

RULES
of
LOCAL GOVERNMENT, RACING AND CEMETERIES EMPLOYEES
UNION (WA)

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RULES
of
THE LOCAL GOVERNMENT, RACING AND CEMETERIES EMPLOYEES
UNION (WA)

1 - NAME OF UNION

The name of the Union shall be the Local Government, Racing and Cemeteries Employees Union (WA).

2 - DEFINITIONS AND INTERPRETATION

In these Rules, unless there be something in the subject or context inconsistent therewith, the following words and expressions shall have the several meanings hereby assigned to them, that is to say:

"Act" means the Industrial Relations Act 1979 as amended from time to time.

"Conference" means the supreme governing body of the Union.

"Executive" or "Union Executive" means executive of the Union.

"Extraordinary vacancy" means a vacancy occurring in any office, seat or position after an election or an appointment thereto and before the expiration of the period for which the person who has last vacated the office, seat or position, in any manner whatsoever, was elected or appointed.

"Financial member" means a member not unfinancial pursuant to Rule 17 of these Rules.

"Financial Year" shall mean a year commencing 1st of July and finishing on the 30th of June the following year.

"General Secretary" means Secretary of the Union.

"Industry" means the industry in connection with which the Union is formed.

"Life Member" means member upon whom life membership of the Union has been conferred pursuant to these Rules.

"Member" means member of the Union.

"Membership" means membership of the Union.

"Office" means -

- (a) the office of President, Vice-President, Secretary, Treasurer or other executive officer, by whatever name called, of the Union.
- (b) the office of a person holding, whether as trustee or otherwise, property of the Union or property in which the Union has any beneficial interest; and
- (c) every office within the Union of the filling of which an election is conducted within the Union.

"Officer of the Union" means a member of the Union holding "office" as defined in this Rule.

"Organisation" means an organisation registered under the Act, and/or an organisation registered under the Fair Work Act 2009, as amended from time to time.

"Registrar" means the Registrar of Industrial Unions as appointed under the Act.

"Seat" means the position on the Executive of a member of the Executive.

"These Rules" means the Rules of the Union as they exist from time to time.

"Union" shall mean the Local Government, Racing and Cemeteries Employees Union (WA).

Words importing the singular number only shall include the plural number and words importing the plural number only shall include the singular number. Words importing the masculine gender only shall include the feminine gender.

3. CONSTITUTION

This Union shall consist of members who have paid an entrance fee or have been admitted on clearance and who are employed by any City Council, Municipal Council, Health Board, Road Board or, the Board or governing body of any Park, Reserve or Racecourse, or Cemetery Boards, or by any body or person acting for, under or on behalf of any of the abovementioned Local Governing bodies or authorities, but shall not include staff officers, nor clerical workers. Nor shall the membership include workers who are eligible to belong to the Amalgamated Road Transport Union of Workers, Perth, and who are employed otherwise than on the regular staff or payroll of a Park, Reserve or Racecourse governing body.

This Union shall also consist of members who are paid or full-time Officers or Officials of the Union or any other persons employed by the Union whilst so employed or elected and such members shall be entitled to all the benefits and privileges of membership and shall be deemed for all purposes of these rules to have been or be working in the industry of the Union.

No person shall be a member of the Union (except in the capacity of an honorary member or a member who or whose personal representative is entitled to some financial benefit, or financial assistance under these rules while not being a worker) who is not a worker within the meaning of the Act.

Every member shall be a worker within the meaning of the Act, and shall be not less than fourteen (14) years of age.

This Union may admit to membership any person referred to in this rule employed or usually employed, or residing within the State of Western Australia.

4 - PURPOSES OF UNION

The purposes of the union shall be those purposes for which the Union is formed, namely:

- (a) To protect and improve to the fullest possible extent the interest of members, and in particular, and without limiting the ordinary meaning of those words -
 - (i) to obtain and maintain fair wages, hours of work and other conditions of employment of members, either by award, industrial agreement or other lawful means;
 - (ii) to protect the interests of the industry;
 - (iii) to promote industrial peace by all means of conciliation and arbitration;
 - (iv) to endeavour to prevent lockouts and strikes between employers and members;
 - (v) to secure redress for any grievances to which members or any of them may become subject; and
 - (vi) to secure preference of employment for members.
- (b) To render legal assistance to members to enable them to enforce their rights under any law relating to industrial arbitration or to compensation for illness or injuries.
- (c) To relieve financial distress of members or near relatives of deceased members in cases of need, and for that purpose to establish a Provident Fund.
- (d) To provide funds for the conduct of legal and other proceedings -
 - (i) to enforce payment of entrance fees, subscriptions, fines and levies payable or believed to be payable to the Union;
 - (ii) to obtain awards and industrial or other agreements, and the variation, extension or termination thereof;
 - (iii) to resist any action taken or about to be taken by any employer or by any organisation or association or by any trade or industrial or other union which may be prejudicial to the interests of the Union and its members; and
 - (iv) to attain otherwise any of the purposes of the Union.
- (e) To acquire, either as freehold or leasehold or otherwise, real estate for the use of the Union.
- (f) To invest, funds in securities and projects authorised by law.
- (g) To establish or publish a newspaper, magazine, journal or other publication for the furnishing of information concerning the Union and matters of interest generally to members.

- (h) To promote or assist financially or otherwise in the promotion and/or publication of a newspaper, magazine, journal or other publication having for its policy the promotion of the cause of Labor.
- (i) To assist in any deserving cause of hardship respecting a member or members of another organisation or industrial or other union which cause is officially endorsed by such other organisation or union, if that organisation or union concedes reciprocal rights and privileges to members of the Union.
- (j) To further political objects.
- (k) To absorb into membership the members of an organisation, association or union, whether registered or not, provided such members are qualified according to the rules of the Union.
- (l) To affiliate with any body established for the protection and promotion of the cause of Labor.

