

**RULES
OF
THE SHOP, DISTRIBUTIVE AND ALLIED EMPLOYEES'
ASSOCIATION OF WESTERN AUSTRALIA**

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S. HUTCHINSON
DEPUTY REGISTRAR
13 MARCH 2017

RULES
of
THE SHOP, DISTRIBUTIVE AND ALLIED EMPLOYEES'
ASSOCIATION OF WESTERN AUSTRALIA

1 - NAME

The name of this Society, hereinafter termed, "the Union" shall be "The Shop, Distributive and Allied Employees' Association of Western Australia".

2 - REGISTERED OFFICE

The Registered Office, at which the business shall be conducted shall be Level 5, 25 Barrack Street, Perth. Any change in such Registered Office shall be duly registered.

3 - OBJECTS

The objects of the Union shall be:

- (a) To watch over and protect the interests of its members.
- (b) To raise funds by means of contributions, levies, fines, interest on capital, and donations for the effective carrying out of the objects herein specified.
- (c) To obtain and maintain reasonable hours of labour and a fair rate of wages.
- (d) To provide pecuniary or other assistance to members when deemed necessary by the Board.
- (e) To secure advancement of its members' industrial interests.
- (f) To settle all disputes by arbitration or other lawful means.
- (g) To establish Branches wherever deemed expedient.

4 - BRANCHES

- (a) Branches of the Union may be formed in any part of the State. Such Branches shall be known as Branches of The Shop Distributive and Allied Employees' Association of Western Australia, and at all times shall conform to the direction of the Board of Control subject to the provisions of Rule 7 and the succeeding clauses of this Rule.

A member may only have membership in one branch at a time - that to which he pays his subscription.

- (b) Branches shall appoint a President, Vice-President, Secretary, Treasurer, two Trustees and a Delegate as prescribed in Rule 5. All such officers shall be nominated in accordance with Rule 8 and elected as provided in Rule 9. Such officers shall carry out the business pertaining only to their Branch, shall meet as often as they may resolve, or whenever required, and may pass resolutions for the guidance of their Branch, provided that such resolutions are in accord with the foregoing rules and the Industrial Arbitration Act, 1912-75.
- (c) **BRANCH PRESIDENTS:** The Branch President shall be the recognised head of the Branch. He shall preside at all meetings of the Branch. He shall be empowered to instruct the Branch Secretary to call Branch Meetings in case of emergency, and generally to ensure the well being and objects of the Union. In case the votes at any time be equal, he shall exercise the privilege of giving a casting vote only.
- (d) **BRANCH VICE-PRESIDENT:** The duties of the Branch Vice-President shall be to assist the president at all Branch Meetings, and take the chair, and conduct the meeting with full presiding powers in the absence of the Branch President.
- (e) **BRANCH SECRETARY:** The duties of the Branch Secretary shall be to keep a detailed account of all moneys received and expended on behalf of the Branch and all other necessary accounts, forward monthly statements of receipts and expenditure to the Board not later than fourteen days after the completion of each calendar month, pay all moneys into the Union's account at the bank approved by the Board as soon as possible after the receipt of same, pay all accounts by cheque, excepting petty amounts, for which a petty cash cheque shall be drawn and, subject to provisions of Rule 38, sign all cheques drawn by the Branch.

He shall in the months of May and November forward an audited statement of receipt and expenditure of the Branch to the board, or at the request of the Board forward all receipt books, cheque book, bank book, receipts, and all other relative documents to the Board for audit, convene all meetings, attend and take minutes of same, attend to all correspondence, keep a copy of all correspondence, sign clearance cards, investigate local disputes and report fully to the Board, produce all books for inspection, and read the state of the finances of the Branch when required by the members at any meeting.

He shall in all meetings be allowed the right to speak and, if a member, to vote. His remuneration shall be as fixed by the Board. He shall, if required by the Board, find security in the sum of one hundred dollars (\$100.00), the Branch to pay the premium.

He shall keep a register of the members of his Branch admitted, died, and left, which shall be read at any meeting the Branch members may direct, and strike off the register any member twelve months in areas of dues, but without freeing such person from arrears due. He shall, within 14 days after the completion of each calendar month, notify the General Secretary of all such entries made by him in the register of members of the Branch during the month.

He shall send to the General Secretary at intervals determined by the Board, such portion of the subscriptions collected as is determined by the Board.

- (f) BRANCH TREASURER: The duties of the Branch Treasurer shall be to sign all cheques which may be passed for payment, subject to the provisions of Rule 37.
- (g) BRANCH TRUSTEES: The duties of the Branch Trustees shall be to carry into effect any resolution of the Board regarding the investment or control of the Branch funds or property, subject to the rules and provisions of the Industrial Relations Act, 1979. Any one of the Branch Trustees shall sign the cheques passed for payment, subject to the provisions of Rule 37.
- (h) deleted by No. 341 of 1988
- (i) deleted by No. 341 of 1988
- (j) Any delegate or officer of a Branch may be removed from office by the Board or upon the vote of a majority of members present at any meeting thereof and qualified to vote.

The business of Branches shall be conducted by the President of the Branch or in his absence the Vice-President.

No Branch shall wind up its affairs or suspend its activities without the written approval of the General Secretary. In the event of a branch going out of existence all moneys, books and other Union property shall be sent to the head office of the Union within seven (7) days.

