employers is "The Pharmacy Guild of Western Australia (Organisation of Employers)", hereinafter referred to as the Organisation.

2 REGISTERED OFFICE

- 2.1 The registered office of the Organisation shall be at 1322 Hay Street, West Perth, in the State of Western Australia, or at such place as may be determined by the Committee of Management.
- 2.2 When in accordance with subrule (1) of this Rule the Committee of Management determines that the address of the registered office shall be changed, the Secretary shall notify the Registrar of the Western Australian Industrial Relations Commission in writing of the change within fourteen (14) days of the date of the change.

3 DEFINITIONS

- 3.1 In these Rules the following definitions shall apply:

"Organisation" means the Organisation of employers known as "The Pharmacy Guild of Western Australia (Organisation of Employers)".

"Committee of Management" means the body duly elected to govern the affairs of the Organisation.

"Pharmacist" means a person registered under the Health Practitioner National Law (Western Australia) in the pharmacy profession.

"Pharmacy Business" has the same meaning as set out in the Pharmacy Act 2010 meaning a business:

- 3.1.1 consisting of the provision of pharmaceutical services; and

3.1.2 from which the goods and services relating to the provision of pharmaceutical services may be available.

"Pharmacist Controlled Company" has the same meaning as set out in the Pharmacy Act 2010 and means a company within the meaning of the Corporations Act —

3.1.3 in which —

(a) at least one director is a pharmacist; and

(b) every director is either a pharmacist or a close family member of a pharmacist who is a director;

and

3.1.4 where each holder of shares, or of a beneficial or legal interest in shares, in the company is a pharmacist or a close family member of such a pharmacist; and

3.1.5 in which a pharmacist is, or pharmacists are, entitled to control the exercise of more than 50% of the voting power —

(a) at meetings of the directors of the company; or

(b) attached to voting shares issued by the company;

"President" means the President of the Organisation from time to time.

"Rules" means the Rules of the Organisation.

"Secretary" means the Secretary of the Organisation from time to time.

4 THE SEAL

4.1 The seal of the Organisation shall bear the words The Pharmacy Guild of Western Australia (Organisation of Employers). The Secretary shall have custody of the seal and it shall be used by him or her for all purposes of the Organisation for which it may be required. The seal may be altered from time to time as the Committee of Management thinks fit. The affixing of the seal to any instrument shall be under the hand of the Secretary and such other Members as the Committee of Management may decide.

5 OBJECTS

5.1 The objects for which the Organisation is established are to:

- (a) To represent and/or protect its members in all industrial matters.
- (b) To enter into any industrial agreement or other instrument, understanding or arrangement considered to be for the general benefit of its members.
- (c) To intervene and act in any dispute arising between any member and any of their employees or other person.
- (d) To collect and disseminate information on all matters of interest and relevance to its members.
- (e) To promote the economic and social interests and welfare of its members.
- (f) To communicate with the authorities on any relevant matter affecting the interests of its members.
- (g) To cooperate, assist and collaborate with other organisations in respect of the pharmacy industry, whether operating at a national or state level including but not limited to the Pharmacy Guild of Australia.
- (h) To represent and secure the representation of its members of any legally constituted board, tribunal or court including but not limited to the Western Australian Industrial Relations Commission.
- (i) To obtain and provide legal advice to itself and to its members, and to take steps and use all means within its power to remove and resolve grievances.
- (j) To initiate and conduct proceedings in any court of law and to defend proceedings in any court of law for or on behalf of its members collectively and individually.
- (k) To register the Organisation as an organisation of employers under the Industrial Relations Act 1979 (WA).
- (l) To exercise all available powers, privileges and advantages provided under the Industrial Relations Act 1979 (WA) or under any Commonwealth or State industrial relations or like legislation.

- (m) To preserve or better the rights of members.
- (n) Take such actions as are related to the achieving the above objects.

6 MEMBERSHIP

6.1 The Organisation shall consist of such organisations which are employers in a Pharmacy Business in Western Australia in circumstances where the employer is one of the following:

6.1.1 A Pharmacist carrying on the Pharmacy Business as a sole trader; or

6.1.2 Person who are partners in a partnership that carries on the Pharmacy Business and in which every partner is either:

(a) A Pharmacist; or

(b) A close family member of a partner who is a Pharmacist; or

6.1.3 A Pharmacist Controlled Company

and is approved for membership by the Committee of Management.