5 - REGISTERED OFFICE OF UNION

- (1) The registered Office of the Union shall be at 112 Charles Street, West Perth, or at such other place as the Executive may decide from time to time.
- (2) The General Secretary shall notify the Registrar of any change of address of the Registered office of the Union.

6 - REGISTERED OFFICER OF UNION

- (1) General Secretary shall be the registered officer of the Union and they shall have the power to sue on behalf of the Union for all entrance fees, subscriptions, levies and fines due and owing to the Union and in any other matter as to, which they are so authorised by the Conference or Executive in which the Union may institute proceedings in law or in equity either pursuant to these Rules or otherwise.
- (2) For the purposes of sub-rule (1) hereof the General Secretary is hereby invested with all powers and authorised as necessary or convenient in that regard.

7 - ZONES OF UNION

- (1) For the purpose of election of delegates to Conference and such other purposes as permitted by these rules, each Member shall be allocated to one of the Zones provided for in sub rule (2) based on the definitions of the Zones in sub rule (3):
- (2) The Zones of the Union shall be:
 - 2.1 Metropolitan Zone;
 - 2.2 Rural Zone;
 - 2.3 General Zone;
- (3) The Zones shall be defined as follows:
 - 3.1 Metropolitan Zone:

All Local Government entities constituted under the Local Government Act 1995 whose boundaries fall within the outer boundaries of the City of Wanneroo, City of Swan, Shire of Mundaring, City of Kalamunda, City of Kwinana, and City of Rockingham. The number of delegates to be elected from this Zone shall be one.

3.2 Rural Zone:

All Local Government entities constituted under the Local Government Act 1995 whose boundaries fall outside the Metropolitan Zone. The number of delegates to be elected from this Zone shall be four.

3.3 General Zone:

All other Members who are not employed by a Local Government entity as constituted under the Local Government Act 1995. The number of delegates to be elected from this Zone shall be two.

- (4) A Member who has more than one employer that entitles that member to Membership and who could be allocated to more than one Zone, is to be allocated to a Zone on the basis of the predominant employer.
- (5) The Conference has the power to change the Zone allocation from Metropolitan to Rural Zone for any Member where changes to the boundaries or structure of an existing Local Government within the Metropolitan Zone change for any reason including (but not limited to) amalgamation resulting in part of the new entity falling partly outside the Metropolitan Zone-only if majority new entity's land falls outside the boundaries of the Metropolitan Zone.
- (6) The Conference has the power to change the Zone allocation from Rural to Metropolitan Zone for any Member where changes to the boundaries or structure of an existing Local Government within the Rural Zone change for any reason including (but not limited to) amalgamation resulting in part of the new entity falling partly inside the Metropolitan Zone-only if the majority of the new entity's land falls within the boundaries of the Metropolitan Zone.

8 - FUNDS OF UNION

- (1) The funds of the Union, consisting of entrance fees, subscriptions, levies, fines and other income from any source shall be used for the purposes of the Union as prescribed by Rule 4 of these rules, and in necessary expenses of management.
- (2)
 - (a) Subject to this Rule Union funds and all real and personal estate belonging to the Union in the hands of the Union shall be under the control of the Executive.
 - (b) Union Funds and all personal estate other than securities belonging to the Union in the hands of the Union shall be in the custody of the Executive.
 - (c) Real estate and securities belonging to the Union in the hands of the Union shall be vested in the Trustees, and shall be held by them in trust for the Union.
- (3) Union funds shall be banked in a Bank or such other accredited and licensed financial institution as the Executive may decide, from time to time.

- (4) All cheques drawn on Union funds shall be signed by the Treasurer and shall be countersigned by the President and the General Secretary: Provided that in the case of absence of any of such persons or of their inability to sign cheques the Executive may appoint a member of the Executive to sign in place of the absent or unable person either generally or in any particular case.
- (5) No part of the funds or property of the Union shall be paid or applied for, or in connection with, or to aid or assist any person, in the furtherance of any strike.

9 - AUDIT OF UNION FUNDS

- (1) An auditor who is a qualified accountant, and who is not a member of the union shall be appointed by the Executive annually, and at such other time as becomes necessary.
- (2) Immediately prior to Conference and at such other time or times as the Executive directs, the Auditor shall -
 - (a) investigate the books and other documents of the Union appertaining to finance, and audit the accounts of the Union; and
 - (b) furnish to the Executive a report and balance sheet of the union's finances, certifying to the correctness of such report.
- (3) An Auditor shall be deemed to have vacated his position
 - (a) upon death;
 - (b) upon becoming of unsound mind; or
 - (c) upon receipt by the Executive of notice in writing or resignation signed by him,

and the Executive may terminate the services of an Auditor at any time.
- (4) For the purpose of this Rule "qualified accountant" shall mean a registered Public Accountant within the meaning of the Public Accountants Registration Act.

10 - UNION SEAL

- (1) The Union shall have a seal or stamp which shall be of such design as the Executive may determine, and which shall bear the name of the Union.
- (2) The seal or stamp shall remain in the custody of the General Secretary.

11 - ADMISSION TO MEMBERSHIP

- (1) An applicant for admission as a member of the Union shall complete and sign an application Form in the form provided by the Union which they shall lodge with or forward to the General Secretary.

- (2) An application for membership may be accompanied by the entrance fee and subscription, payable in respect of the financial year then current, as provided by Rule 16 of these Rules.
- (3) Immediately upon signing an application form the applicant shall be a member of the Union whether an entrance fee and/or subscription have been paid.
- (4) The payment of an entrance fee and/or a subscription and/or levy and/or a fine shall be held to be conclusive evidence of membership, provided the member is qualified according to these rules.
- (5) An entry in the Computer hard drive records and back up disc records of the Union that a person has been duly admitted as a member of the Union, shall be prima facie evidence that the person is a member and that all formalities necessary to such admission to membership have been duly complied with.
- (6) Notwithstanding any foregoing provision of this Rule, the fact that the requirements of this Rule have not been complied with by or in respect of any person who at the date of commencement of these rules was a member of the Union shall not invalidate that membership, and any such person shall be deemed to have become a member of the Union pursuant to these Rules.

