

# Rules of the Electrical Trades Union WA

## CONTENTS

<u>RULE</u>	<u>PAGE NO.</u>
1 - NAME .....	3
2 - CONSTITUTION .....	3
3 - OBJECTS.....	6
4 - MEMBERSHIP .....	8
4.1 MEMBERS .....	8
4.2 ADMISSION .....	8
4.3 ENTRANCE FEES .....	9
4.4 CONTRIBUTIONS.....	9
4.5 UNFINANCIAL MEMBERS.....	10
4.6 EXEMPTION FROM CONTRIBUTIONS.....	11
4.7 RESIGNATION .....	12
4.8 CLEARANCES .....	12
4.9 MEMBERS' ADDRESSES .....	12
4.10 INSPECTION OF BOOKS .....	12
4.11 DUTY OF MEMBERS .....	12
5 - MANAGEMENT .....	13
5.1 THE UNION, UNLESS OTHERWISE PROVIDED IN THESE RULES, SHALL BE GOVERNED AND ADMINISTERED BY: .....	13
5.2 STATE CONFERENCE .....	13
5.3 STATE COUNCIL .....	14
5.4 EXECUTIVE COMMITTEE.....	16
5.5 CONTROL OF STATE CONFERENCE, STATE COUNCIL AND EXECUTIVE COMMITTEE BY MEMBERS .....	17
6 - SUB-BRANCHES .....	17
7 - GENERAL MEETINGS.....	17
7.1 ANNUAL GENERAL MEETINGS.....	17
7.2 SPECIAL GENERAL MEETINGS.....	18
7.5 OTHER MEETINGS .....	18
8 - QUORUMS.....	18
9 - JOB REPRESENTATIVES AND OCCUPATIONAL HEALTH AND SAFETY REPRESENTATIVES.....	19
9.7 DUTIES OF JOB REPRESENTATIVES .....	19
10 - OFFICERS .....	20
10.3 PRESIDENT .....	20
10.4 VICE PRESIDENT .....	20
10.5 SECRETARY .....	20
10.6 ASSISTANT SECRETARY .....	21
10.7 ORGANISER(S) .....	21
10.8 OFFICERS EMPLOYMENT CONDITIONS.....	21
11 - EMPLOYEES .....	22
11.3 CLERICAL EMPLOYEES .....	22
11.4 TEMPORARY ORGANISERS .....	22
11.5 OTHER EMPLOYEES .....	22
12 - ELECTIONS.....	23
12.1 FREQUENCY OF ELECTIONS .....	23
12.2 ELECTION OF PRESIDENT, SECRETARY, ASSISTANT SECRETARY AND ORGANISERS .....	23
12.3 ELECTION OF VICE PRESIDENT.....	23
12.4 ELECTION OF DELEGATES TO STATE CONFERENCE.....	23
12.5 ELECTION OF STATE COUNCILLORS .....	23
12.6 ELECTION OF STATE EXECUTIVE .....	23
12.7 ELECTION OF REGIONAL SUB-BRANCH PRESIDENT, VICE-PRESIDENT AND SECRETARY .....	23
12.8 ELECTION OF SUB-BRANCH DELEGATES TO ORGANISATIONS WITH WHICH THE UNION IS AFFILIATED .....	23
12.9 CONDUCT OF ELECTIONS .....	24
12.10 APPOINTMENT OF RETURNING OFFICER .....	24
12.11 DUTIES OF THE RETURNING OFFICER.....	24
12.12 NOMINATIONS .....	24
12.13 CONDUCT OF ELECTIONS COLLEGIATE ELECTIONS.....	25
12.14 CONDUCT OF ELECTIONS DIRECT VOTING .....	25
12.15 CANDIDATES.....	27
12.16 CONTRACTORS/EMPLOYERS INELIGIBLE TO HOLD OFFICE.....	27
12.17 QUALIFICATION OF VOTERS .....	27

12.18	ABSENT VOTING .....	27
12.19	METHOD OF VOTING.....	27
12.20	EQUAL VOTING .....	27
12.21	SCRUTINEERS .....	28
12.22	DECLARATION OF ELECTION.....	28
12.23	CASUAL VACANCIES .....	28
13	- SEAL.....	28
14	- ADDRESS.....	28
15	- PROPERTY AND FUNDS.....	29
15.1	PROPERTY .....	29
15.2	FUNDS.....	29
16	- AUDITORS.....	30
17	- OFFENCES, CHARGES AND PENALTIES .....	31
17.1	OFFENCES.....	31
17.2	LAYING OF CHARGES.....	31
17.3	PENALTIES .....	32
18	- STATE COUNCIL AND EXECUTIVE COMMITTEE MEETINGS BY CORRESPONDENCE .....	33
19	- STATE COUNCIL AND EXECUTIVE COMMITTEE MEETINGS BY TELEPHONE OR VIDEO CONFERENCING.....	33
20	- STANDING ORDERS .....	33
20.1	GENERAL PRINCIPLES .....	33
20.2	TIME, PLACE AND DURATION OF MEETINGS.....	33
20.3	SPECIAL MEETINGS.....	34
20.4	ORDER OF BUSINESS .....	34
20.5	QUORUMS .....	34
20.6	RULES OF DEBATE - GENERAL .....	34
20.7	REPORTS AND ADDRESSES .....	34
20.8	THE MAKING OF DECISIONS .....	35
20.9	IN COMMITTEE DISCUSSION .....	36
20.10	DISAGREEMENT WITH THE CHAIRPERSON'S RULING .....	37
20.11	REMOVAL OF CHAIRPERSON .....	37
20.12	RECISION OF DECISIONS.....	38
21	- ALTERATIONS TO RULES .....	38

## **RULES OF THE ELECTRICAL TRADES UNION WA**

### **1 - NAME**

- 1.1 The name of the Union shall be the Electrical Trades Union WA.

### **2 - CONSTITUTION**

- 2.1 Membership of the Union shall be comprised:

- 2.1.1 Persons who are employed, or usually employed within the area of the State of Western Australia, known as the South West Lands Division, engaged in the following callings or vocations:

Engineers, fitters, coppersmiths, turners, water meter fitters, patternmakers, tool and gauge makers, scale makers and adjusters, safe-makers, pipe fitters, brass finishers (engineering and general), blacksmiths, shipsmiths, toolsmiths, gunsmiths, angle iron smiths, oliversmiths, blacksmiths' strikers, steam and other hammer drivers, spring makers, millwrights, steam and drop hammer forgers, furnacemen (forge, electric and other furnacemen), oxy-acetylene and electric welders and cutter, locksmiths, iron and steel rollers, electrical engineers, electrical fitters, electrical wiremen, electrical linesmen, electrical installers, electrical mechanics, automotive electricians, refrigeration and air conditioning fitters, armature winders, electrical workers generally, battery fitters, mechanical and scientific instrument makers, mechanical draughtsmen, typewriter mechanics, tool and material storepersons and persons employed in the servicing, repairing maintaining, structurally altering and/or assembling of business machines, motor mechanics, motor cycle mechanics, aircraft mechanics, cycle (other than motor) mechanics (including filers, assemblers and wheel builders, cycle enamellers, sprayers, liners and writers), machine joiners, die-sinkers, press toolmakers and stampers, wirenetting and link mesh workers, wire drawers, including persons (not being workers eligible for membership of either the Amalgamated Metal Workers' and Shipwrights' Union of Western Australia by virtue of paragraphs (ii) or (iii) of sub-rule (a) of Rule 2 of the Rules of that Union or the Plumbers and Gas Fitters Employees Union of Australia, West Australian Branch, Industrial Union of Workers, engaged in or in connection with the treatment and/or fabrication of copper, brass, aluminium and other non-ferrous metals for the purpose of the production of wire, tubes, rods, bars, sheets, strip sections, angles and other fabricated products) tubular steel and iron gate and fence makers, galvanisers, riggers and splicers belt repairers and oilers, rivet heaters, machine makers, milling machinists, planers, slotters, borers, shapers, machine drillers, all workers engaged in the making of wrought iron and malleable iron pipes, dressers, electroplaters and polishers, grinders and tappers, bolt, nut and screwing machinists, lifters and assemblers and assistants, and all other machine operators and examiners of work prepared by the foregoing classifications and vocations employed in the engineering, locomotive, ship building, rolling stock, aircraft, agricultural implement making and kindred trades, munition and iron trades, or in any other industry whatsoever engaged on the manufacturing of engineering products or in the maintenance of plants but not including tool and material storepersons employed otherwise than in the Education Department and in the gate fence and frame manufacturing industry.