5 - BOARD OF CONTROL

The business of the Union shall be conducted by a Board of Control, hereinafter termed "the Board" which shall consist of the General President, the General Vice President, General Secretary, General Assistant Secretary, General Treasurer and six other members all of whom shall be elected four-yearly by financial members of the Union in accordance with these rules. The General President, General Vice-President, General Secretary, General Assistant Secretary, General Treasurer and three General Trustees (who shall be elected four-yearly by the Board from the six other members of the Board) shall be the General Officers of the Union.

6 - RESIGNATION OR REMOVAL OF BOARD OR OFFICER

The Board may resign in a body on giving to the Union one month's previous written notice of its intention to resign, or may be removed on a majority vote of the members present at a special general meeting of the Union called for the purpose of voting in favour of removal. Should the Board resign it shall:

- (a) appoint a returning Officer; and
- (b) determine a date when nominations for their positions shall be open and close; and
- (c) fix the closing date for receipt of ballot papers by the Returning Officer, which shall be not later than one month after receipt of nominations.

If the Board be removed, the meeting shall apply sections (a), (b) and (c) of this rule.

Any members of the Board or Officer may resign his position on giving to the Union one month's previous written notice of his intention to do so.

The office or any officer, or member of the Board shall be declared vacant upon his failure to attend three consecutive meetings of the Board; provided such officer or members shall not be removed if he sends satisfactory written apology to the Board prior to such meetings.

In the event of any vacancy existing in or arising by the death resignation or removal of the holder of an office from the Board of Control:-

- (i) If the unexpired part of the total period of office in respect of which the person who held the office immediately before the vacancy was elected or appointed (hereafter referred to as "the original period") does not exceed 3/4 of the original period the vacancy may be filled by the Board by appointment of any member of the Union who is financial at the date of such appointment and who has been a member of the Union for not less than 3 months at the date of such appointment and the member so appointed shall hold office for the unexpired portion of the original period;
- (ii) if the unexpired portion of the original period exceeds 3/4 of the original period the vacancy shall be filled in accordance with the provisions of sub-rule (b) or sub-rule (i) of Rule 4, as the case may be, and subject to these rules the person so appointed to hold office for the unexpired portion of the original period for until his successor is duly elected in accordance with these rules.

In the case of extra-ordinary vacancies in the positions of General Secretary, General Assistant Secretary or Organisers, a ballot of Union members shall fill the vacancy within two months in the manner of rule 9 for the balance of the term, but if that balance of term be less than two (2) years, the Board may, at its discretion, decide to fill the vacancy with a suitable member of its own choice for the balance of term. This person shall be elected within one month in the manner of rule 9 (h).

7 - POWERS AND DUTIES OF BOARD OF CONTROL

The Board shall have power to transact any business for the general management and control of the Union, but shall in all cases render itself subservient to the will of the Union as indicated at a Special Meeting of the Union. It shall fully investigate all grievances or disputes of members that may be placed before it. It shall have power to suspend any officer or member of the Board, or an Organiser for a breach of the rules or resolutions of the Union in Special Meeting assembled, or to declare vacant the position of such officer, member of the Board, or Organiser, for any valid reason, subject to the right of appeal as provided in Rule 33.

It may at any time pass resolutions for its own guidance provided they are in accord with these Rules and the Industrial Relations Act 1979. The Board shall appoint the Auditor of the Union. It shall direct the labour of the Organisers, and instruct the General Secretary to take legal proceedings on behalf of the Union when deemed necessary. It shall interpret doubtful rules, and act wherein rules are silent. Subject to the provisions of Rules 32 and 43, it shall hear and determine all disputes between the Union or between any two or more members. The Board shall perform all duties the Union in Special Meeting assembled may direct. The Board shall have power to fix the rate of remuneration of the paid officials. Subject to the ratification of a general meeting, the Board may provide pension or superannuation for its paid officers.

8 - NOMINATION OF OFFICERS

- (a) The normal full term of office for branch officers shall be four (4) years, subject to rule 7.
- (b) The normal full term of office for the members of the Board and Organisers shall be four (4) years, subject to rule 7.
- (c) Only those persons shall be eligible to nominate as a member of the Board or Organiser or Officer of a Branch who are members of the Union and financial and with at least three (3) months' continuous membership prior to the date of nomination; but branch officials for new branches may be new members.
- (d) ~~No known communist may nominate for, or hold, any office in the Union.~~
(sub-rule disallowed by order of His Honour The President P.J. Sharkey in matter Pres 10 of 2004 given on 5th April 2005 and effective 1st May 2005)
- (e) All nominations shall be in writing signed by the member concerned. If a candidate nominates for more than one position, all his nominations shall be invalid.
- (f) Each candidate shall, when nominating for a position, appoint a scrutineer to represent him at the counting of the ballot, such scrutineer to be a financial member of the Union. If the Returning Officer reports to the Board of Control that a candidate has failed to make such an appointment, the Board shall do so.
- (g) The Returning Officers shall receive nominations for officers of branches not later than 8.30 p.m. on the night of the August quarterly meeting 1984 and at intervals of four (4) years thereafter at the same time at the August quarterly meetings.
- (h) The Returning Officer shall receive nominations for positions of members of the Board and Organisers up to 5.00 p.m. on the day of the August Board Meeting 1984, and at intervals of four (4) years thereafter in the same manner.
- (i) The Returning Officer shall receive nominations for positions of three General Trustees from Board Members at a special meeting of the Board convened on the first Tuesday in December 1984, and at intervals of four (4) years. The Returning Officer referred to in this clause shall be appointed by the Board before nominations are called for.
- (j) deleted by No. 341 of 1988
- (k) The holder of any office shall subject of these rules continue in office until his successor is duly elected.
- (l) Sub-rule deleted by Application No. 22 of 2012.
- (m) A person shall not be eligible to be a candidate for any office in the union or a branch if there is reasonable ground for believing that -
 - (i) within twelve months prior to the date of his nomination, he was a member of any body of persons, incorporated or unincorporated, which by its constitution or propaganda or otherwise advocates or encourages the overthrow by force or violence of the established government of the Commonwealth or of a State or of any other civilized country or of organised government; or