12 - READMISSION TO MEMBERSHIP

- (1) Any person whose former membership of the Union was terminated in any way whatsoever may be readmitted to membership of the Union at the discretion of the Executive: Provided that no person may be readmitted to membership while they owe any money to the Union.
- (2) The provisions of Rule 11 of these Rules shall apply to an application for readmission to membership pursuant to sub-rule (1) hereof.

13 - LIFE MEMBERSHIP

- (1) Conference may confer life membership of the Union upon a financial member who has resigned in accordance with Rule 18 or has retired from the Industry having not less than twenty continuous years of membership of the Union whom Conference considers merits life membership by reason of long years of active and faithful service to the Union.
- (2) A life member shall be obliged to pay all moneys due and owing by them to the Union up to the date upon which life membership is conferred upon them, but thereafter shall not be obliged to pay the Union any entrance fee, subscriptions or levy, but in all other respects a life member shall be entitled to all the rights and privileges and shall be subject to all the obligations of membership.

14 - REGISTER OF MEMBERS

- (1) A register of the members of the Union showing the name and postal address of each member, and a list of the postal addresses and occupations of the officers of the Union, as far as they are known, shall be kept at the office of the Union.
- ~~(2) The register of members shall be purged annually of members who are in arrears and have left the industry and shall be purged of members who are in arrears of~~

~~subscriptions for a period of 12 months, provided that in all cases such purging from the register shall not free the member from the requirement to pay all outstanding fees, fines, levies and subscriptions.~~

(Disallowed - See Order No. 858 of 1996 of 4 July 1996.)

15 - CHANGE OF MEMBERS ADDRESS

- (1) A member who changes his address shall furnish particulars of his new address to the General Secretary within one calendar month of such change.

16 - MEMBERSHIP FEES

- (1) Each member shall pay a subscription annually or periodically an amount and, in a manner, and an amount as determined by the Union Executive from time to time.
- (2) Subscriptions may be paid lump sum annually, half yearly, or quarterly by way of electronic fund transfer, cash, money order, credit card (where such facility to receive exists) or money order, into the Union's nominated trading account. The due date for lump sum payments shall be determined by the initial lump sum payment for the purpose of calculating arrears when as they may fall due.
- (3) Subscriptions may be paid by instalments by arrangement between the Union and the member's employer (as defined in Rule 3 of these rules).
- (4) Provided that any instalment not deducted or otherwise outstanding, at any time, shall continue to be due and payable in accordance with these Rules.

17 - ARREARS OF FEES, ETC.

- (1) Any member whose membership fees are outstanding or in arrears as per the payment option set out in Rules 16 of these rules for a period of three calendar months or longer shall be deemed unfinancial and shall be excluded from the benefits and privileges of membership until such time as those outstanding fees or fees arrears are paid.
- (2) Notwithstanding the provisions of subclause (1) any member so prescribed may apply in writing to the Union Executive for a period of suspension of fees on grounds of hardship. The Union Executive at its discretion may exercise a right to suspend the fee obligation for a fixed period that it determines is reasonable. Such decision will be conveyed in writing to the member. After the expiry of the period determined by Union Executive, the member shall be liable for fee payments as per Rule 16 of these rules excepting the period fee suspension.

18 - RESIGNATION OF MEMBER

- (1) A member may resign their membership of the Union by notice in writing if they cease to be employed in or in connection with the Industry to which the Union has rules coverage and the notice is given not less than two weeks before resignation takes effect. Notice of resignation shall be communicated in writing to the General Secretary.

19 - MEMBER CEASING TO WORK IN INDUSTRY

- (1) Notwithstanding anything contained elsewhere in these Rules, a member who ceases to work in the industry for a period of three months and at the expiration thereof is working in another industry shall thereupon cease to be a member of the Union.
- (2) For the purpose of this Rule an employee of the Union shall not be deemed to have ceased work in the Industry and shall not be declared to have left the Industry by reason of them being an employee of the Union.

20 - OFFENCES AND PENALTIES

- (1) Any member may charge any other member with -
 - (a) contravening or failing to observe any of these rules, the breach of which no penalty is prescribed by the particular rule; or
 - (b) knowingly contravening or failing to observe any lawful direction or resolution of the Union, Conference or Executive constituted by or pursuant to these Rules; or
 - (c) knowingly contravening or failing to observe any lawful and reasonable direction given by any officer of the Union; or
 - (d) any dereliction of any duty imposed on a member of these rules; or
 - (e) misappropriation or misapplication of any of the funds or property of the Union; or
 - (f) divulging the Union's correspondence or business to persons not entitled to know the same; or
 - (g) making false statements or giving false information in relation to the affairs of the Union; or
 - (h) wilfully misrepresenting the affairs of the Union; or
 - (i) conniving at any of the foregoing offences being committed by any other person.
- (2) Action under subrule (1) hereof shall be commenced by a complaint in writing signed and dated by the complainant and lodged with the General Secretary and such complaint shall specify the matter or matters charged.
- (3) The General Secretary shall summons the member charged before the Executive and such member shall receive from the General Secretary, at least fourteen days before the meeting of the Executive notice of the complaint (including the matter or matters charged) and notice of the date, time and place of such meeting. The complainant and the member charged shall be entitled to be present at such meeting and be heard.
- (4) If the Executive finds such a member guilty it may do one or more of the following -
 - (a) impose no penalty;

- (b) impose a censure;
- (c) suspend them from membership or deprive them of any right or benefit of membership for any specified period or until the happening of any specified event or until the performance of any specified act. Suspension from membership shall deprive a member of benefits of membership but shall not relieve him of the obligations of membership and shall not exceed six months for any one offence. If the specified event has not occurred or the specified act has not been done at the expiration of six months from the date of suspension the suspension shall then lapse;
- (d) expel them from the Union.