- 2.1.2 Persons who are employed or usually employed in the State of Western Australia, except that portion comprised in the South West Lands Division, engaged in the following vocations:

Engineers, coppersmiths, fitters, turners, die-sinkers, pattern-makers, brass finishers (engineering and general) blacksmiths, shipsmiths, toolsmiths, gunsmiths, angle iron smiths, spring makers, millwrights, oxy-acetylene and electric welders, cycle and motor mechanics, mechanical draughtsmen, milling machinists, planers, slotters, shapers, borers, machine drillers, iron and steel rollers, grinders, and other machinemen, mechanics, lifters and assemblers, machine makers, mechanical and scientific instrument makers, steam and drop hammer forgers, electroplaters, metal polishers, typewriter mechanics, tool and material storepersons and persons employed in the servicing, repairing, maintaining, structurally altering and/or assembling of business machines, and pipe fitters employed in the engineering, locomotive, shipbuilding, rolling stock, aircraft, agricultural implement making and kindred trades, or in any other industry whatsoever, engaged on the manufacturing of engineering products or in the maintenance of plant but not including tool and material storepersons employed otherwise than in the Education Department and in the gate, fence and frame manufacturing industry.

- 2.1.3 Persons engaged in the following trades or branches of the Coal Mining Industry:

Engineers, coppersmiths, fitters, turners, pattern-makers, brass finishers, (engineering and general) blacksmiths, angle iron smiths, toolsmiths, steam and drop hammer forgers, blacksmiths' strikers, steam and other hammer drivers, electrical engineers, electrical workers, mechanical draughtsmen, millwrights, milling machinists, planers, slotters, borers, shapers, machine drillers, and other machine men and assistants to the above Trades or Callings, engaged in the Coal Mining Industry.

- 2.1.4 Persons engaged by B.P. (Fremantle) Limited as bunkering operators, and bunkering attendants.

Provided that such persons referred to in this sub-rule 2.1.4 are those who by custom and practice would have industrial coverage under the terms of the Oil Bunkering B.P. (Fremantle) Limited Worker's Agreement No. 9 of 1979 as amended.

- 2.1.5 Persons employed or usually employed in the manufacture and/or distribution of natural and/or fuel gas in the callings of gas fitters, gas meter and/or appliance testers, gas meter repairers, gas holder attendants, gas plant operators, gas mainlayers and assistants in the area and operations under the State Energy Commission Act, the Perth Gas Act and the Fremantle Gas and Coke Company Act.

- 2.1.6 Persons employed or usually employed by the State Energy Commission of Western Australia in any calling or vocation mentioned in paragraph 2.1.1 of this Rule.

- 2.2 Persons employed or usually employed as Moulders and/or Coremakers, or apprentices or juniors (who when so employed) are engaged in any class of moulding and/or coremaking for the production of castings from molten metal of any kind, or making moulds (from) other materials in any industry, or branch of industry together with any foundry workers being moulders and/or coremakers, assistants, furnacemen and assistants, tool and material storepersons, fettlers and grinders who are solely employed or are usually solely employed in a moulders shop or section and any cast bank and cast spun pipe makers moulders and/or coremakers and their assistants, die casters and smelters of scrap metals and their assistants. Provided always that no person referred to in this sub-rule 2.2 shall be eligible for membership by reason of anything contained in this sub-rule 2.2 merely because he is employed or usually employed in work of such kind as would had he been employed in such work on the first day of July 1961, have then qualified him for membership of any one of the following named Industrial Unions -

Australian Railway Union of Workers, West Australian Branch.

Federated Miscellaneous Workers' Union of Australia, West Australian Branch, Union of Workers.

The United Furniture Trades Industrial Union of Workers, W.A.

The Union may admit to membership any person who is eligible in accordance with the aforesaid provisions of this Rule and who exercises his calling or vocation or who resides within the State of Western Australia, but excluding that portion of the State comprised within the area bounded by a line drawn from the intersection of the 20th parallel of latitude and 125th meridian of longitude to the intersection of the 20th parallel of latitude and the 129th meridian of longitude then South along the 129th meridian of longitude to the intersection of that meridian of longitude with the 24th parallel of latitude; thence West along the 24th parallel of latitude to the intersection of that parallel of latitude with the 125th meridian of longitude; thence North along the 125th meridian of longitude to the intersection of that meridian of longitude with the 20th parallel of latitude but not including Tool and Material Storepersons employed otherwise than in the Education Department and in the gate, fence and frame manufacturing industry.

- 2.3 The Union shall also consist of an unlimited number of workers engaged or usually engaged:
- 2.3.1 As electrical fitters, armature winders, electrical installers, automotive electrical fitters, battery fitters, cable jointers, electrical welders, linesmen refrigeration fitters or electrical labourers;
  - 2.3.2 As electricians employed in running and maintaining electrical plants and installations;
  - 2.3.3 As electricians employed as dynamo, motor or switchboard attendants;
  - 2.3.4 On radio, television or electronic work as servicemen, repairers, wiremen, installers, set testers, coil winders, technicians, operators, assemblers, cabinet fitters and/or radio workers, television workers and electronic workers generally;
  - 2.3.5 All electrical workers (other than engine drivers) associated with the generation and/or distribution of electricity and maintenance and repair of any electrical motor;
  - 2.3.6 Without in any way limiting any of the foregoing shall also include all workers whose callings are peculiar to the electrical industry;
  - 2.3.7 PROVIDED THAT no person who is eligible to be a member of the State Electricity Commission Salaried Officers' Union of Workers under its constitution as registered and subsisting on the first day of November 1956 shall be eligible to be admitted a member of this Union by reason of anything contained in sub-rules 2.3.1 to 2.3.6 both inclusive hereof;
  - 2.3.8 PROVIDED FURTHER that no person (other than a tradesperson) who is eligible to be a member of the West Australian Amalgamated Society of Railway Employees Union of Workers under its constitution as registered shall be eligible to be admitted a member of this Union by reason of anything contained in sub-rules 2.3.1 to 2.3.6 both inclusive hereof.
- 2.4 The Union shall also consist of those persons who were, immediately prior to the registration of this Union, duly elected officers of the Australasian Society of Engineers, Moulders and Foundry Workers, Industrial Union of Workers Western Australian Branch or appointed officers and admitted as members of the Electrical Trades Union of Workers of Australia (Western Australian Branch, Perth).
- 2.5 Elected officers and employees of the Union shall be eligible for membership thereof except such persons who are eligible for membership of the Federated Clerks' Union of Australia Industrial Union of Workers, W.A. Branch as at the date of registration of the Union and whose major and substantial duties are clerical.