6.2 Each application for membership of the Organisation shall be made in writing in the form provided by the Organisation, or in such form as may from time to time be approved by the Committee of Management.

6.3 Upon receipt by the Committee of Management of a duly completed Application for Membership form, together with such fees and subscriptions as may be payable, the Committee of Management will place that application before the next meeting of the Committee of Management and the Committee of Management will at that meeting consider whether the application should be accepted or rejected in accordance with these Rules. The applicant shall be deemed to be a member of the Organisation on the date that the Committee of Management approves the application. The decision of the Committee of Management shall be conveyed in writing to the applicant.

7 REGISTER OF MEMBERS

7.1 The Committee of Management shall cause to be established and maintained:

(a) a register of the Organisation's members showing the name and address

of each member and details of the financial status of each member in respect of its membership;

- (b) a list of the names, addresses, and occupations of the persons holding offices in the Organisation;
- (c) accounting records that are in accordance with generally accepted accounting principles and truly record and explain the financial transactions and financial position of the Organisation; and
- (d) such other records as are prescribed.

7.2 The register will be purged on not less than four (4) occasions in each year by striking off the names or members whose membership has ended by reason of resignation or if subscriptions are not paid.

7.3 The Register of members shall be kept at the registered office of the Organisation and shall be open for inspection by any member at any reasonable time during business hours.

8 RESIGNATION AND CESSATION OF MEMBERSHIP

8.1 A member may resign from membership of the Organisation by written notice addressed and delivered to the Committee of Management. A notice of resignation shall be served on the Organisation by delivering it personally to the Organisation's office or sending it by certified mail to the address of the Organisation as ascertained by referring to a current directory of telephone numbers.

8.2 A notice of resignation from membership of the Organisation shall take effect on the day on which it is served on the Organisation or on a later date specified in the notice.

8.3 Where —

- (a) a period in respect of which a subscription has been paid to an Organisation for a member's membership of the Organisation expires; and
- (b) no subscription to continue or renew that membership has been paid to the Organisation before, or within three (3) months after, that expiry,

that membership ends at the end of that three (3) month period.

9 FEES AND SUBSCRIPTIONS

- 9.1 An employer seeking membership of the Organisation shall forward or cause to be forwarded to the Secretary of the Organisation the entrance fee together with an application on the form prescribed stating the full name and address of the employer.
- 9.2 A member of the Organisation shall upon admission to membership pay such entry fee and thereafter such annual membership fees and annual subscriptions as may be determined by the Committee of Management.
- 9.3 The entry fees, annual membership fees and annual subscriptions payable to the Organisation by members shall be of such amounts as may be determined from time to time by the Committee of Management.

10 GENERAL MEETINGS

Ordinary General Meeting

- 10.1 With the exception of the first Annual General Meeting, which shall be held as soon as practicable after registration is approved, the Organisation shall hold a General Meeting in every calendar year as its Annual General Meeting at such time and place as the Committee of Management may determine, and shall specify the meeting as such in the notice calling it.
- 10.2 In addition to any other business which may be transacted at an Annual General Meeting, the business of an Annual General Meeting shall be to:
- (a) confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting;
 - (b) to receive from the Committee of Management reports upon the activities of the Organisation during the last preceding financial year;
 - (c) to receive and consider the statements of the financial affairs and annual accounts of the Organisation; and
 - (d) to appoint an Auditor for the ensuing financial year.
- 10.3 All General Meetings other than Annual General Meetings shall be called General Meetings; and the Committee of Management may whenever it thinks fit convene a General Meeting of the Organisation.

10.4 The Business at General Meetings of the Organisation shall be conducted in the following order, namely:-

- (a) Reading of the minutes of the previous General Meeting and their confirmation;
- (b) Reports for consideration and adoption;
- (c) Notices of motion (if any);
- (d) Financial report (if any);
- (e) Reading, reception and consideration of General correspondence (if any);
- (f) Auditor's report (if any);
- (g) General Business.