PROVIDED THAT action shall not be taken under paragraph (e) hereof except on complaint commenced by -

- (i) the Executive on its own motion; or
- (ii) by a member who has lodged a complaint in the manner prescribed by this rule which also contains the additional request that the member so charged by his complaint be expelled.

PROVIDED FURTHER that where a complaint is commenced by the Executive on its own motion the matter or matters, the subject of such complaint shall be determined by a meeting of the Union and the provisions of sub-rule (3) and (4) hereof shall apply to such complaint and determination.

21 - CONFERENCE

- (1) Subject to these Rules the supreme government of the Union shall be vested in Conference.
- (2)
 - (a) Conference shall consist of the Union Executive and of the Union delegates from each of the zones of the Union established pursuant to Rule 7 of these rules.
 - (b) a member of the Executive may take part in all discussions and deliberations of Conference and shall have a vote: Provided that the Chairman shall have a casting vote.
- (3)
 - (a) In addition to powers elsewhere conferred on it by these Rules Conference shall have the general management and control of the affairs of the Union and unless specific provision is made to the contrary it shall have the powers conferred by these Rules on the Executive and it shall have all such powers and authorities as are necessary or convenient for carrying into effect these Rules and the purposes of the Union.
 - (b) Conference may exercise any power conferred on it by these Rules notwithstanding that the Executive has exercised a like power in the same matter and where a decision of Conference is inconsistent with a decision of the Executive, the decision of Conference shall prevail.
- (4) All decisions of the Conference are subject to members assembled in General or Special General Meetings as provided for in these rules.

- (5) The conduct by the Conference of its business or the exercise of any power or function shall not be invalidated by reason of there existing a casual vacancy.

22 - ELECTION OF DELEGATES TO CONFERENCE

- (1) (a) A member shall not be eligible to be a candidate for election as a delegate to Conference who has not been a financial member of the Union for a continuous period of two years as at the actual date for closing of nominations.
- (b) A member shall not be eligible to be a candidate for election as a delegate to Conference if there is reasonable ground for believing that -
- (i) within twelve months prior to the date of their nomination, they are 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.
- (ii) they themselves advocate 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.
- (c) A member shall not be eligible to be or continue to be a delegate to Conference if there is reasonable ground for believing that -
- (i) they are 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.
- (ii) they themselves advocate 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.
- (2) (a) Except as hereinafter provided the delegate from a zone to Conference shall be elected by that zone each four years in the same manner as the election is held for the Union executive and Rule 24 of these rules shall apply Mutatis Mutandis to such election.

23 - UNION EXECUTIVE

- (1) There shall be an Executive, which shall consist of the President, the Vice-President, the Treasurer, the General Secretary, Assistant Secretary, two trustees, and six committee persons as elected from time to time.
- (2) The Officers of the Union for the purposes of the Act, shall be as provided for under the term "officers" in Rule 2 of these Rules.
- (3) Between meetings of Conference the government of the Union in all respects shall be vested in the Executive which for that purpose shall have all powers, authorities, functions and duties of Conference. Nothing in this sub-rule however,

shall affect in any way the powers conferred by these Rules on any specified officer or officers to act in cases of emergency.

- (4) All decisions of the Executive are subject to members assembled in General or Special General Meetings as provided for in these Rules.
- (5) The conduct by the Executive of its business or the exercise of any power or function shall not be invalidated by reason of there existing a casual vacancy.

24 - ELECTION OF EXECUTIVE

- (1)
 - (a) A member shall not be eligible for election as a member of the Executive who has not been a financial member of the Union for a continuous period of 1 year at the at the date on which nominations for election to the Executive close.
 - (b) A member shall not be eligible to be a candidate for election as a member of the Executive if there is reasonable ground for believing that -
 - (i) within twelve months prior to the date of his nomination they were 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.
 - (ii) they themselves 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.
 - (c) A member shall not be eligible to be or continue to be a member of the Executive if there is reasonable ground for believing that -
 - (i) they are 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.
 - (ii) they themselves 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 Commonwealth.
- (2) The Union President, Vice-President, Treasurer and other members of the Union Executive as defined in sub-rule (1) of Rule 23 – UNION EXECUTIVE shall be elected every four years by secret postal vote of the financial members of the Union.
- (3) The Executive shall fix a closing date for the secret postal vote as provided for in sub-rule (3) of this rule. That date and consequent election request shall be made no later than three months prior to the nominal expiry of the terms of office of the holders in the year in which the elections are required to be held.
- (4)
 - (a) A Returning Officer and an Assistant Returning Officer shall be appointed by Conference and subject to paragraph (b) hereof shall hold office as Returning Officer and Assistant Returning Officer until a successor is

appointed. A Returning Officer and an Assistant Returning Officer shall not be the holder of any office in, and not be an employee of the Union.