### **3 - OBJECTS**

The objects of the Union shall be to protect and further the interests of members by lawful means and in particular:

- 3.1 To uphold the rights of the organisation of labour and to improve, protect and foster the best interests of its members.
- 3.2 To advance the trade interests of its members, secure and maintain a proper classification of the workers in the industries and maintain the apprenticeship system.
- 3.3 To obtain and maintain adequate pay and shorter hours for its members.
- 3.4 To ensure that employers provide a safe place of work and a safe system of work. To establish the means of preventing accidents and the exposure of members to dangerous work practices and substances which could result in injury, disease, or be in any way harmful.
- 3.5 To secure preference of employment for Unionists.
- 3.6 To work for full employment and to provide all practicable assistance to unemployed members.
- 3.7 To support the hiring of members by employers through the Union Office.
- 3.8 To provide an adequate service for members in all matters to do with workers' compensation.
- 3.9 To represent the members before Courts and Industrial Tribunals and in negotiations with employers, governments and wherever else that the interests of the Union and its members may be involved.
- 3.10 To establish and service appropriate Awards to improve and secure wages and conditions for workers.
- 3.11 To negotiate enterprise and collective Agreements that improve and secure wages and conditions for workers.
- 3.12 Restrict and control incentive and bonus systems in industry.
- 3.13 To establish funds to assist members in distress through unemployment, sickness, accident and for sustenance of members involved in industrial disputes.
- 3.14 To establish Regional Offices and Sub-Branches and industry based Sub-Branches or Committees where appropriate.
- 3.15 To assist other Unions, Peak Union Councils, Union Federations or other bodies having for their objects the betterment of the incomes and conditions of wage and salary earners.
- 3.16 To affiliate with, and pay affiliation fees to, any other organisation or political party having objects similar in whole or in part to the objects of this Union.
- 3.17 To support the removal of all discriminatory practices based on race, gender, marital status, family responsibilities, disability, pregnancy, age or sexual preference whether they be within the workplace, within the trade union and labour movement or in society at large.
- 3.18 To amalgamate with or absorb any other organisation of employees or trade or industrial union.
- 3.19 To make such provision for superannuation payments and/or retiring allowances and/or long service leave to full-time officers and/or employees of the Union as the Union may determine.

- 3.20 To publish a Union Journal.
- 3.21 To afford legal protection to its members in industrial matters.
- 3.22 To enhance the interests of members by providing for the acquisition, control, management and sale of properties.
- 3.23 To promote the policy of equality of status and opportunity for all members.
- 3.24 To adopt, promote and implement family friendly policies for union employees and officials.
- 3.25 To increase the number of women employed by the union.
- 3.26 To ensure there is equal employment and career path opportunity for female union employees.
- 3.27 To increase the number of female members.
- 3.28 To encourage the participation by women in union activities and decision-making bodies.
- 3.29 To pursue such other objects as the Council and/or the various Divisions or Divisional Branches shall from time to time determine being consistent with the express wishes of the membership as determined by these Rules.
- 3.30 To establish and administer trust funds (“the Trust Funds”) for the purpose of furthering the Union’s objects including (but not limited to) advancing the interests of members and former members, providing legal protection for and otherwise assisting members or former members in the event of unemployment, sickness, injury, mortality or industrial dispute, advancing the living and working conditions of workers and their families, assisting kindred unions and other bodies having similar objectives, contributing to any charitable institutions that the members may decide, constituting, conducting, carrying on and managing clubs, holiday centres and rest centres for members, being involved in socially responsible citizen actions and making financial provision for the carrying out of the Union’s objects.
- 3.31 To contribute funds or other property to the Trust Funds for the purpose of furthering these objects including (but not limited to) advancing the interests of members and former members, providing legal protection for and otherwise assisting members or former members in the event of unemployment, sickness, injury, mortality or industrial dispute, advancing the living and working conditions of workers and their families, assisting kindred unions and other bodies having similar objectives, contributing to any charitable institutions that the members may decide, constituting, conducting, carrying on and managing clubs, holiday centres and rest centres for members, being involved in socially responsible citizen actions and making financial provision for the carrying out of these objects.
- 3.32 To transfer Union assets to the Trust Funds for the purpose of furthering these objects including (but not limited to) advancing the interests of members and former members, providing legal protection for and otherwise assisting members or former members in the event of unemployment, sickness, injury, mortality or industrial dispute, advancing the living and working conditions of workers and their families, assisting kindred unions and other bodies having similar objectives, contributing to any charitable institutions that the members may decide, constituting, conducting, carrying on and managing clubs, holiday centres and rest centres for members, being involved in socially responsible citizen actions and making financial provision for the carrying out of these objects.

## **4 - MEMBERSHIP**

### **4.1 MEMBERS**

- 4.1.1 The Union shall consist of such of the employees or persons referred to in Rule 2, who duly become members of the Union in accordance with its Rules.
- 4.1.2 The Union shall be incorporated with and be a Branch of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia, (CEPU) an organisation of employees registered as such under the provisions of the Fair Work (Registration of Organisations) Act 2009 as amended and its successors.
- 4.1.2.1 Membership of the Union shall be synonymous with membership of the CEPU Electrical Division and admission to, or cessation of membership of the Union shall ipso facto constitute admission to, or cessation of membership of the CEPU Electrical Division except where the admission to, or cessation of membership of the Union results from the transfer of membership to or from another State Branch of the CEPU Electrical Division.
- 4.1.2.2 Any member on being transferred from one State to another shall be admitted to the Branch to which the member has moved on production of a certificate from the Secretary of the Branch to which the member belonged, stating membership and financial position on the books.

A similar procedure shall be followed where a member is transferred from one district to another necessitating a change of Sub-Branch. This Rule shall not apply to apprentices who are required by their employer to carry out work other than in the State in which they are indentured.

### **4.2 ADMISSION**

- 4.2.1 Application for membership of the union shall be in such manner and form as the executive may from time to time decide.
- 4.2.2 New members shall be informed in writing of:
- 4.2.2.1 The financial obligations arising from membership; and
- 4.2.2.2 The circumstances, and the manner, in which a member may resign from the Union; and
- 4.2.2.3 The circumstances and the manner in which a member may obtain exemption from contributions in respect of unemployment or illness.
- 4.2.3 Upon receipt by the Secretary of the said application, the employee applying shall (subject to the exceptions hereinafter made) be deemed to become a member of the Union as from the date of such application subject to the endorsement of the Executive Committee.
- 4.2.4 The Executive Committee shall have power to veto the acceptance of the application for membership of a person who may be regarded as undesirable. Provided that any rejected candidate shall have the right to appeal to the State Council.
- 4.2.5 Disputed Membership: In the event of any dispute as to the membership of any person who has been duly admitted to membership as shown in the records of the Union, the fact of such person having complied with the processes prescribed by the executive under 4.2.1 or having paid an entrance fee, or paid a contribution to the Union, or a monetary deposit in part payment on account of an entrance fee and/or a contribution, shall be held to be proof of membership in any proceedings under these Rules.