Special General Meeting

10.5 Special General Meetings of the Organisation may be convened on requisition delivered to the Secretary by at least five (5) members of the Organisation or by resolution of the Committee of Management. Notice of the time and place of the meeting and of the purpose for which the meeting is summoned shall be given. Members may be notified by notice given:

10.5.1 By letter, circular or other form of written notice to the members.

10.5.2 By telephone to the members; or

10.5.3 By any one or more of the above means.

10.6 Every meeting shall be deemed to be valid notwithstanding any informality in the notice, provided that the substance is fairly given, provided there is substantial compliance with this Rule.

11 NOTICE - PROCEDURE - QUORUM - PROXIES

11.1 The Secretary shall, at least fourteen (14) days before the date fixed for the holding of a General Meeting send to each member at the member's address appearing in the Register of Members, a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.

- 11.2 A member desiring to bring any business before a General Meeting may give notice in writing of that business to the Secretary who shall include that business in the next notice calling a General Meeting given after receipt of the notice from the member.
- 11.3 No business shall be transacted at any meeting unless a quorum of members entitled under these Rules to vote is present when the meeting actually proceeds to business and no further business shall be transacted after the President declares that the meeting lacks a quorum.
- 11.4 Five (5) members (being members entitled under these Rules to vote at a General Meeting) present in person (in in the event of a member who is a Pharmacist Controlled Company, by way of a representative of the Member) or by proxy shall constitute a quorum for the transaction of the business of a General Meeting.
- 11.5 Voting by proxy is permitted at any meeting either on a poll or a show of hands. The instrument appointing a proxy:
- (a) shall be in writing in such form as may be determined by the Committee of Management from time to time;
 - (b) shall be under the hand of the members or his or her attorney duly authorised in writing;
 - (c) shall clearly indicate in which way the member wishes the proxy to cast the vote on the question.

12 VOTING AT GENERAL MEETINGS

- 12.1 A question arising at a General Meeting or a Special General Meeting of the Organisation shall be determined on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the President that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, and an entry to that effect in the minute book of the Organisation, shall be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.

13 COMMITTEE OF MANAGEMENT

- 13.1 The supreme control of the Organisation is vested in the members of the Organisation in General Meeting. The day to day management of the business and control of the Organisation shall be vested in the Committee of Management.

The following office-holders will serve as Foundation Committee of Management members of the Organisation:

President: Lenette Mullen

Secretary: Stephen Wragg

Committee of Management member: Harry Zafer

Committee of Management member: Natalie Willis

Committee of Management member: David Manuel

Committee of Management member: Andrew Ngeow

Committee of Management member: Adrian Staltari

Committee of Management member: Bruce Warland

Committee of Management member: Linda Keane

Committee of Management member: Ernie Pirone

Committee of Management member: Paul Jardine

Committee of Management member: Paul Rees

Committee of Management member: Anthony Masi

Committee of Management member: Tom Golovoda

- 13.2 Each of the members of the Committee of Management must be either a Pharmacist:

13.2.1 who is a member of the Organisation either as a sole trader or as a partner of a Pharmacy Business (pursuant to clause 6.1 and clause 3); or

13.2.2 who is a director of a Pharmacist Controlled Company, which is a member of the Organisation (pursuant to clause 6.1 and clause 3).

14 POWERS OF THE COMMITTEE OF MANAGEMENT

- 14.1 Without in any way limiting the general powers conferred by these Rules, the Committee of Management will have the power to:

(a) adopt such measures as it from time to time deems expedient for the purpose of giving effect to the objects of the Organisation or any of them;

(b) enter into all such negotiations and contracts, and rescind and vary all such contracts, and execute, and do all such acts, deeds, and things, in the name and on behalf of the Organisation as it may consider expedient

for the purposes of the Organisation;