- (ii) he himself advocates or encourages, or has, within twelve months prior to the date of his nomination, advocated or encouraged the overthrow by force or violence of the established government of the Commonwealth or of a State or of any other civilized country or of organised government.
- (n) A person shall not be eligible to hold or continue to hold office in the union or a branch if there is reasonable ground for believing that -
 - (i) He is a member of any body of persons, incorporated or unincorporated, which by its constitution or propaganda or otherwise advocates or encourages the overthrow by force or violence of the established government of the Commonwealth or of a State or of any other civilized country or of organised government; or
 - (ii) he himself advocates or encourages, or has, within twelve months prior to the date of his election, advocated or encouraged the overthrow by force or violence of the established government of the Commonwealth or of a State or of any other civilized country or of organised government.
- (o) Any nominee for office shall at the time of nominating provide the Returning Officer with a declaration signed by him/herself stating that he/she is eligible under the provisions of (m) and (n) hereof.
- (p) Notwithstanding anything herein before contained the Board of Control shall be empowered to appoint a person to fill the position of General Assistant Secretary from the date of effect of this amendment to Rule 8 until the successful candidates in the elections next ensuing in August 1988 assume office but subject to the provision of Rule 6 the appointment shall be made as if it was an appointment to a casual vacancy as prescribed by the provisions of Rule 6.

9 - RETURNING OFFICERS, SCRUTINEERS, AND ELECTIONS

- (a) Returning Officers for Branch elections shall be appointed by the Branch Executive prior to the calling for nominations.
- (b) A Returning Officer who will receive nominations for members of the Board and Organisers shall be appointed by a Board meeting prior to such nominations becoming due.
- (c) Ballots referred to in these rules shall be secret postal ballots conducted in the full exhaustive preferential system.
- (d) Financial members may vote in elections applicable to their section of the Union, but when requiring ballot papers they shall make application in writing to the Returning Officer any time after closing of nominations and before closing of the ballot. If more than one member makes application on the same sheet of paper, all applications on that sheet shall be invalid. The application shall contain the members home address and place of business.
- (e) After recording a vote, each voter shall enclose all ballot papers used in connection therewith in a sealed envelope and post it to the Returning Officer, addressed to the registered office of the Union, or place it in the locked and sealed container kept at the said Office whilst the ballot is in progress.

- (f) Whenever a ballot is to be conducted the Returning Officer shall -
- (i) receive nominations in accordance with rule 8, and applications from members for ballot papers for election of Officers of branches;
 - (ii) have ballot papers prepared with a perforation into two parts. Each part shall contain the name of the Union and the closing date of the ballot. Part 1 shall contain the names of candidates and the positions nominated for, together with instruction to place 1 opposite the name of the candidate desired elected, and to place 2 and other figures onward opposite the other names in order of preference. Part 2, the butt, shall be numbered consecutively from 1 onwards;

When drawing up ballot papers the Returning Officer shall insert thereon the full and correct names of each candidate in this manner, e.g. JOHN JAMES BROWN. The order in which candidates names shall appear on the ballot paper shall be fairly determined by means of a draw, to be conducted by the Returning Officer in the presence of two or more officers of the Union.

- (iii) obtain from the person supplying the ballot papers, a certificate showing the number of ballot papers supplied for each office;
- (iv) after initialling, post or deliver part 1 of ballot paper referred to in (ii) hereof to each member entitled thereto; but only after satisfying himself that the member is financial;
- (v) receive all ballot papers from members who have recorded their votes thereon in connection with the election;
- (vi) place, and keep until the time appointed for counting, all envelopes, containing ballot papers referred to in (v) hereof, in a locked and sealed container kept at the office of the Union, the key of which shall be retained by the Returning Officer;
- (vii) determine the date and time when, and the place where, the ballot is to be counted, and advise the scrutineers accordingly;
- (viii) compile and keep a list of names and addresses of all members supplied with ballot papers;
- (ix) within seven (7) days of close of the ballot, count the votes recorded and communicate in writing to the President of the branch, not later than at the November Annual meeting, the result of the ballot, and declare in such communication the candidate (or candidates where more than one is required) who has received the greatest number of votes, to be elected. He shall likewise declare elected candidates who were unopposed;
- (x) members declared elected as branch officers shall take office seven (7) days after declaration of the poll, but members elected as Members of the Board or Organisers shall take office twenty eight (28) days after declaration of the poll. In all such cases retiring members shall continue in office in the meantime;