### **4.3 ENTRANCE FEES**



- 4.3.1 Applicants employed as tradespersons or in classifications receiving equal to or in excess of tradespersons' rates of pay shall pay an entrance fee of ten dollars (\$10.00) plus GST or such entrance fee as determined by State Council.
- 4.3.2 Other applicants (including adult apprentices) shall pay an entrance fee of two dollars (\$2.00) plus GST or such entrance fee as determined by State Council. Such payment shall not be a condition precedent to membership. Apprentices (other than adult apprentices) and junior workers shall not be required to pay an entrance fee.
- 4.3.3 Reduction in entrance fees below those aforementioned in 4.3 shall be subject to approval by Executive Committee on an individual basis.
- 4.3.4 Re-entrance: Any person who has left the Union and desires to rejoin shall be readmitted only by resolution passed by a two-thirds majority of the members present at an Executive Committee meeting and shall pay such re-entrance fee as the Executive Committee may decide, provided that such re-entrance fee shall not exceed the sum of two hundred and fifty dollars (\$250.00).

#### **4.4 CONTRIBUTIONS**

- 4.4.1 Members shall pay a contribution rate as determined by CEPU Electrical Divisional Executive or Council from time to time.

State Council may fix a higher rate of contributions for members subject to the endorsement by the CEPU Electrical Divisional Executive or Council.

- 4.4.2 Apprentices shall be eligible for membership without payment of contributions except during the last three (3) years of apprenticeship. Apprentices receiving tradesperson's rates shall pay the same rate as a tradesperson.
- 4.4.3 Junior workers receiving adult rates and adult apprentices shall pay the adult rates of contributions.
- 4.4.4 Reduction in rates of contributions below those aforementioned in 4.4 shall be subject to approval by Executive Committee on an individual basis.
- 4.4.5 Annual Contributions: A member who if financial for the preceding year may, prior to 30 June, pay the contribution for the following year at an annual rate determined by multiplying the quarterly rate herein prescribed by four and deducting 10% calculated to the nearest dollar (\$1.00).

The annual contribution rate shall only apply to the current financial year, and all contributions paid, except as prescribed in the preceding paragraph, shall be at the quarterly rate.

Notwithstanding any of the foregoing contained in this sub rule, State Council shall have the right to determine in respect of the whole or part or parts of the Unions membership, that the discounted rate for the current year is applicable only when that current year's subscription is paid prior to the end of the preceding year.

- 4.4.6 Contributions Deducted from Wages, Direct Debit and Credit Card Payment:

- 4.4.6.1 The Union may make an agreement or arrangement with any employer of any member for the deduction of contributions payable by any member employed by that employer from the members pay due to him/her from the employer and for the payment to the Union of the amount so deducted by that employer. For the purposes of such an agreement or arrangement only, the employer shall be regarded as a collector authorised by the Union but shall not be permitted to issue receipts on behalf of the Union.

- 4.4.6.2 A member may pay his or her union contributions in accordance with the following procedures: A member may arrange for the payment of union

contributions by regular amount deducted from his or her wage or financial institution accounts by direct debit. A member may, by giving suitable written authority, request the Union to arrange for the payment of Union contributions by regular amounts deducted from the member's wage.

A member may also pay his or her union contributions over the telephone or by electronic means over the internet or by email in accordance with the relevant branch procedures.

4.4.6.3 The amounts to be deducted on behalf of a member shall be determined by multiplying the appropriate quarterly rate as prescribed by four and dividing the resultant by the usual number of complete pay periods in any one financial year; any broken part of a cent in the result of the calculation shall be adjusted to the next highest cent, provided that any amounts paid in excess of the prescribed quarterly rate shall be carried forward as a credit on the member's account.

4.4.6.4 A member who is financial or who subsequently becomes financial at commencement of having contributions deducted from wages or direct debit in the manner prescribed in 4.4.6, shall be regarded as having paid contributions in advance and shall not be regarded as unfinancial in accordance with 4.5 or 4.4.7.1 of these Rules.

4.4.6.5 With respect to this Sub-rule, the Union shall reserve the right to:

4.4.6.5.1 Refuse or reject an application made by a member;

4.4.6.5.2 Refuse, reject, cancel or modify any agreement or arrangement, or part of any agreement or arrangement.

4.4.7 Contributions Generally - (All Sections):

4.4.7.1 All contributions are payable in advance, and the rates set out in 4.4 include members' Journal contributions if any.

4.4.7.2 All contributions, fines, levies, fees or dues may be paid by any member to any of the collectors authorised by the Union or to the Secretary, but to no other person or member. No receipts shall be valid unless given under and on the form prescribed by the Union.

4.4.7.3 All financial members may be issued with an O.K. Card showing the date to which they are financial.

## **4.5 UNFINANCIAL MEMBERS**

4.5.1 A member shall be unfinancial if in arrears of fines, levies and contributions on the first day of March in the quarterly period ending 31st March, and on the first day of the quarterly period ending 30th June, 30th September and 31st December, and shall not be entitled to take any part in the Union's business or attend any meeting unless specially invited to do so by the State Council or Executive Committee. When invited such members will only be permitted to speak in relation to the business for which they have been invited to attend, and will retire from the meeting immediately such business has been concluded, or when requested to do so by the Chairperson.

4.5.2 Unfinancial members, whilst not relieved of the obligations of membership, shall not be entitled to any of the benefits and privileges of membership. Members in arrears of contributions shall be charged the quarterly rates for all overdue contributions.

- 4.5.3 The Secretary shall have power to impose a fine not exceeding one quarters' contributions for each offence where it is proved that a member owes a quarter's contributions or more and/or levies and/or fines equal to or greater than one quarter's contributions, and does not after fourteen days' notice to pay, pay the same or make satisfactory arrangements with and acceptable to the Secretary.
- 4.5.4 Unfinancial members may be sued for the recovery of contributions and/or levies and/or fines.
- 4.5.5 Any member failing to pay any fine and/or levy by its due date shall be considered as in arrears of contributions to the amount of such fine and/or levy due, and when fines are owing the first payment shall be for such fine.
- ~~4.5.6 The Secretary shall ensure that the register of members is purged by striking off those members who are in arrears of contributions for twelve (12) months, but without freeing such person from the arrears due. (Disallowed - See Order No 862 of 1996 of 4/11/96)~~

#### **4.5 A BENEFITS OF MEMBERSHIP**

- 4.5A.1 The State Council or Executive Committee shall determine:
  - 4.5A.1.1 the Benefits of Membership which are provided by the Union; and
  - 4.5A.1.2 which class of members such Benefits of Membership are provided to.
- 4.5A.2 In determining which class of members to provide specific Benefits of Membership to under rule 4.5A.1, the State Council or Executive Committee may set such criteria on the basis of:
  - 4.5A.2.1 membership status;
  - 4.5A.2.2 section;
  - 4.5A.2.3 sub-branch;
  - 4.5A.2.4 work status;
  - 4.5A.2.5 classification;
  - 4.5A.2.6 geography;
  - 4.5A.2.7 industry;
  - 4.5A.2.8 employer; or
  - 4.5A.2.9 such other criteria as the State Council or Executive Committee deems appropriate.
- 4.5A.3 For the purposes of this clause, a benefit of membership is any right, benefit or privilege that is provided by the Union to a member other than rights, benefits or privileges that are provided for in these rules or under industrial law.