- (c) appoint, under contract or otherwise, salaried staff, clerks, agents and servants, for permanent, temporary or special services, as it may from time to time think fit, and to determine their powers and duties, and fix their salaries or emoluments, subject to any contract, to remove, suspend, or dismiss, any such salaried staff, clerks, agents and servants;
- (d) institute, conduct, defend, compound, or abandon, any legal proceedings by or against the Organisation or its staff, or otherwise concerning the affairs of the Organisation, and also to compound and allow time for payment or satisfaction of any debts due, and of any claims or demands by or against the Organisation;
- (e) if necessary appoint Committees to examine and inquire into any special matter in connection with the objects or business of the Organisation;
- (f) make or adopt rules, regulations, recommendations and proposals for the internal management, control and regulation of the Organisation and of the members and/or employees thereof and to alter, vary, suspend, discharge or rescind any such rules, regulations, recommendations and proposals;
- (g) deal with the money and other property of the Organisation;
- (h) borrow or raise or secure the payment of money in such manner as the Organisation may think fit to carry out its objects;
- (i) to take all steps necessary to register the Organisation as an organisation of employers under the Industrial Relations Act 1979 (WA) or under any Commonwealth or State industrial relations, Co-operative or like legislation.
- (j) carry out such powers as are related to the above powers; and
- (k) appoint and employ if considered necessary an Organisation Manager who shall carry out the duties as directed by the Committee of Management.

14.2 The Committee of Management shall meet at least four (4) times in each period of twelve (12) months at such time and place as the Committee of Management may determine.

- 14.3 Additional meetings of the Committee of Management may be convened by the President or any three (3) members of the Committee of Management.
- 14.4 Written notice of a meeting shall be given by the Secretary to each member of the Committee of Management and together with agenda and any supporting documents shall be despatched to members not later than two (2) days prior to the day appointed for the meeting.
- 14.5 The notice shall specify the general nature of the business to be transacted and no business other than that business shall be transacted at the meeting unless the President or the members present unanimously determine that supplementary business is of such an urgent nature that it should be dealt with at the meeting.
- 14.6 Any four (4) members of the Committee of Management shall constitute a quorum for the transaction of the business of a meeting, which shall be decided in the affirmative, if on a show of hands a majority of those Committee of Management Members present at the meeting are in favour of the resolution put.
- 14.7 No business shall be transacted unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present the meeting stands adjourned to the same place and time in the following week.

15 THE PRESIDENT

- 15.1 Subject to clause 15.3 the President shall preside at Committee of Management Meetings so that the business of the Organisation may be conducted properly.
- 15.2 The President shall see that the minutes of each Committee of Management Meeting are read and confirmed and upon such reading and confirmation shall sign them.
- 15.3 In the absence of the President at any Committee of Management Meeting, his or her duties at such Committee of Management Meeting shall be performed by the Secretary who shall carry out the role of acting President at that Committee of Management Meeting. In the absence of both the President and the Secretary at a Committee of Management Meeting the Committee of Management may appoint an ordinary Committee of Management member to carry out the duties of the President and Secretary at such a Committee of Management Meeting.

16 THE SECRETARY

- 16.1 In addition to the duties of the Secretary set out elsewhere in these Rules the Secretary must
- (a) endeavour to attend meetings of the Organisation and prepare documents for the Organisation and Committee of Management meetings and for the Auditor;
 - (b) conduct and file all correspondence and summon members to all meetings;
 - (c) keep all documents and accounts, books and papers belonging to the Organisation;
 - (d) keep and maintain a register of the names and addresses of the Committee of Management Members and members of the Organisation.
- 16.2 In the absence of the Secretary at any Committee of Management meeting the Committee of Management may appoint an ordinary Committee of Management Member to carry out the duties of the Secretary at such a meeting.

17 SOURCE AND APPLICATION OF FUNDS

- 17.1 The funds and property of the Organisation shall be invested by way of current account or on fixed deposit in such bank or other financial institution as the Committee of Management may determine and notify to the Secretary.
- 17.2 Subject to any restrictions imposed by the Organisation in General Meeting, the funds of the Organisation shall only be applied in accordance with the objects for which these Rules provide, in such manner as the Committee of Management determines pursuant to its powers.
- 17.3 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any two members of the Committee of Management or employees of the Organisation, being members or employees specifically authorised by the Committee of Management to do so.
- 17.4 The Organisation shall effect and maintain insurance with an approved insurer.
- 17.5 The funds of the Organisation shall be derived from membership fees and annual subscriptions of members, donations and, subject to any resolution passed by the

Organisation in General Meeting, such other sources as the Committee of Management determines.

- 17.6 All money received by the Organisation shall be deposited as soon as practicable and without deduction to the credit of the Organisation's bank account.
- 17.7 The Organisation shall, as soon as practicable after receiving any money, issue an appropriate receipt.