- (xi) the Returning Officer shall retain in his possession for a period of one year from the date of declaration of the poll, the following documents -
- all nomination papers, all applications for ballot papers, part 2 of Ballot papers referred to in (ii) of this rule, the Certificate referred to in (iii) of this rule, all ballot papers referred to in (v) of this rule, a copy of the communication in connection with the declaration of the ballot referred to in (ix) of this rule.
- (g) Scrutineers shall have the right to:
- (i) be present when envelopes containing ballot papers used in connection with the elections referred to in rule 9 are being opened and the votes recorded thereon are being counted;
- (ii) inspect any ballot paper or other document used in connection with the election.
- (h) When electing the General Trustees referred to in rules 5 and 8 (i) the Returning Officer shall deliver a ballot paper to each Board Member, or post it to his usual place of abode. The Board Member shall post it back to the Returning Officer, addressed to the Registered Office of the Union, or shall place it in the locked and sealed container kept in the aforesaid office. The close of the ballot shall be 8.15 p.m. on the night of the normal December Board meeting, being the 2nd Tuesday in the December referred to in rule 8 (i). The Returning Officer shall count the votes recorded immediately after the close of the ballot, declaring the members elected to the positions concerned who have the highest number of votes in their particular ballot. The new General Trustees shall take office immediately, but those previous officers who had to sign Union cheques shall continue to do so when called upon until the Bank has the signatures of the new officers registered.

DUTIES OF OFFICERS

10 - GENERAL PRESIDENT

The General President shall be the recognised head of the Union. He/she shall preside at all Special and Board meetings, and see that same are conducted in a proper manner. He/she shall be empowered to instruct the General Secretary and to call Board Meetings in case of emergency, and generally to ensure the well-being and objects of the Union. In case the votes at any time be equal, he/she shall exercise the privilege of giving a casting vote only. He/she shall, subject to the provisions of Rule 37(a), be authorised to sign cheques and approve electronic funds transfers.

11 - GENERAL VICE-PRESIDENT

The duties of General Vice-President shall be to assist the General President at all Special and Board Meetings, and take the chair and conduct the meeting with full presiding powers in the absence or illness of the General President. He/she shall, subject to the provisions of Rule 37(a), be authorised to sign cheques and approve electronic funds transfers.

12 - GENERAL SECRETARY

The General Secretary shall be the principal executive office of the union. The duties of the General Secretary shall be to keep or cause to be kept a detailed account of all moneys received and expended on behalf of the Union and all other necessary accounts, convene all meetings, attend and take or cause to be taken minutes of same, attend to all correspondence, keep a copy of all correspondence, attend and assist the Auditor when auditing, sign all clearance cards, prepare all returns, pay, or cause to be paid, all monies, into the union's account at the Bank or to the General Treasurer as soon as possible after the receipt of same, investigate all disputes, and report fully to the Board produce all books for inspection and read the state of the finances whenever required by the Board or by a Special meeting of the Union. He/she shall in all meetings of the Union or the branch, be allowed the right to speak and, if a member, to vote. He/she shall use every endeavour to advance the interest of the Union. He/she shall be the custodian of the movable property of the Union. He/she shall keep a register of the members of the Union admitted, died and left, prepare a list of all members in arrears, which shall be read at any meeting the Board may direct, and strike off the register any member of the Union twelve months in arrears of dues but without freeing such person from arrears due. He/she shall, subject to the provisions of Rule 37(a), be authorised to sign cheques and approve electronic funds transfers. He/she shall be the authorized signatory for the Union on all contracts, agreements, legal documents not otherwise named herein and any other documents requiring a signature on behalf of the Union.

In the course of his/her duties he/she shall have power to engage or dismiss clerical or other staff to carry out duties associated with the business of the Union.

12A - GENERAL ASSISTANT SECRETARY

The duties of the General Assistant Secretary shall be to assist the General Secretary to perform all or any of the duties of General Secretary. In the absence of the General Secretary he/she shall assume the full duties of the General Secretary. He/she shall perform any other duties as requested by the General Secretary or the Board of Control. He/she shall, subject to the provisions of Rule 37(a), be authorised to sign cheques and approve electronic funds transfers.

13 - GENERAL TREASURER

The duties of General Treasurer shall be to produce when required all books in his/her possession for the inspection of the Auditor, and bank any monies received on behalf of the Union. He/she shall, subject to the provisions of Rule 37(a), be authorised to sign cheques and approve electronic funds transfers. The General Treasurer shall receive as remuneration such sum as the Board may decide.

14 - GENERAL TRUSTEES

Their duties shall be to carry into effect any resolution of the Board regarding the investment of funds or control of the property subject to Rules and provisions of the Industrial Arbitration Act.

15 - AUDITOR

- (a) The financial year of all branches and the Union shall terminate on 30th June in each year.

Branches shall from time to time appoint an Auditor (who shall be a duly qualified public accountant) who shall no later than 30th August each year, examine all books and documents of the branch relating to finance and render to the Branch, a full and true Statement (including report and balance sheet and inventory of the goods) regarding the same which shall be read at the November meeting of the Union.

- (b) The Board shall appoint an Auditor (who shall be a duly qualified public accountant) who shall no later than 30th August each year examine all books and documents relating to the finance of the Union and all monies received from all sources and all monies disbursed by the head office, and render to the Board a full and true statement (including report and balance sheet and inventory of goods) regarding the same, which shall be read at the November meeting of the Union.
- (c) The Board may, if deemed necessary, appoint one Auditor (who shall be a duly qualified public accountant) to examine all books and documents relating to finance in respect of any one or all branches of the Union at any time."