#### **4.6 EXEMPTION FROM CONTRIBUTIONS**

- 4.6.1 Should any financial member be prevented from following his/her vocation through unemployment or illness for a period of four (4) weeks or more the Secretary shall have power to grant exemption from contributions and may order a refund of any portion of a prepaid contribution, provided that in all such cases satisfactory proof is furnished and such application for exemption shall be made to the Secretary in writing.
- 4.6.2 When a financial member retires and ceases to work in the industry or is forced to permanently retire though ill-health or accident, he or she shall be eligible to apply to the State Council to have his or her name retained on the records of the Union as an honorary member, subject to the payment of any honorary member contributions set by State Council. Upon honorary membership being granted, and notwithstanding any other provision in these rules, the member shall only be entitled to:

- a. vote in elections;
- b. maintain for the duration of the term an office held on the date of being granted honorary membership; and
- c. such other rights as determined by State Council.

Should an honorary member subsequently return to work in the industry, they will be required to become a paying member of the Union.

4.6.3 Exemption shall not be granted for any reasons other than those specifically mentioned in these Rules unless authorised by a two-thirds majority vote of the members present at a State Council meeting. Upon exemption being granted the person concerned shall continue to be entitled to all the rights of membership.

4.6.4 Except as provided in 4.6.1, 4.6.2 and 4.6.3, when a member has ceased to be employed in a classification which is set out in Rule 2 herein, he/she shall immediately resign from all Union positions to which he/she has been appointed or elected.

#### **4.6 A LIFE MEMBERSHIP**

Life Membership shall be the highest honour the Union can confer on a member for services rendered. Life membership of the State Branch may only be conferred by the State Council either on its own motion or on recommendation by the State Executive.

The Life Member shall retain all rights of membership provided at rule 4.6.2. without paying contributions.

#### **4.7 RESIGNATION**

Any member who wishes to resign or terminate their Union membership must do so by giving notice, in writing, to the Secretary.

#### **4.8 CLEARANCES**

4.8.1 A member upon resigning and meeting the requirements of 4.7 shall be entitled to be issued with a Clearance Certification.

4.8.2 Financial members of kindred Unions may, at the discretion of Secretary be admitted to membership without payment of entrance fees upon production of a Clearance showing they are fully paid-up members of the Union to which they formerly belonged.

#### **4.9 MEMBERS' ADDRESSES**

Members are required to keep the Union Office informed of their correct postal address.

#### **4.10 INSPECTION OF BOOKS**

Any financial member of the Union shall be permitted to inspect the books and membership records of the Union at all reasonable hours.

#### **4.11 DUTY OF MEMBERS**

All members should promote each other's welfare; adhere to the Rules of the Union; support and promote the objects of the Union and, as far as lies in their power, assist the elected representatives of the Union.

## 5 - MANAGEMENT

### 5.1 THE UNION, UNLESS OTHERWISE PROVIDED IN THESE RULES, SHALL BE GOVERNED AND ADMINISTERED BY:

- 5.1.1 State Conference.
- 5.1.2 State Council.
- 5.1.3 Executive Committee.

### 5.2 STATE CONFERENCE

5.2.1 The State Conference shall be the policy making body of the Union and shall exercise the following powers:

- 5.2.1.1 To make all necessary decisions to strengthen the Union and advance the interests of its members within the State.
- 5.2.1.2 To take all steps within the State necessary to achieve any and all the objects of the Union.
- 5.2.1.3 State Conference shall be held at least each alternate year at such time as may be decided by State Council. State Council may also convene special meetings of the State Conference as it deems necessary.
- 5.2.1.4 The number of delegates to State Conference to be elected by their respective Regional Sub-Branches shall be determined with regard to the financial membership current at the date of the close of nominations in respect of each quadrennial election on the following basis:

<b>Divisional State</b>			<b>Conference Delegate/s</b>
50	-	100	Financial members 1
101	-	500	Financial members 2
501	-	1,000	Financial members 3
1,001	-	1,500	Financial members 4
1,501	-	2,000	Financial members 5
2,001	-	2,500	Financial members 6
2,501	-	3,500	Financial members 7
3,501	and over	Financial members	8

- 5.2.1.5 Delegates to Conference representing Regional Sub-Branches shall live in the Sub-Branch area to which they are attached.
- 5.2.1.6 Members of State Council shall also be delegates to Conference, but if elected as a Sub-Branch delegate, shall not be entitled to more than one vote at Conference.
- 5.2.1.7 Any full time officer or any other employee of the union, who is a member of the union, not elected as a Delegate may attend Conferences without voting rights.
- 5.2.1.8 Any financial member may attend Conferences as an observer without voting or speaking rights.
- 5.2.1.9 The State Secretary shall call on members to forward items for the State Conference agenda paper, which shall close six weeks prior to Conference.
- 5.2.1.10 The Executive Committee or State Council shall have power to group agenda items, make recommendations on the items submitted for the State Conference, and both bodies shall have power to submit items for the State Conference Agenda.

Any matter appearing on the agenda paper and any business agreed to by the State Conference when sitting, may be dealt with by the Conference in any manner it sees fit.

Other items may be added to the agenda paper if agreed to by a resolution of the State Conference when assembled.

5.2.1.11 The proposed agenda for the State Conference shall be provided to Delegates or Proxy Delegates no later than two (2) weeks prior to Conference.

5.2.1.12 The agenda for a Special State Conference shall be restricted to the matters for which it was called.

5.2.2 The decisions of State Conference shall be published and provided to the membership no later than six (6) weeks after the conclusion of the Conference.

### **5.3 STATE COUNCIL**

5.3.1.1 The State Council shall, subject to the powers of the State Conference generally direct the work of the Union carry out particular responsibilities allocated to it under these Rules and take all steps necessary and in accordance with these Rules to strengthen the Union and further the interests of the members.

5.3.1.2 State Council may determine the Policy in the period between State Conferences, provided that such determinations do not conflict with previous conference decisions.

5.3.1.3 State Council shall supervise, overall, the work of all full-time officers and employees, all Sub-Branches and Committees.

5.3.1.4 State Council shall determine the number of organisers to be elected at each quadrennial election.

5.3.1.5 State Council shall be empowered to appoint Industrial Advocates, other Specialist Employees and Temporary Organisers.

5.3.1.6 State Council shall be empowered to affiliate the Union to other organisations where such affiliation furthers the objects of the Union (subject to ratification by the State Conference) and appoint Delegates to those organisations.

5.3.1.7 State Council shall be empowered to appoint Delegates to organisations to which the Union is affiliated to fill casual vacancies.

5.3.1.8 State Council shall be empowered to determine the amount of expenses to be paid to (other than full time paid Officers) Delegates attending State Conference, elected members when attending State Council, Executive Committee, Sub-Branch Executive and Delegates representing the Union on other bodies.

5.3.1.9 State Council shall be authorised to determine that each office in the Union may be held by the person who, in accordance with the Rules of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia, Electrical Division, holds the corresponding office in that body.

5.3.2 The State Council shall meet bi-monthly and at such other times as the Council itself may decide or when decided by the Executive Committee or when requested by a majority of members of the State Council.