18 FINANCE

- 18.1 The financial year for the Organisation shall end on 30 June in each year.
- 18.2 The Secretary shall submit to the Committee of Management for presentation at its Annual General Meeting an annual financial statement and auditor's report.
- 18.3 The Organisation is not carried on for the purpose of profit or gain to its individual Members and is prohibited from making any distribution whether in money, property or otherwise to its Members.

19 AUDIT

- 19.1 The Secretary of the Organisation shall —
- (a) cause the accounting records of that Organisation to be properly audited by a person registered as an auditor under the Corporations Act 2001 of the Commonwealth (in this section called the auditor) within 6 calendar months after the end of each financial year of that Organisation; and
 - (b) within one calendar month after the completion of the audit referred to in clause 19.1(a), deliver to the Registrar of the Western Australian Industrial Relations Commission —
 - (i) a balance sheet of the assets and liabilities of the Organisation audited by the auditor and made up to the date of the closing of the accounts of the Organisation in respect of the financial year concerned;
 - (ii) a statement of the receipts and expenditure of the Organisation during the financial year concerned audited by the auditor; and

- (iii) a cash flow statement for the Organisation for the financial year concerned audited by the auditor.

19.2 For the purposes of auditing the accounting records of the Organisation or of performing any function conferred on the auditor, the auditor of the Organisation is entitled —

- (a) to have full and free access at all reasonable times to all records or documents relating to the receipt or expenditure of moneys by the Organisation, or the acquisition, use or disposal of assets of the Organisation, or the incurring of liabilities by the Organisation; and
- (b) to require any officer or employee of the Organisation to provide the auditor with any information or explanation that the auditor wants.

20 INDUSTRIAL ACTIVITIES

20.1 The Organisation shall be represented in all proceedings before the Western Australian Industrial Appeal Court, the Western Australian Industrial Relations Commission, the Industrial Magistrate, or any other Court or Tribunal considered necessary by such person or persons including legal practitioners and industrial agents as shall be duly appointed by the Committee of Management. All Industrial Agreements, Deeds or Instruments made for and on behalf of the Organisation shall be made and executed under the seal of the Organisation by representatives appointed by the Committee of Management. All Court, Tribunal and other proceedings shall be instituted under the Seal of the Organisation by the Secretary or by representative(s) appointed by the Secretary or by the Committee of Management.

21 ALTERATION OF OBJECTS AND/OR RULES

21.1 Subject to the provisions of the Industrial Relations Act (WA) 1979 the following provisions shall apply:

- (1) The Rules of the Organisation may be amended, added to, varied, repealed or substituted by such proposed alteration(s) to rules being approved by a General Meeting held for that purpose, and by such meeting authorising the making of an application to the Western Australian Industrial Relations Commission to register the said alteration(s) to rules, provided such alterations(s) shall not be or become effective until the Registrar of the Western Australian Industrial

Relations Commission has given to the Organisation a certificate that the alteration(s) has been registered.

- (2) The Organisation shall forward a notice by either posting to each member of the Organisation at their registered address providing the following information to members:
- (a) The intention of the Organisation to apply for registration of the proposed alteration(s) of the Rules of the Organisation;
 - (b) The terms of the proposed alteration(s) of the Rules of the Organisation and the reasons therefore;
 - (c) That the members or any of them may object to the making of the application for the proposed alteration(s) and/or object to the proposed alteration(s) or any of them by forwarding a written objection to the Registrar of the Western Australian Industrial Relations Commission and that objections should reach the Registrar no later than twenty-one (21) days after the date of the receipt of the notice.

22 DISSOLUTION

- 22.1 Should it be deemed expedient at any time to dissolve the Organisation, a two-thirds (2/3) majority of the members at a General Meeting called for that purpose may authorise the officers to apply for a cancellation of the registration of the Organisation. All funds and any other property may then be disposed of as the members may think fit.

23 ELECTION OF COMMITTEE OF MANAGEMENT MEMBERS

- 23.1 Subject to clause 23.2 each candidate for election to any office shall be either a Pharmacist:
- 23.1.1 who is a member of the Organisation either as a sole trader or
 - 23.1.2 who is a partner in a partnership that carries on a Pharmacy Business and is a member of the Organisation (pursuant to clause 6.1 and clause 3); or
 - 23.1.3 who is a director of a Pharmacist Controlled Company, which is a member of the Organisation (pursuant to clause 6.1 and clause 3).

where the relevant member has been a member for one year immediately preceding the next closing date for nominations. For the purposes of this clause the candidate as set out in this clause will be referred to as "candidate".