- (b) A Returning Officer or Assistant Returning Officer shall be deemed to have vacated their position
 - (i) upon death;
 - (ii) upon becoming of unsound mind;
 - (iii) upon receipt by the Executive of notice in writing of resignation signed by them, and the Executive may terminate the services of a Returning Officer at any time.
 - (c) A Returning Officer shall conduct in accordance with these Rules, all ballots arising during his term of office, for the conduct of any such election including the acceptance or the rejection of nominations.
 - (d) An extraordinary vacancy occurring in the office of Returning Officer or Assistant Returning Officer shall be filled by appointment thereto by the Executive.
- (5) The Returning Officer shall call for nominations for the officers by Notice on the Union's website and/or other approved method and in a newspaper generally circulating within the State of Western Australia at least twenty-eight days before the date for the closing of nominations, which shall be at a time and place or in a manner fixed by the Executive and shall be mentioned in the advertisements.
- (6) Subject to these Rules, and to any direction by the Executive not contrary to these Rules, a Returning Officer shall determine the procedure for each election, provided that:
- (a) The General Secretary shall compile a roll of members eligible to vote containing the names and addresses of all such members, and for this purpose no names of members who become financial after the date of closing of nominations shall be included.
 - (b) Nominations in writing, signed by the candidate and endorsed by at least three financial members, must be made at the time and place, or in the manner mentioned in the advertisement. If the Returning Officer finds any nomination to be defective they shall, before rejecting the nomination, notify the person concerned of the defect and, where it is practicable to do so, shall give such member seven (7) days from the date of his being so notified in which to remedy the defect.
- A candidate shall not be permitted to nominate for more than one position on the Executive.
- (c)
 - (i) A member nominating for the position of a zone delegate shall not be eligible to nominate for any position on the Executive. A zone delegate may nominate for any position on the Executive and vice-versa but if elected shall immediately upon election cease to hold office in the office they was holding at the time of the nomination.
 - (ii) There shall be separate ballot papers for the election of zone delegates and for the Executive.

- (d) Where, after the closing of nominations, there are more candidates than the number required for any office, the Returning Officer shall have ballot papers printed and obtain a certificate as to the number of ballot papers printed and that they shall forthwith notify each candidate whether or not there are more than the required number of candidates for the office for which the candidates have nominated.
- (e) The names of the candidates for any position shall be printed on that portion of the ballot paper relating to the election for that position in such order as is determined by lot drawn by the Returning Officer in the presence of at least, one Assistant Returning Officer and two other members selected by the Executive for that purpose.
- (f) Ballot papers issued to voters shall be numbered with distinguishing numbers or letters to identify with the Zones in order that the Returning Officer may complete his return. Each ballot paper shall be initialled by the Returning Officer before being forwarded to a voter.
- (g) The Returning Officer in conducting the secret postal ballot shall forward by pre-paid post a ballot paper to each member recorded on the roll of members as prescribed in this Rule so as to reach them at least twenty-one days before the closing of the ballot.
- (h) The ballot paper may be returned in a stamped envelope (provided by the Returning Officer at no expense to the voter) addressed to a private post office box and being a private box used exclusively for that purpose, rented in the name of the Union and the keys of such box shall, before the ballot papers are sent out, be placed in the hands of the Returning Office; or may be placed in a sealed ballot box provided for that purpose by the Returning Officer.
- (i) The Returning Officer may collect the ballot papers from the post office box and retain them in the sealed ballot box pending the completion of the ballot. The Returning Officer shall collect all the ballot papers returned. The Returning Officer shall proceed to the count or counting of the ballot at noon on the day of the closing.
- (j)
 - (i) All voting shall be by simple majority ("First past the Post") based on the principle of one member one vote. Where candidates for a particular office obtain an equal number of votes further secret postal votes of all financial members shall take place between these candidates at intervals of not less than three months until one candidate is elected.
 - (ii) The Returning Officer shall declare the result of each ballot to the next meeting of the Executive after they has completed the counting of votes, and they shall present to the Executive at that meeting a detailed return of the voting for each position, showing how members voted, and the return shall be certified as correct by the signature of the Returning Officer, and the Assistant Returning Officer.
 - (iii) All persons elected to Office shall resume office immediately upon being elected and in the event of a change in office bearer, the office bearer who failed to retain the office shall make all arrangements if needed to vacate the office within seven days.

- (k) The General Secretary shall publish the Returning Officer's Return on the Union's website and/or by other approved method.
- (l) Any candidate in any ballot may, nominate in writing to the Returning Officer at the time of his nomination, one scrutineer to represent them. The candidate may, at any time, by notice in writing given to the Returning Officer change the scrutineer representing them. 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 interests of the candidate who nominated them to attend at any stage of the ballot as requested by the candidate and to report to the Returning Officer any irregularity in or in connection with the conduct of the ballot which has come to his notice.
- (m) The non-receipt of a ballot by any member shall not invalidate any election or plebiscite.
- (n) Every person concerned with the election shall ensure as far as practicable that no irregularity occurs in connection with the election.
- (o) All elections held pursuant to the provisions of these rules shall conform to the Industrial Relations Act 1979 and where a matter contained in the regulations is not included in these rules, that matter shall be deemed to be part of this rule.

25 - CONFERENCE AND EXECUTIVE VACANCY

- (1) An extraordinary vacancy occurring in the Conference or the Executive shall be filled by secret postal vote of the financial members of the Union in the same manner as prescribed in Rule 24, Mutatis Mutandis; Provided that the Executive or Conference may decide not to fill any vacancy if the remainder of the term of office of the person who is vacating the office is less than 12 months.

26 - UNION PRESIDENT

- (1) The President shall -
 - (a) be Chairman of Conference and of meetings of the Executive or of representatives of the Union at which they are present;
 - (b) superintend the discussion of all business tabled for consideration at such a meeting;
 - (c) enforce the Rules of the Union and preserve good order among the members present;
 - (d) possess (and may exercise) an ordinary vote and a casting vote. Provided that at Conference they shall have a casting vote only;
 - (e) sign the minutes of the proceedings of meetings adopted by a meeting at which he is present.
- (2) The President shall be paid such honorarium as may be prescribed by Conference from time to time.

27 - VICE-PRESIDENT

- (1) (a) The Vice-President shall assist the President in the discharge of the duties of their office.
- (b) In the absence of the President from a meeting of which they would, if present, be Chairman, the Vice-President shall be Chairman of such meeting and for that purpose shall have all the duties and may exercise all the powers of the President.
- (2) The Vice-President may be paid such honorarium as may be prescribed by Conference from time to time.