5.3.2.1 State Council shall consist of the State President, State Secretary and a number of State Councillors elected by their respective sections determined with regard to the financial membership current at the date of the close of nominations in respect of each quadrennial election on the following basis:

			<b>State Councillor/s</b>	
50	-	100	Financial members	1
101	-	500	Financial members	2
501	-	1,000	Financial members	3
1,001	-	1,500	Financial members	4
1,501	-	2,000	Financial members	5
2,001	-	2,500	Financial members	6
2,501	-	3,500	Financial members	7
3,501	and over		Financial members	8

Sections shall be constituted on the following basis or on a geographical basis:-

5.3.2.1.1 Members employed in the General Trade.

5.3.2.1.2 Members employed by Supply Authorities.

5.3.2.1.3 Members employed by the Transport Industry.

5.3.2.1.4 Members employed in the Manufacturing Industry.

5.3.2.1.5 Members employed as Salaried Officers.

5.3.2.1.6 Members employed in the Radio, Television and Electronics/ Communications Industries.

5.3.2.1.7 Members employed in the Electrical Contracting Industry.

5.3.2.1.8 Members employed in the Foundry Industry.

5.3.3 The right of determining which method of representation shall be adopted shall be at the discretion of State Council provided that State Council shall determine which method of representation shall be adopted in respect of the next election period at State Council meeting prior to the calling for nominations for quadrennial elections.

Where a section neglects to elect officers or delegates by the prescribed method, as set out in the Rules, the State Council may call fresh nominations for such officers or delegates.

Permanent and/or full time officials employed by the Union shall have the right to be members of the State Council if elected by any section.

5.3.3.1 Any full time Officer or any other employee of the Union who is a member of the Union, not elected as a member of the State Council may attend Meetings without voting rights.

5.3.3.2 Any financial member may attend Council Meetings as an observer without voting or speaking rights.

5.3.4 The Secretary shall formulate the proposed agenda for Council Meetings and

take account of those matters that have been submitted from Sub-Branches, job meetings or other sections of the members.

- 5.3.4.1 Any matter appearing on the agenda paper and any business agreed to by the Council when sitting, may be dealt with by the Council in any manner it sees fit.
- 5.3.4.2 Other items may be added to the agenda paper if agreed to by a resolution of the Council when assembled.
- 5.3.4.3 The proposed agenda for the Council shall be provided to Council members no later than one week prior to Council.
- 5.3.5 The decisions of Council shall be recorded and made available to any financial member on request.

## **5.4 EXECUTIVE COMMITTEE**

- 5.4.1.1 The Executive Committee shall generally serve the purpose of an executive body of the State Council. It shall, subject to the powers of the State Conference and the State Council, carry out particular responsibilities allocated to it under these Rules and take all steps necessary and in accordance with these Rules to strengthen the Union and further the interests of the members.
- 5.4.1.2 Executive Committee shall be empowered to appoint short term Temporary Organisers, Industrial or Research Officers or other specialist Officers.
- 5.4.2 The Executive Committee shall meet monthly and at such other times as the Executive Committee itself may decide or when requested by a majority of members of the Executive Committee.
  - 5.4.2.1 Executive Committee shall consist of the State President, State Secretary, and one member from each of the sections as represented on the State Council. Excepting the State Secretary permanent or full-time officers shall not be eligible to be elected to Executive Committee. Should any Executive member be unable to attend an Executive meeting his/her alternate delegate shall take his/her place on the Executive. Where no alternate delegate has been elected the Executive shall have the power to appoint a proxy delegate from the appropriate section of State Council.
  - 5.4.2.2 Any full time Officer or any other employee of the Union who is a member of the Union not elected as a member of the Executive Committee may attend Meetings without voting rights.
  - 5.4.2.3 Any financial member may attend Executive Committee Meetings as an observer without voting or speaking rights.
  - 5.4.2.4 The Secretary shall formulate the proposed Agenda for Executive Committee Meetings.
  - 5.4.2.5 Any matter appearing on the Agenda paper and any business agreed to by the Executive Committee when sitting, may be dealt with by the Executive Committee in any manner it sees fit.

Other items may be added to the Agenda paper if agreed to by a resolution of the Executive Committee members assembled.



- 5.4.3 The decisions of the Executive Committee shall be recorded and made available to any financial member on request.

## **5.5 CONTROL OF STATE CONFERENCE, STATE COUNCIL AND EXECUTIVE COMMITTEE BY MEMBERS**

On no more than two occasions in any one calendar year, five percent (5%) of the total financial membership of the Union may, by petition, request that a referendum of members be held on a proposal that the State Conference, State Council or Executive Committee take or refrain from taking any specified action, or adopt or refrain from adopting any specified policy in the conduct of the Union's business. In such circumstances the Executive Committee shall make arrangements for the conduct of the referendum. The decision of such referendum shall be binding on the Union.

## **6 - SUB-BRANCHES**

- 6.1 Members of the Union residing in a defined area or working in a particular industry may with agreement of State Conference or State Council form a Sub-Branch to represent their specific interests.
- 6.2 No member shall have voting rights in more than one Sub-Branch.
- 6.3 Sub-Branches may make such decisions as will further the objects of the Union and assist the membership in their area or industry provided that none of their actions run contrary to the policy of the Union and the powers and decision of the governing bodies of the Union as outlined in RULE 5.
- 6.4 Sub-Branches shall meet as decided by the Sub-Branch Executive or shall meet when requested by at least 5% of the financial members within the Sub-Branch.
- 6.5 The Executive of a Sub-Branch shall consist of the following Officers: President, Vice President, Secretary.
- 6.6 The Executive of a Sub-Branch shall be elected quadrennially.
- 6.7 The Executive when convening meetings of the Sub-Branch shall make suitable arrangements by media announcement, circular or other means so as to inform the members, in sufficient time, of the time, place and agenda for the meeting.
- 6.8 The Executive shall inform members of the Sub-Branch and the State Council of the decisions of Sub-Branch meetings.
- 6.9 The Sub-Branch shall have the right to submit any matter to the State Council for its consideration.
- 6.10 The Executive Committee of the Union shall provide Sub-Branch Executives with the necessary resources to conduct their business.

## **7 - GENERAL MEETINGS**

### **7.1 ANNUAL GENERAL MEETINGS**

- 7.1.1 The Union shall hold an Annual General Meeting on a date and at such place as determined by the Executive Committee.
- 7.1.2 The Agenda for the Annual General Meeting shall include a report on the Union's activities for the past year and the Union's financial position.

## **7.2 SPECIAL GENERAL MEETINGS**

7.2.1 The Secretary shall convene a Special General Meeting when:

7.2.1.1 Requested by the State Council or Executive Committee; or

7.2.1.2 Upon receipt of a petition stating the matter to be considered and signed by not less than 5% of financial members.

7.3 The Executive Committee or State Council shall give seven (7) days notice specifying the time, place and objects of such meeting as referred to in 7.1 and 7.2 by conspicuously publishing a copy of a notice hereof in the major daily newspaper circulating in Western Australia, or on the Union website, and by posting a copy of the notice in a conspicuous place outside the Union Office, also by notification to Job Representatives.

7.4 Decisions of Annual General and Special General Meetings on policy matters must be referred to State Conference or State Council for ratification or otherwise; Annual General Meeting decisions on administrative matters shall be applied, with due regard for practical considerations by the Executive Committee.