- 23.2 No candidate shall be eligible to hold more than one office on the Committee of Management.
- 23.3 No candidate shall be eligible to nominate for more than one office on the Committee of Management at any periodical election.
- 23.4 2012 and every third year thereafter shall be known in these Rules as the "election year".
- 23.5 The Committee of Management shall appoint a Returning Officer who shall not be the holder of any office in, and not be an employee of the Organisation for the purpose of conducting the election in accordance with these Rules.
- 23.6 The Returning Officer shall call for nominations by written notice circulated to members (**Notice to Members**) in each election year.
- 23.7 The date of commencement of the period for lodging nominations shall be specified in each election year. The closing date for nominations shall be at a time and place or in a manner fixed by the Returning Officer and mentioned in the Notice to Members with a nominated the closing date.
- 23.8 The Returning Officer shall obtain from the Secretary a list of the members eligible to vote.
- 23.9 Every member of the Organisation, as at the day on which the Returning Officer calls for nominations, shall be eligible to vote.
- 23.10 Nominations must be in writing, signed by the member and must be made at the time, place and in the manner mentioned in the Notice to Members.
- 23.11 The Returning Officer shall have the power in accordance with these Rules to accept or reject such nominations; provided that if the Returning Officer rejects any nomination the following provisions shall have effect:
 - 23.11.1 The Returning Officer shall notify the person concerned of the defect in the nomination; and

- 23.11.2 The Returning Officer shall where it is practicable to do so, give the person concerned the opportunity if possible of remedying the defect within not less than seven (7) days of notification; and
- 23.11.3 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.
- 23.12 Where after the closing of nominations there is only one valid nomination for a single office or only sufficient valid nominations for multiple offices, the Returning Officer shall declare such nominee or nominees duly elected to the office or offices concerned at the General Meeting.
- 23.13 Where after the closing of nominations there are more candidates than the number required for any office, the Returning Officer shall place the candidates' names on the ballot paper in alphabetical order of their respective surnames.
- 23.14 The Returning Officer shall order the printing of sufficient ballot papers for the purpose of the election, and if practicable, shall be present during the printing of all such ballot papers. Ballot papers shall be printed showing the full names of the candidates for the respective Committee of Management offices and such ballot papers shall contain voting instructions.
- 23.15 The Returning Officer shall obtain all such ballot papers with a certified statement of the number of ballot papers printed. Each ballot paper shall be initialled by the Returning Officer before distribution. All ballot papers shall be printed on watermark paper and the Returning Officer shall be responsible for ensuring that every ballot paper is properly watermarked before being forwarded to the member. On a count of ballot papers, only those which bear the watermark and the initials of the Returning Officer shall be counted.
- 23.16 The Returning Officer shall fix dates when the ballot shall open and close. The period between the opening and closing date of the ballot shall not be less than twenty-one (21) days nor more than twenty-eight (28) days and the count of ballot papers shall be completed as directed by the Returning Officer.
- 23.17 The Returning Officer shall forward by pre-paid post to each member so as to reach such member not less than fourteen (14) days before the closing of the ballot, a ballot paper and other ballot material in a sealed envelope and provide for the return of the ballot paper without expense to the member.
- 23.18 Any member who during the period allowed for voting expects to be absent from the State or to be in some remote area of the State so as to prevent the member

from casting a vote, may, after the close of nominations, but before the opening date of the ballot, apply in writing to the Returning Officer for an absentee vote.