28 - GENERAL SECRETARY

- (1) The General Secretary shall be elected each four years by secret postal vote of financial members of the Union and from amongst such members in accordance with the rules for the elections under Rule 24.
- (2) The General Secretary shall be paid such salary, and shall enjoy such other conditions of employment, as may be prescribed by Conference from time to time.
- (3) The General Secretary shall be the chief administrative officer of the Union, and, subject to any direction given to them by Conference or the Executive, shall -
 - (a) control and manage the office and employees of the Union;
 - (b) have charge of the records of the Union and be responsible for the recording, filing and safe keeping thereof;
 - (c) keep accurate, permanent records of the activities of the Union and of all property of the Union in the hands of the Union;
 - (d) see that the accounts of the Union are kept and presented for audit in accordance with these Rules;
 - (e) prepare and furnish all returns, statements, declarations, or the like required by law;
 - (f) prepare a report for each meeting of Conference setting out the activities of the Union since the immediately preceding report;
 - (g) prepare a financial statement for each meeting of Conference, or more often, if so directed by the Executive, setting out the financial dealings of the Union since the immediately preceding report and the financial position of the Union as at the date of the report;
 - (h) have authority to represent the Union in such cases as the Conference or the Executive authorises;
 - (i) generally perform such other duties as are allocated to them by Conference or the Executive from time to time; and
 - (j) hand over all books and other property belonging to the Union in their hands as directed by Conference or the Executive.

29 - TREASURER

- (1) The Treasurer shall -
 - (a) sign all cheques as required by these Rules;
 - (b) check the accounts of the Union as kept by the General Secretary;
 - (c) present bank pass books of all accounts of the Union to each meeting of Conference and the Executive;
 - (d) generally perform such other duties as are allocated to them by Conference or the Executive from time to time; and
 - (e) hand over all books and other property belonging to the Union in their hands as directed by Conference or the Executive.
- (2) The Treasurer may be paid such honorarium as may be prescribed by Conference from time to time.

30 - TRUSTEES

- (1) (a) A member shall not be eligible for election as a Trustee who has not been a financial member of the Union for a continuous period of two years as at the date of the closing of nominations for such election.
- (b) A member shall not be eligible for election as a Trustee if there is reasonable ground for believing that -
 - (i) within twelve months prior to the actual opening date of the calling of nominations, they are 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;
 - (ii) they themselves advocates or encourages, or has, within twelve months prior to the actual opening date of the calling of nominations, advocated or encouraged the overthrow by force or violence of the established government of the Commonwealth.
- (c) A member shall not be eligible to be or continue to be a Trustee if there is reasonable ground for believing that -
 - (i) they are 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.
 - (ii) they themselves advocates or encourages, or has, within twelve months prior to the actual opening date of the calling of nominations, advocated or encouraged the overthrow by force or violence of the established government of the Commonwealth.

- (2) Real estate and securities belonging to the Union in the hands of the Union shall be vested in the Trustees for the time being, who shall hold it and/or them in trust for the Union.
- (3) With respect to real estate and securities vested in them pursuant to this Rule, the Trustees shall be subject to lawful directions by the Executive.
- (4) The provisions of Rule 24, 31 and 32 of these Rules shall apply, mutatis mutandis to the position of Trustee.

31 - VACATION OF UNION EXECUTIVE AND OFFICE

The seat of a member of the Executive or the office of an officer of the Union shall be deemed to have become vacant

- (1) upon the death of the occupant;
- (2) upon the occupant becoming of unsound mind;
- (3) upon receipt by the Union of notice in writing of resignation of the occupant signed by them;
- (4) upon the occupant ceasing to be a member of the Union;
- (5) upon the occupant becoming an unfinancial member; or
- (6) upon the removal of the occupant pursuant to Rule 32 of these Rules.

32 - SUSPENSION AND REMOVAL FROM EXECUTIVE AND OFFICE

- (1) A person elected to any office within the Union may be dismissed from office by the Conference or Executive if found guilty of:
 - (a) (i) misappropriation of the funds of the union;
 - (ii) substantial breach of the Rules of the union;
 - (iii) gross misbehaviour; or
 - (iv) gross neglect of duty;

OR

 - (b) has ceased, according to the Rules of the Union to be eligible to hold office.
- (2) (a) Subject to sub-rule (1) hereof the Conference or Executive may dismiss an officer of the Union from their office at a meeting of the Conference or Executive to which the officer concerned has been summoned in writing, signed by the General Secretary or the President, to show cause why they should not be so dismissed.
- (b) An officer summoned to show cause pursuant to this sub-rule shall be given twenty-one day's notice of the date, time and place of the meeting to

which they are summoned: Provided that less than twenty-one day's notice be given if the officer so consents. The notice summoning them shall also specify the ground or grounds upon which it is proposed to consider such dismissal.

- (3) The Executive may suspend from office the holder of any office, who is summoned to show cause why they should not be dismissed from such office until the Conference or Executive makes a decision as to whether or not such officer should be dismissed from office. Provided that the charge against such officer shall be dealt with by the Executive within one (1) month of the date of the suspension of the officer concerned. Should the General Secretary be suspended, the Executive shall determine whether salary shall be paid to them during the period of suspension, and if so, what amount. Where the charge against the officer is dismissed by the Executive then the officer concerned shall be paid their salary for the full period of his suspension.

33 - MEETINGS OF CONFERENCE

- (1) Conference shall meet at such time and place as the Union Executive may determine from time to time: Provided that Conference shall meet upon request therefore from a majority of the delegates of the Union made in writing to the Union Executive.
- (2) Not less than one month, immediately prior to the date specified for a meeting of Conference the General Secretary shall notify all members entitled to attend thereto of the date, time and place of such meeting.
- (3) At a meeting of Conference a quorum shall be half the number of delegates notified pursuant to sub-rule (2) hereof, and in the absence of a quorum at any time Conference shall not proceed.
- (4) The Union shall bear and pay the travelling and other expenses of its delegates to Conference.
- (5) In the event of the President and the Vice-President being absent from a meeting of Conference, then the delegates present shall elect a Chairman of the meeting.