16 - STEWARDS

The General Secretary, Organisers or the members in any shop may appoint a Steward, whose duties shall be to induce non members to join, and to collect all contributions, fines and levies from such members, and pay the same over to the General Secretary or Organiser or the Secretary of their particular Branch, within not more than three clear days after each pay day. Each Steward shall be supplied with a collecting book wherein all monies received on behalf of the Union shall be entered. Each Steward shall submit his book for inspection by the Auditor when required.

Stewards shall report to the General Secretary or Organisers or the Secretary of their particular Branch any dispute arising in the shops. They shall be allowed as salary commission on their gross collections as determined by the Board. A Steward may be removed for just cause at any time by the General Secretary or Organiser or by the members in the particular shop.

17 - ORGANISERS

The duty of the Organisers shall be to organise when and where the General Secretary may direct and in such places as new members may be enrolled, to exercise policing powers when necessary and report to each meeting of the Board, and to advise on matters under discussion before the Board, but not to vote at Board meetings.

18 - MEETINGS

- (a) The Board shall meet on such nights and at such places as may from time to time be agreed upon, but in the event of anything occurring that requires immediate attention, the General Secretary and General President shall have power to call a meeting at any time.

- (b) The Union shall hold an Annual General Meeting in November of each year.
A Special Meeting of a Branch may be convened at any time by the Secretary or President of the Branch or by the General Secretary of the Union.
- (c) The General President shall, on receiving a requisition signed by at least one per centum of the financial membership of the Union, instruct the General Secretary to call a Special Meeting of the Union. Only business contained in the requisition shall be discussed at such Special Meeting.
- (d) Special Meetings, General Meetings, and Summoned Meetings of a Branch and Special Meetings of the Union shall be called by advertisement in a newspaper circulating in the locality affected, at least three days before the holding of the meeting.
- (e) An official appointed by the Board shall visit all Branches whenever required by the Board.
- (f) Meetings of members employed in specified industries may be held provided the business transacted thereat is applicable and limited to the particular industry.

19 - QUORUM

- (a) At board meetings a majority shall form a Quorum. At special meetings of the Union, twenty (20) members shall form a Quorum.
- (b) At all special, general and summoned meetings of all branches, five members shall form a quorum, and at annual meetings, nine (9) members shall form a quorum.
- (c) At all Special, general and summoned meetings of members in industries which employ relatively few workers, nine (9) members shall form a quorum. This provision shall apply to other than those employed in the metropolitan area in retail shops, wool, hide and skin stores, or oil stores. Where a branch or industry has less than thirteen (13) members a majority shall form a quorum.

20 - VOTING

Except as provided for in the election of members of the Board and Organisers, and Branch Officers and Delegates, voting shall be by show of hands, except where a division is called for by two or more members, or where the President or Chairman, exercising the prerogative herein conferred, directs that a division be taken. Any member voting against a motion may have his name recorded. Any member three months or longer in arrears shall not be permitted to vote at any meeting of the Union.

21 - ALTERATION OF RULES

- (1) The Union shall have the right to make Rules for its own use and guidance. Rules may be amended, added to, varied, repealed by notice of any proposed alteration to the rules being given by any member to the Secretary in writing. The same shall be laid before the Board of Control or before a special meeting of the Union which may amend, add to, vary or repeal the Rules or any part of them in accordance with the proposal in the said notice or any reasonable amendment of same.

- (2) No amendment, addition to, variation, repeal, or substitution, of these Rules shall be made unless a notice of the proposed alteration, and the reasons therefor, are:
 - (a) sent to each work place for the attention of all members; or
 - (b) published in a Union magazine which shall be distributed to all members.
- (3) In the notice referred to in sub-rule (2) members are to be informed that they or any of them may object to the proposed alteration by forwarding a written objection to the Industrial Registrar to reach him no later than 21 days after the date of issue of the notice in (2)(a) above or 21 days after the date of issue of the magazine as in (2)(b) above, as the case may be.

22 - INDUSTRIAL AGREEMENTS

All industrial agreements, deeds and other instruments on behalf of the Union shall be made and executed under seal, subject to endorsement by a majority of the members to whom the instrument is to apply in accordance with relevant legislative provisions.

Such documents after being approved, shall be signed and executed by the General President and General Secretary.

23 - REPRESENTATIVES

The Union shall be represented before the Court of Arbitration by the General Secretary or by such other person as the Board shall decide. Any such other person may be appointed at any meeting of the Board when the necessity arises. They shall not move the Court without instructions from the Board.

24 - SEAL

The Union shall have a seal which shall bear the words "The Shop, Distributive and Allied Employees' Association of Western Australia".

The seal shall be in the custody of the General Secretary, and shall be affixed to all documents emanating from the Union requiring to be sealed.

25 - INSPECTION OF BOOKS

The books and register of members of the Union may be inspected by every person having an interest in the funds of the Union, at any time convenient to the General Secretary.

26 - CONSTITUTION

The Union shall consist of an unlimited number of members employed or usually employed in any of the following industries or vocations:

- (a) The sale of goods or wares, or the rendering of services by or in connection with wholesale or retail trade in any place establishment or shop (other than an hotel) and cashiers in shops.