## **7.5 OTHER MEETINGS**

7.5.1 The Officers and governing bodies of the Union have a responsibility at all times to fully consult the membership and take account of their views. This will require for meetings of members to be constituted on numerous basis including the following:

7.5.1.1 Shop Stewards/ Delegates Meetings

7.5.1.2 Work Site Meetings

7.5.1.3 Regional Meetings

7.5.1.4 Industry Meetings

7.5.1.5 Mass Stop Work Meetings

7.6 Any meeting held under 7.5 must be properly constituted ensuring that all members involved have reasonable opportunity to attend.

7.7 At all meetings provided for in this Rule other than Annual General and Special General members have the authority to make decisions affecting themselves consistent with the Rules, objects and policies of the Union.

## **8 - QUORUMS**

8.1 The Quorum at an Annual or Special General Meeting shall be twenty five (25) financial members.

8.2 The Quorum at a Sub-Branch meeting shall be five (5) financial members.

8.3 The Quorum for the State Conference, State Council, Executive Committee and Sub-Branch Executive shall be a simple majority of the total members of the body in question.

8.4 Where a properly constituted meeting as provided for in 7.5 and 7.6 is held there is no requirement for a Quorum, but any decisions of such meeting shall be binding on the members affected.

## **9 - JOB REPRESENTATIVES AND OCCUPATIONAL HEALTH AND SAFETY REPRESENTATIVES**

- 9.1 In any workplace where financial members are employed they shall be entitled to elect a shop steward/ delegate and a deputy shop steward/ delegate. All such elected job representatives shall be financial members of the Union.
- 9.2 The Executive Committee shall have the power to appoint job representatives where such job representatives have not been elected; however, such an appointment shall not override other provisions of this Rule.
- 9.3 In any workplace where two or more shop stewards/ delegates are elected the membership may in addition elect a convenor or senior shop steward/ delegate.
- 9.4 There shall be annual elections for all job representatives held in the month of March at which the outgoing representatives shall be entitled to re-nominate for a further term.
- 9.5 All job representatives elected under this Rule must be endorsed by the Executive Committee, and shall notify the Union Office of their election or resignation.
- 9.6 Credentials of job representatives can only be withdrawn by a duly constituted meeting of the financial members at the workplace called for that purpose and any decision must be endorsed by State Council. State Council shall also have the authority to withdraw the credentials of job representatives.

### **9.7 DUTIES OF JOB REPRESENTATIVES**

Job representatives shall be required to:

- 9.7.1 Ensure all employees, including apprentices, at their workplace are financial members of the Union.
- 9.7.2 Act as representatives of the Union in accordance with Award or Agreement prescriptions.
- 9.7.3 Report on industrial conditions and the claims of members to the Union Secretary.
- 9.7.4 Notify the Union Secretary of any arrivals or departures of members from the district or workplace and changes of address.
- 9.7.5 Where necessary collect Union membership dues and be authorised to issue receipts for same and forward all money collected to the Union Office as soon as possible and not later than twenty-eight (28) days.
- 9.7.6 Represent member's interests at meetings with management.
- 9.7.7 Call meetings of the membership at their workplace when requested to do so by two or more financial members or when requested by an Officer of the Union.
- 9.8 Job representatives shall be entitled to recoup from the Union any reasonable expenses incurred as a consequence of carrying out their duties and obligations to the members and the Union.
- 9.9 Where one or more members are employed in a workplace an Occupational Health and Safety Representative may be elected under the same provisions as provided for the election of job representatives in this Rule or under the provisions of the Occupational Health, Safety and Welfare Act of 1984.

- 9.10 The duties of the Occupational Safety and Health Representatives shall be:
- 9.10.1 To represent members employed in the establishment, or workplace or department of an establishment, on matters relating to Occupational Health and Safety.
  - 9.10.2 To report to and consult with the Union Secretary, the Shop Steward/ Delegate and the members he/she represents on all matters relating to Occupational Health and Safety.
  - 9.10.3 To take such action as deemed necessary to achieve a safe working environment.
  - 9.10.4 To carry out those responsibilities and utilise those rights as provided for under Occupational Safety and Health Act 1984, or its replacement from time to time.

## **10 - OFFICERS**

- 10.1 The Officers of the Union shall be President, Vice President, Secretary, Assistant Secretary, Organisers, members of the State Council and any other person holding office in the Union.
- 10.2 The Secretary shall be the principal officer and spokesperson of the Union and shall have the major responsibility for its leadership always consistent with the Union's Rules and Policies and the decisions of the Union's management bodies.

### **10.3 PRESIDENT**

- 10.3.1 The President wherever possible shall preside at all meetings of the State Conference, State Council, Executive Committee and meetings convened by these bodies and shall have the same voting and other rights as other Delegates to the State Conference, State Council and Executive Committee. The President shall take all necessary steps to ensure the proper conduct of the business of such meetings, and upon adoption, sign the Minutes.

### **10.4 VICE PRESIDENT**

In the absence of the President, the Vice President shall assume the duties as provided for in Rule - 10.3.1.

### **10.5 SECRETARY**

- 10.5.1 The Secretary shall be an elected full time paid officer of the Union.
- 10.5.2 The Secretary shall be the registered Officer of the Union and shall be the Officer to sue and be sued on behalf of the Union under the law of the State. The Secretary shall wherever possible attend all meetings of the Union and shall submit annually a properly audited balance sheet of receipts and expenditure.
- 10.5.3 The Secretary shall keep a register of members showing the name and residential address of each member and details of the financial status of each member in respect to that persons membership.
- 10.5.4 The Secretary shall keep proper account of all moneys received or paid on account of any particular fund and shall keep separate accounts of the expenses of management and of all contributions in account thereof. On retiring from Office, the Secretary shall deliver all books, records and assets of the Union to his/her successor in the presence of the duly appointed auditor. The auditor shall make an appropriate certified report of the changeover to the State Council.

## **10.6 ASSISTANT SECRETARY**

- 10.6.1 The State Council shall determine whether there shall be an office of Assistant Secretary, and how many such offices there will be. Such determination shall not be made between the calling of Quadrennial Elections and the declaration of that Quadrennial ballot. Where no determination is made, it is deemed that the same composition of such offices as were elected at the last Quadrennial Election are to be elected at the next.
- 10.6.2 The Assistant Secretary shall be an elected full time paid Officer of the Union.
- 10.6.3 In the absence of the Secretary, the Assistant Secretary shall carry out all the duties and responsibilities of the Secretary. At all other times the Assistant Secretary will mainly be required to carry out organisational duties.

## **10.7 ORGANISER(S)**

- 10.7.1 The Organisers shall be elected paid Officials of the Union.
- 10.7.2 Organisers shall carry out those duties allocated to them by the governing bodies of the Union.
- 10.7.3 Organisers will be allocated responsibility for industry streams as decided from time to time by the State Council or Executive Committee.
- 10.7.4 Organisers shall be required to take all possible steps to ensure all employees within their allocated industry stream are financial members of the Union.
- 10.7.5 Organisers are the closest point of contact between the membership and the Union; they therefore have a special responsibility to service the member's needs.