- 23.19 The ballot paper shall be returned in such envelope addressed to a post office box rented in the name of the Organisation and the key of such box shall, before the ballot papers are sent out, be placed in the hands of the Returning Officer.
- 23.20 The Returning Officer shall as soon as practicable after the closing of the ballot, collect the ballot box and convey the ballot box to an office selected by the Returning Officer, open the box, collect the ballot papers and proceed to count the ballot papers until the ballot is finished.
- 23.21 The election shall be by means of a secret postal vote using the first past the post system.
- 23.22 Any candidate in any ballot may nominate in writing to the Returning Officer at the time of the candidate's nomination one scrutineer to represent that 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.
- 23.23 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.
- 23.24 In the case of an equality of vote for any two or more candidates the Returning Officer shall determine by a casting vote which of the candidates is elected.
- 23.25 In the event of any objection 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 objection shall be made the subject of an enquiry after the count has concluded and before the Returning Officer has declared the result of the ballot.
- 23.26 The Returning Officer shall have power to uphold or dismiss the objection, and in the event of the objection being upheld the Returning Officer shall have power to do all things necessary to act on that objection including ordering a new ballot to be taken and thereupon a new ballot shall be taken in accordance with the provisions of these Rules which shall apply subject to the *Industrial Relations Act 1979 (WA)* and the Rules and Regulations thereto.

- 23.27 The Committee of Management may provide for the payment of expenses of the Returning Officer in amounts that shall be determined from time to time by the Committee of Management.
- 23.28 The Returning Officer shall declare the result of the election at a General Meeting of the Organisation. At the General Meeting the Returning Officer shall provide a report of the election to the General Meeting and such report shall show the number of votes cast for each candidate, the number of informal votes and the number of ballot papers issued but not returned up until the time the ballot closed.
- 23.29 The Committee of Management Members declared elected unopposed by the Returning Officer, or declared elected under these Rules, shall assume office on the first day after the declaration of the result of the election.

24 CASUAL VACANCIES IN OFFICE

- 24.1 Whenever the office of a member of the Committee of Management becomes vacant or is required to be filled between the dates of periodical elections the provisions of this Rule shall apply.
- 24.2 Where such an office is or becomes vacant or is required to be filled a casual vacancy shall exist for the purposes of these Rules whether or not the term "casual vacancy" or some other term is used elsewhere in these Rules to describe the same situation.
- 24.3 The holder of an office on the Committee of Management shall be eligible for election or appointment to fill a casual vacancy in an office on the Committee of Management and, if elected, or appointed shall vacate his or her existing office on the Committee of Management.
- 24.4 No proceedings of the Committee of Management shall be affected or rendered void by reason only that one or more casual vacancies have occurred in the offices of the Committee of Management which have not been filled provided that a quorum is present.
- 24.5 Casual vacancies other than those provided for in subrule (6) of this Rule shall be filled by election in the following manner:
- (a) The Returning Officer shall call for nominations by notice to members not less than fourteen (14) days before the date fixed by the Returning Officer for the close of nominations.

- (b) The Committee of Management shall appoint a Returning Officer in relation to the casual vacancy.
- (c) The Returning Officer shall have the conduct of an election in accordance with these Rules.
- (d) The closing date for nominations shall be at a time and place and in a manner fixed by the Returning Officer and mentioned in the notice to members.
- (e) Where after the closing of nominations there are more candidates than the number required for any office, the Returning Officer shall place the candidates' names on the ballot paper in alphabetical order.
- (f) The Returning Officer shall fix dates when the ballot shall open and close. The period between the opening and closing date of the ballot shall not be less than twenty-one (21) days nor more than twenty-eight (28) and the count of the ballot paper shall be completed as soon as practicable.
- (g) The Returning Officer shall forward by pre-paid post to each financial member so as to reach such member not less than fourteen (14) days before the closing of the ballot, a ballot paper and other ballot material in a sealed envelope and provide for the return of the ballot paper without expense to the member.
- (h) In all other respects the provisions of Rule 23 of these Rules shall apply mutatis mutandis.

24.6 Any casual vacancy occurring within the term of an office where the unexpired part of the term of such office does not exceed:

24.6.1 twelve (12) months; or

24.6.2 three quarters of the term of office,

whichever (if any) is the greater may be filled in the manner hereinafter provided:

(a) the appointee to a casual vacancy shall hold office for the balance of the term of the vacator.

(b) President

A casual vacancy in the office of President shall be filled by a Committee of Management member nominated by a majority of the Committee of Management.;

(c) Secretary

A casual vacancy in the office of Secretary shall be filled by a Committee of Management member nominated by a majority of the Committee of Management.

(c) Committee of Management member

A casual vacancy in the office of Committee of Management member shall be filled by one of the members of the Organisation, who is not at that point in time a Committee of Management member.