- (b) Storemen, packers, dispatch hands, canvassers, collectors and others employed in or in connection with the receipt, storing, sale or dispatch of goods or wares in any place, shop, warehouse, manufacturing establishment, or assembly plant.
- (c) In oil stores or installations (other than oil refineries) in or in connection with the cleaning, rumbling, lacquering or reconditioning of drums and containers, packing, stacking, storing, receiving, despatching, blending or preparing of oil, greases, petrols, bitumen, and all petroleum products and bitumenous products or goods or wares.
- (d) In wool, skin and hide stores, or wool scouring establishments: whether employed by exporters, importers, brokers, dealers, agents, or any manner whatsoever: in or in connection with classing, sorting, dumping, piece picking, packing, storing, receiving or despatching of goods or wares.
- (e) In Government-owned stores (other than those controlled by The West Australian Government Railways Commission or the General Manager of the Western Australian Government Tramways and Ferries): in or in connection with the receipt, storing, packing, despatching, or sale of goods or wares.
- (f) In markets or other places of trade that buy, sell, auction, export, import or deal in fruit, vegetables, produce, flowers, poultry or fish: in or in connection with the sale, storing, packing, receiving or despatching of goods or wares.
- (g) In cold stores: in or in connection with the sale, storing packing, receiving or despatching of goods, or wares.
- (h) In iron or steel stores or explosives stores: in or in connection with the sale, storing, packing, receiving or despatching of goods or wares.
- (i) In or in connection with the wine and spirit industry in wholesale warehouses where wines and/or spirits are bottled and/or broken down.
- (j) Hairdressers and wigmakers employed within the portion of the State of Western Australia south of the 26th parallel of south latitude.
- (k) In the employ of the Union as a paid official.

Provided that no person who is or who is eligible to be a member of the West Australian Cleaners, Caretakers, Lift Attendant, Window Cleaners, Attendants and Watchmans Industrial Union of Workers, Perth. West Australian Branch Australasian Meat Industry Employees Union, Industrial Union of Workers, Perth. Australian Workers' Union, Westralian Branch, Industrial Union of Workers, Transport and Motor Operators, Union of Workers, Perth, State Executive and registered affiliated Branches of Australasian Society of Engineers, Industrial Association of Workers, Amalgamated Engineering Union of Workers, Collie Branch. Amalgamated Engineering Union of Workers, Kalgoorlie Branch, Amalgamated Engineering Union of Workers, Northam Branch, Electrical Trades Union of Workers of Australia (Western Australian Branch) Perth, Electrical Trades Union of Workers of Australia (Western Australian Goldfields Sub-Branch) Kalgoorlie, Federated Clerks Union of Australia, Industrial Union of Workers, W.A. Branch, Western Australian Amalgamated Society of Carpenters and Joiners, Industrial Union of Workers, The West Australian Plumbers and Sheet Metal Workers Industrial Union of Workers, The Operative Painters and Decorators Industrial Union of Workers, Perth, The Hotel, Club Caterers, Tea Room and Restaurant Employees' Industrial Union of Workers, Perth, The Waterside Workers' Federation of Australia, Union of Workers, (Fremantle Branch) The West Australian Midland Railway Employees' Industrial Union of Workers, Coastal and

E.G. Government Water Sewerage & Drainage Employees' Industrial Union of Workers, West Australian Amalgamated Society of Railway Employees' Union of Workers, as registered with the Court of Arbitration at the date of the registration of this Constitution shall be eligible to become a member of this Union.

No person shall be a member of the Union (except in the capacity of an honorary member) who is not a worker within the meaning of the Industrial Arbitration Act, 1912-1975.

The Union shall comprise only those persons who are referred to in this constitution, and who are employed or are usually employed within the state of Western Australia.

27 - MEANS

- (a) Contributions payable by members of the Union shall be as determined by the Board of Control from time to time.
- (b) Any member of the union who is a full time paid official of the Union shall pay a contribution in accordance with this rule.
- (c) Any member three months or more in arrears with any contribution, levy or fine shall be deemed an unfinancial member.
- (d) Where an associated body requires payment to that associated body of an amount for membership dues by a person who is a member of the Union, the Board of Control of the Union may pay such amount on behalf of that person without depriving such member of the Union of his or her financial status as a member of the Union by reason only that such deduction and payment is made.

For the purpose of this rule "Associated Body" means that branch of a Federally Registered Organisation having the same or substantially the same coverage or membership in the state of Western Australia, as the Union and which has been recognised by the Board of Control of the Union as an Associated Body for the purpose of this rule for as long as such recognition is not withdrawn.

28 - LEVIES

Any Special Meeting of the Union may make a levy upon all members for the purpose of carrying out the objects of the Union should emergency arise by which it is necessary to increase the funds of the Union, but in no case shall the levy exceed three months' contributions.

29 - NEW MEMBERS

- (a) An applicant eligible for membership shall fill in the application form provided and forward same together with the prescribed fee to an authorized representative of the Union who shall forward same to the General Secretary who shall submit the application to a meeting of the Board of Control for acceptance.
- (b) The General Secretary may also establish facilities that enable applicants eligible for membership to make application and pay the prescribed fee using a website or other suitable means. The General Secretary shall submit any applications received using such facilities to a meeting of the Board of Control for acceptance.