34 - MEETINGS OF UNION EXECUTIVE

- (1) Meetings of the Executive shall be held at such time and place as the Executive may determine from time to time; Provided that the General Secretary may summon a meeting of the Executive at any time, and they shall do so whenever so directed by the President.
- (2) At a meeting of the Executive a quorum shall be half of the total number of the Executive and in the event of a quorum not being present within thirty minutes next after the appointed time for a meeting of the Executive the meeting shall lapse.
- (3) In the event of the President and the Vice-President being absent from a meeting of the Executive then the members present shall elect a Chairman of the Meeting.
- (4) Where any member of Executive cannot attend a meeting in person, they may attend by way of telephonic and/or video link, or any other such method as approved by the Executive, provided that Executive Officers have all papers

necessary to carry out the duties properly. Further, where voting is conducted using telephonic and or video link or other such approved method a proper attainable record shall be maintained of the voting.

35 - ORDER OF BUSINESS AND STANDING ORDERS

- (1) At meeting of Conference or the Executive the following Order of Business shall be observed:
 - (a) Call to Order;
 - (b) Reading and confirmation of Minutes;
 - (c) Reading of correspondence and consideration of same;
 - (d) Announcing names of new members;
 - (e) Announcing notifications of resignations;
 - (f) Passing of accounts;
 - (g) Reports (including General Secretary's report and financial statement)
 - (h) Business arising thereof;
 - (i) Auditor's report and balance sheet;
 - (j) Unfinished business;
 - (k) New business in the order arranged on the agenda paper.
- (2) The Standing Orders for meetings of Conference or the Executive shall be as follows:
 - (a) When the Chair rises in his place during the meeting, any member speaking or about to speak shall resume their seat and the Chairman shall be heard in silence.
 - (b) A member, when about to speak, shall rise and address the Chair, and shall conduct themselves in a respectful manner towards the Chair and towards the meeting.
 - (c) Any member desirous of moving a motion shall, if requested by the Chair, submit the same in writing duly signed by the mover.
 - (d) No motion or amendment shall be open for discussion unless it has been seconded, provided that any member may second a motion or amendment "pro forma" and speak to such motion or amendment later.
 - (e) Only one amendment shall be before the meeting for discussion at any one time, but any member desirous of moving a further amendment may "foreshadow" such further amendment during the discussion of the amendment before the meeting.

- (f) An amendment to any motion shall always be put to the meeting before the motion. In the event of the amendment being carried, it shall thereupon become the motion.
 - (g) If a further amendment be moved it shall be an amendment to the motion in its amended form.
 - (h) It shall not be competent for the Chair to accept an amendment which is a direct negative of the motion.
 - (i) No member shall be allowed to speak more than once, and the mover and seconder of a motion shall be deemed to have spoken, subject however, to paragraph (d) hereof, and except also for the purpose of making an explanation or correcting a misstatement. The mover of a motion only shall have the right of reply.
 - (j) The mover of a motion shall be allowed five minutes and all other speakers three minutes in which to speak, provided that if a majority of those present vote in the affirmative on a motion to that effect any speaker may be allowed an extension of time.
 - (k) Any member may rise to a point of order whereupon the speaker shall resume his seat and the Chair shall determine the point of order forthwith. No discussion shall be permitted on the point of order.
 - (l) At any stage of the debate any member may move that "the question be now put". Such closure motion upon being duly seconded shall be put without debate. The carrying of a closure motion shall entail the submission of the motion at once to the meeting after the mover has replied, if they so desire.
 - (m) If the ruling of the Chair on any matter causes dissatisfaction, it shall be competent for any member present to move dissent, provided that five others rise in their places to support the motion of dissent.
 - (n) Voting shall be on the voices, but the Chair, or any member rising in his place, may demand a show of hands.
 - (o) Except where otherwise provided for to the contrary, all motions shall be carried by majority of members present and voting.
 - (p) Any member may move for the recession of a resolution, provided he gives fourteen clear day's notice in writing of such intention to the General Secretary. A recession motion shall be deemed to be negatived unless supported by at least two-thirds of the members present and voting.
- (3) Notwithstanding anything hereinbefore contained, a meeting of Conference or, of the Executive as the case may be, may for that meeting, suspend or vary the foregoing order of Business or Standing Orders.

36 - EMPLOYEES' OF UNION

- (1) The Union may employ such persons for the purpose of carrying out these Rules as the Executive thinks necessary. Every such employee shall be employed during the pleasure of the Executive only, and shall be employed upon such terms and conditions as the Executive may prescribe from time to time.

- (2) The Executive may appoint collectors for the purpose of collecting moneys due and owing to the Union by Members of the Union. Collectors shall hold their appointment during the pleasure of the Executive only, and shall be appointed upon such terms and conditions as the Executive may prescribe from time to time.

37 - APPEALS

- (1) A member may appeal against any decision of the Executive. The appeal shall be heard by Conference.
- (2) Every appeal from a decision shall be made within fourteen days next after the date of such decision, and shall be by notice in writing lodged with the General Secretary and such notice shall state the grounds of the appeal, and shall be signed by the appellant and shall bear the date upon which it is signed.
- (3) Notice of the date, time and place of hearing of an appeal shall be given to the appellant and to any other party to the appeal at least seven days before the date of such hearing.
- (4) Every party to an appeal shall be entitled to be present at the hearing of the appeal and to be heard.
- (5) On any appeal the Conference may affirm, reverse or otherwise alter (in whole or in part) the decision appealed against.