30 - RESIGNATION OF MEMBERS

~~Subject to the provisions of the Industrial Arbitration Act, 1912-1975 no member shall discontinue his membership by resignation without giving at least three months' previous written notice of his intention to do so, or paying a sum equal to three months' contribution in lieu of notice, nor until he has paid all dues payable by him to the Union under its rules up to the date on which his resignation takes effect, or has obtained a clearance card.~~
(Disallowed - See Order No. 461/96 of 23 May 1996)

31 - CLEARANCE CARDS

Any member wishing to draw his clearance shall notify the General Secretary or Organiser or, if a member of a Branch, the Secretary of his particular Branch, in writing, of his intention, and shall pay all dues owing to the Union under its Rules. The General Secretary or Secretary of the Branch shall then grant the clearance.

32 - UNDESIRABLE MEMBERS

Any person of bad moral character may be refused admission to membership of the Union, or should any such person have become a member, any Meeting of the Union may resolve, on the vote of a majority of the members present thereat, to expel such member subject to compliance with the Industrial Relations Act 1979 and any directions made thereunder. Provided that the notice of the proposed motion has been sent to the accused member who shall be heard in his own defence if he so desires, and the purpose of the meeting advertised.

33 - SUSPENDED OFFICERS - APPEAL

Any officer or member of the Board or any officer of a Branch who has been suspended or fined by the Board or whose position has been declared vacant by the Board, or any member of the Union who has been fined by the Board, shall have the right of appeal to a Special Meeting of the Union which the General Secretary shall immediately convene upon receipt of notice of appeal from such officer or member.

At such meeting, an officer of the Union on behalf of the Board shall state the offence of which the officer or member is accused, and if he so desires, the officer or member shall be heard in his defence, after which a vote of the members present shall be taken as to whether the action of the Board be upheld; or in cases where the officer or member of the Board, or officer of a Branch has been suspended whether a fine would be sufficient punishment, or whether the decision of the Board should be reversed.

Should a fine be inflicted, the Board shall fix the amount which shall not exceed Ten dollars (\$10.00). Should the explanation be satisfactory, the officer or member shall be reinstated forthwith.

Any person removed from office in the Union in accordance with this Rule or Rule 7, shall not be entitled to be re-elected as an officer or delegate of any Branch at any future date, unless with the express consent of a Special Meeting of the Union, and in no case before the expiration of two years from the date of such removal.

34 - COMPENSATION

If any member of the Union be injured or killed whilst at work, and it is shown that such injury or death was not caused by the member's own negligence or default, the Union shall use every effort to secure adequate compensation for himself if injured, or provisions for his dependants if killed.

35 - DEPUTATIONS

Members appointed to transact Union business shall use all possible dispatch in fulfilling their missions, and in all cases, make a report of the proceedings, and lay the same before the following meeting of the Union or of the Branch according to their appointment. Members neglecting to comply with these instructions shall forfeit all claim for time lost and expenses incurred.

Member shall be paid the ruling award rate, plus expenses. When engaged on the Union's business at such distance that they cannot return home at night, fares and accommodation expenses shall be paid in addition.

36 - RECOVERY OF DUES

All fines, fees, levies and dues payable by members for any period of membership subsequent to registration of the Union under the Industrial Relations Act 1979, may be sued for and recovered in any Court of summary jurisdiction by any officer or person empowered to do so.

37 - FINANCIAL

- (a) All funds shall be paid into an approved bank or financial institution by the General Secretary or as he/she may direct, subject to approval of the Board first had and obtained. Funds shall only be withdrawn by cheque signed by any two of the following:

General President
 General Vice-President
 General Secretary
 General Assistant Secretary
 Treasurer

Funds may be withdrawn by means of electronic funds transfer provided that the authorisation of any such electronic funds transfer shall be the same as that prescribed by these Rules for the signing of cheques. All accounts, other than petty expenses, shall be paid by means of cheque or electronic funds transfer.

- (b) Branches may open accounts with a Bank or financial institution in their locality approved by the Board and pay all funds into the credit of the Branch account.
- (c) Subject to the authority conferred by clause (d), funds standing to the credit of the Branch shall be withdrawn by cheque signed by the Secretary, Treasurer and one Trustee of the Branch.
- (d) Authority to withdraw Branch account funds may be conferred by the Board to the officers of the Branch above mentioned.

- (e) Should no such authority be given by the Board, or any authority given be cancelled by the Board, the funds of a Branch may be withdrawn by cheque signed by the General Secretary, General Treasurer, and one of the General Trustees.

38 - APPLICATION OF FUNDS

No part of the funds or property of the Union shall be paid for or applied for, or in connection with, or to aid or assist any person engaged in any strike or lock-out within Western Australia.

39 - DISPUTES

Should any infringement of the rights or privileges of the members be attempted by the employers, the members concerned therein shall lay the complaint before the Board, which shall deal with the same, and, if necessary, appoint a deputation to wait upon the employers and endeavour to adjust the dispute. All industrial disputes in which the Union or any of its members may be concerned shall, unless settled by mutual consent, be referred for settlement pursuant to the Industrial Relations Act, 1979. If a member receives from an employer notice of a reduction of wages or increased hours of labour he shall immediately give notice thereof to the General Secretary, who shall advise the General President, and, if necessary, call a Special Meeting of the Board to deal with the matter.

40 - RETURNS TO REGISTRAR

- (a) The General Secretary shall within one calendar month after the completion of the yearly audit of accounts, deliver to the Registrar a duly audited balance-sheet of the assets and liabilities of the Union as at the 31st October, and also a duly audited statement of the receipts and expenditure during the year preceding that date.
- (b) In the month of January in every year there shall be forwarded to the Registrar a list of the members and officers (including General Trustees) of the Union as at the close of the last preceding month.

41 - DISSOLUTION

No vote of the members shall be taken for the purpose of dissolving the Union so long as there be more than 14 members in favour of carrying on the Union.

42 - DISMISSAL OF MEMBERS

Should any member of the Union be dismissed from his employment for taking part in any matter connected with the Union, the members shall stand to him, provided the Board approves of his action. In such a case, pecuniary assistance may be granted to the member.

43 - COMPLAINTS

A book shall be kept on the table of the office, in which shall be recorded all complaints regarding members or employers. The name and address of any member making a complaint shall be lodged with the General Secretary and the complaint shall be considered at the next meeting of the Board. All complaints shall be strictly confidential.

44 - SUPPLYING RULES

A printed copy of the Rules for the time being shall be supplied by the Secretary to any member applying for same.

45 - STANDING ORDERS

Where not otherwise provided for the following shall be the order in which the business of each or any meeting of the Union or of a Branch shall be conducted.

- (a) The General Secretary or Secretary of the Branch shall read all minutes not previously confirmed, which shall then be put for confirmation. No discussion shall be allowed except as to their correctness.
- (b) Business arising out of minutes of previous meeting.
- (c) Nomination and election of officers.
- (d) The General Secretary or Secretary of the Branch shall read all correspondence which shall be held as received unless a contrary motion be carried. Correspondence shall not be read at Branch meetings, unless it specifically concerns such Branch or is referred to the Branch by the Board of Control, Correspondence not received shall not be discussed.
- (e) Applications for membership and the reading of names of new members for acceptance or rejection by motion.
- (f) Financial statement and reports.
- (g) Notices of Motion: No notice of motion given shall be proceeded with unless the member who has given such notice or someone authorised by him, be present when the business is called in order. Notices not proceeded with shall be struck out.
- (h) Passing of accounts.
- (i) General business.
- (j) Good and welfare of the Union.

Meetings shall conclude before or at 10.35 p.m. unless extended by motion before 10.15 p.m.

46 -

- (a) Any member desiring to speak shall rise and address the President or Chairman as the case may be. If two or more members rise at the same time, the President shall call upon the member who in his opinion first rose to speak.
- (b) Any motion not seconded shall lapse, and shall not be debated. All motions before being put shall be read from the chair.

- (c) When a motion has been proposed and seconded, the President shall at once proceed to take the vote thereon unless a member rises to oppose it, or to propose an amendment. No more than two members shall speak in succession either for or against any question before the meeting, and if at the conclusion of the second speaker's remarks, and upon a call from the President, no member rises to speak on the opposite side, the motion or amendment shall at once be put to the vote which shall be taken in accordance with Rule 20.
- (d) A motion may be superseded at any time by another motion that the next business be proceeded with being resolved in the affirmative (provided that no member who has spoken shall be competent to move this question) or by an adjournment of the meeting, or that "the question be now put" being carried in the affirmative.
- (e) A motion for the adjournment of the meeting or adjournment of the debate, may be proposed at any time during such meeting or debate, and shall be at once put to the meeting by the President, unless time is mentioned. An amendment to alter the time can be proposed upon a motion, only if time is mentioned as part of such motion and can apply only thereto.
- (f) A notice of motion shall be required only for the purpose of rescinding or altering of the rules or some resolution previously carried.
- (g) Any motion not seconded shall lapse and shall not be debated. All motions before being put shall be read from the chair.
- (h) A motion may be altered or amended during the debate by striking out certain words, or adding certain words, or by striking out certain words and inserting other words in their place. Such alteration or amendments shall be resolved by a majority of the votes.
- (i) An amendment proposed and not seconded shall lapse and not be debated or recorded.
- (j) Only one amendment shall be received at one time. If the amendment be carried, it shall become the motion. It will be competent whether the amendment be carried or not, to receive other amendments one at a time to be disposed of in like manner, until the question has been finally dealt with.
- (k) No member can speak after the motion has been put by the President or during a division, except to a point of order.
- (l) No member shall vote who was not present when the question was first put. Every member present during a division must vote or his vote will be counted with the side on which he is sitting.
- (m) Any member speaking shall at once resume his seat if the President rises to speak, or if a point of order is raised, and shall not resume his speech until the point of order has been decided.
- (n) The mover of any motion shall be allowed ten minutes to introduce it, and five minutes to reply.

No other member shall be allowed to speak for more than five minutes at any time except an extension is granted by a majority of the members present.

A member can speak once upon any question before the meeting, except in reply to a motion or in explanation or correction of matter during debate or upon a point of order.

- (o) It shall be competent by a vote of two thirds of the members present at a meeting to suspend any standing orders herein contained, provided the effect of such suspension shall not be rescinding of any of the resolutions previously adopted by the meeting.
- (p) If any member refuses to obey the ruling of the President, it shall be within the power of the meeting to take such action as it may deem necessary regarding such member.
- (q) Whenever the word "President" is used in this Rule, it shall mean the General President or the President of a Branch as the case may be.