38 - POWER TO IMPOSE LEVY

- (1) The Executive may, at any time, impose a levy on the members of the Union in order to advance the purposes of the Union.

39 - ADEQUACY OF NOTICE

- (1) Any Rule of these Rules which required that notice otherwise than by publication in a newspaper shall be given, or that any document shall be forwarded to a member shall be deemed to be complied with if the notice or document be forwarded by prepaid letter to the address of the member last furnished pursuant to Rules 14 & 15 of these Rules, or, if there be no such address, to the address furnished by the member when applying for admission to membership of the Union.

40 - AFFILIATION

- (1) The Union may affiliate with a body established for the protection and promotion of the cause of Labor in the geographical territory of the Union by decision of the Executive and upon such terms and in such manner as the Executive by its decision prescribed, provided that any such affiliation may be nullified by the Conference.
- (2) Where a term of any such affiliation is that the Union shall have delegates to represent it upon the body with which it affiliates, and such delegates are to be chosen or elected (and not appointed), any necessary election of delegates shall be

carried out in the same manner as the election for the Executive, and Rule 24 of these Rules shall apply, mutatis mutandis to such an election.

41 - INSPECTION OF BOOKS

- (1) A member of the Union upon personal application to the General Secretary may inspect during the normal office hours of the office of the Union the books and Union Register of Members in the custody of the General Secretary.

42 - COPY OF RULES

- (1) Upon their admission to membership a member, upon application shall be entitled to receive free of charge from the General Secretary of the Union, a copy of these Rules, and upon any reprint of these Rules each member, upon like application shall be entitled to receive free of charge a copy thereof.

43 - ALTERATION OF RULES

- (1) These rules may be altered, amended or rescinded by the Union Executive subject to the following:
 - (a) A resolution in writing to alter, amend, rescind or create a new rule in conformity with this rule shall be submitted to all members of the Union Executive by the giving of 21 days' notice.
 - (b) A resolution compliant with paragraph (a) of this rule may be lodged with the Union Executive by any financial member of the union.
 - (c) The rules of the union shall not be altered, amended, rescinded or new rules made until:
 - (i) Notice of the proposed alteration, amendment, rescission or creation of a new rule and justification is given to all members of the union, and;
 - (ii) In accordance with the Industrial Relations Act 1979 and Regulations all members have been advised that they may lodge a written objection to the Union Executive and or the Registrar of the Western Australian Industrial Relations Commission within 21 days of the member having received written notice of the proposed alteration, amendment, rescission, or new rule.
 - (d) An alteration, amendment, rescission, or creation of a new rule shall not have effect until the period of 21 days as set out in paragraph (c), placitum (ii) of this sub rule has expired.

44 - GENERAL MEETING OF MEMBERS

- (1) Ordinary meetings of the Union shall be held at such time, place and date as determined by the Union Executive, provided that a minimum of 30 days' notice shall be given to members by publication on the Union's Website (and/or other means of communication that are suitable) of the time, place and date of the proposed meeting of members.

- (2) There shall be a minimum of four (4) general meetings of members per year.
- (2A) The quorum for a General Meeting of members shall be ten members.
- (3) The order of business at all General Meetings of members shall be in accordance with Rule 35. The Executive and Conference shall forward to the General Meetings such business it thinks fit and members at the General Meeting shall raise such business as they think fit.
- (4) The Conference and Executive shall be bound by all decisions made at the General Meetings of members.
- (5)
 - (a) Special General Meetings may be called by the Executive in case of emergency and shall be called by the Executive on written notice of not less than fifteen financial members, stating the nature of the business which they require to be dealt with.
 - (b) All Special General Meetings shall be called by not less than fourteen days notice being given by prepaid post or personally to the representative of each district all zone delegates and all members of the Executive stating the business that is to be dealt with by such Special General Meeting. The Special General Meeting shall also be advertised in a newspaper generally circulating throughout the state and shall state the business which is to be discussed by such meeting. Such advertisement shall give at least fourteen days clear notice and shall contain the time and place of such meeting.
 - (c) No business shall be transacted at a Special General Meeting other than that contained in the notice or advertisement of the meeting, but business of Importance can be introduced and forwarded by the Executive.
 - (d) The Union shall be bound by all decisions of Special General Meetings and such decisions, cannot be reversed, rescinded, quashed, amended or otherwise except by a further General Special Meeting called for that purpose.
 - (e) The quorum at all Special General Meetings shall be the same as that for General Meetings and should a quorum not be present thirty minutes after the appointed time and place of the meeting it shall lapse and the Executive shall fix another date for the holding of the same.
- (6) Only financial members shall be entitled to vote or be present at any meeting of the Union; Provided that this subrule does not apply to paid officers or employees of the Union who are required by the Secretary to be present as part of their duties.

45 - INDUSTRIAL DISPUTES

- (1) All industrial disputes in which the Union or any of its members may be concerned shall, unless settled by negotiation, be referred for settlement pursuant to the Act.

46 - HOLDING OVER OF OFFICE

- (1) In the event of any delay for any reason in the conduct of election of any Office as prescribed in rules, then the existing Office holder shall continue to hold office

and perform the role of the Office in full until the date of the Declaration of Election is issued by the Returning Office in respect of those elections.

47 - DISSOLUTION OF UNION

- (1) The Union shall not be dissolved, nor its funds or property appropriated to any purpose other than those set forth in these Rules, so long as thirty members are enrolled in the Union Register of Members.
- (2) Should the number of members of the Union at any time be reduced from any cause whatsoever to less than thirty, the Union may be dissolved by a decision of the majority of the members voting by secret ballot on the question.
- (3) After discharging all debts and liabilities, the remaining finds shall be placed in a bank in the names of trustees appointed for the purpose by ballot among the remaining members and shall be used only for the purpose of reorganising the Union.