## **10.8 OFFICERS EMPLOYMENT CONDITIONS**

- 10.8.1 Salaries
- 10.8.1.1 Subject to these rules and any applicable law or industrial instrument, the State Council shall determine the employment conditions which shall apply to elected officers of the Union, provided that there shall be no diminution of an officer's terms and conditions in between quadrennial election without the consent of the officer. State Council will not be able to apply wage increases or other conditions of employment which are in excess of those approved by the Divisional Executive in its annual salary review. Salary conditions will not be more than the mean average of all Divisional Branches combined.
- 10.8.2 Sick Leave: Each full time Officer shall be entitled to (eighteen) 18 days sick leave annually. Such leave if not taken shall accumulate. Accumulated sick leave shall not be paid out upon termination.
- 10.8.3 Annual Leave: Full time Officers of the Union shall be entitled to five weeks annual leave on full pay, plus one extra week's pay.
- 10.8.4 Long Service Leave: Full time Officers of the Union shall be entitled to long service leave as hereunder:
- 10.8.4.1 Long service leave shall accrue as hereunder and may be taken, in periods of not less than 5 days duration at the discretion of the Officer subject to reasonable notice of his or her intention, in accordance with the following table:

<b>Length of Service</b>	<b>On Full Salary</b>
After 10 years service	13 weeks (exclusive of public holidays therein)
For every further completed period of 5 years service	6.5 weeks additional (exclusive of public holidays therein)

10.8.4.2 Provided further that where the services of any full time Officer with three (3) years service or more are terminated or cease for any reason, other than for serious and wilful misconduct, he or she shall be entitled to be paid a proportionate amount calculated on the basis of thirteen (13) weeks for ten (10) years service.

10.8.4.3 Where the services of an Officer with ten (10) years or more service are terminated or cease for any reason, long service leave shall be deemed to have accrued for his or her total length of service and the cash equivalent in respect of such accrued long service leave computed in weekly periods, less such leave already taken, shall be paid to the Officer. For the purpose of 10.8.5, the death of an Officer shall be deemed to constitute a termination of his or her services.

## **11 - EMPLOYEES**

11.1 The Union may employ Industrial Advocates, Temporary Organisers, persons with other special skills and clerical employees as needed. Industrial Advocates, Temporary Organisers and specialist employees can be appointed by the Executive Committee subject to State Council endorsement. Clerical employees can be appointed by the Secretary.

11.2 Subject to applicable law or industrial instrument, the State Council shall determine the employment conditions which shall apply to employees of the Union. State Council will not be able to apply wage increases or other conditions of employment which are in excess of those approved by the Divisional Executive in its annual salary review. Salary conditions will not be more than the mean average of all Divisional Branches combined.

### **11.3 CLERICAL EMPLOYEES**

11.3.1 Clerical employees shall carry out such duties as directed by the Secretary.

### **11.4 TEMPORARY ORGANISERS**

11.4.1 Full time or part time paid Temporary Organisers shall carry out similar duties as those outlined for Elected Organisers in 10.7.

### **11.5 OTHER EMPLOYEES**

Specialist employees and part time Industrial Advocates shall carry out such duties as directed by the governing bodies of the Union.

## **12 - ELECTIONS**

### **12.1 FREQUENCY OF ELECTIONS**

Elections for all Offices shall be held quadrennially commencing in 1995.

### **12.2 ELECTION OF PRESIDENT, SECRETARY, ASSISTANT SECRETARY AND ORGANISERS**

The President, Secretary, any Assistant Secretaries and Organisers shall be elected quadrennially by secret postal ballot of the members of the Union.

### **12.3 ELECTION OF VICE PRESIDENT**

The Vice President shall be elected quadrennially by secret ballot of the members of the State Council from Executive members at the first State Council meeting following the quadrennial elections.

### **12.4 ELECTION OF DELEGATES TO STATE CONFERENCE**

Delegates to State Conference shall be elected by the members attached to each Regional Sub- Branch, entitled to vote in accordance with Sub Rule 12.9.3 - Conduct of Elections.

### **12.5 ELECTION OF STATE COUNCILLORS**

12.5.1 Delegates to State Council shall be elected by the members of the particular Section or Sub-Branch as the case may be, entitled to vote in accordance with Sub-Rule 12.9.3 - Conduct of Elections.

12.5.2 When there are insufficient unfinancial members in a Section at the time of closing of nominations to establish representation on State Council and then prior to the next quadrennial ballot there are sufficient financial members in the Section to establish such representation an election shall be conducted to elect a Delegate to State Council for the Section.

### **12.6 ELECTION OF STATE EXECUTIVE**

Members of the State Executive, with the exception of the President and the Secretary,(and where determined by State Council, one alternate Section Representative) shall be elected by secret ballot by the State Council Delegates of the respective Section at the first meeting of the State Council after the declaration of the Quadrennial ballot.

### **12.7 ELECTION OF REGIONAL SUB-BRANCH PRESIDENT, VICE-PRESIDENT AND SECRETARY**

The election of a Regional Sub-Branch President, Vice President and Secretary shall be by postal ballot taken concurrently with the quadrennial elections of the members attached to the Sub-Branch entitled to vote in accordance with Sub-Rule 12.9.3 - Conduct of Elections.

### **12.8 ELECTION OF SUB-BRANCH DELEGATES TO ORGANISATIONS WITH WHICH THE UNION IS AFFILIATED**

12.8.1 Prior to each occasion of the quadrennial elections, State Council shall determine the method of the election of Sub-Branch Delegates to organisations with which the Union is affiliated within the Regional Sub-Branch area. The method of election of such Delegates shall be by one of the following methods:-

12.8.1.1 By the financial members resident in the respective Regional area and entitled to vote in conjunction with the quadrennial ballot; or

12.8.1.2 By the Regional Sub-Branch at a specially summoned meeting to be held at the earliest opportunity after the Declaration of the quadrennial ballot.

## **12.9 CONDUCT OF ELECTIONS**

- 12.9.1 The Union shall conduct its own elections.
- 12.9.2 Any ballot shall commence no later than four (4) weeks after the close of nominations and shall conclude no later than three (3) weeks after commencement.
- 12.9.3 The method of electing persons to an Office and to affiliated bodies shall except where otherwise provided in these Rules, be by secret postal ballot of all financial members entitled to vote in such elections. Whether or not a member is financial shall be determined by reference to sub-rule 4.5.1 - Unfinancial Members.

## **12.10 APPOINTMENT OF RETURNING OFFICER**

- 12.10.1 A Returning Officer shall be appointed by State Council to conduct the election for Officers in the union or alternatively; State Council may request the Registrar of the Western Australian Industrial Relations Commission to make arrangements with the relevant Electoral Office to conduct an election under the Rules of the Union.
- 12.10.2 A Returning Officer appointed under these Rules shall be a person who is not the holder of office in, nor an employee of the Union.

## **12.11 DUTIES OF THE RETURNING OFFICER**

- 12.11.1 Each Returning Officer shall have complete control of the respective ballot and in any disputed matter, the decision of the Returning Officer shall be final.
- 12.11.2 The preparation of the respective role of eligible voters, in accordance with the Rules of the Union shall be under the control of the Returning Officer.
- 12.11.3 For the information of the duly appointed Scrutineers, each Returning Officer shall fix the time and place for counting each respective ballot prior to commencing such count.
- 12.11.4 The Returning Officer shall at the completion of the count, declare the ballot and submit a written report to the Secretary, who shall immediately advise the State Council of the result.

## **12.12 NOMINATIONS**

- 12.12.1 Except as provided in Sub-Rule 12.12.2. nominations shall open on the first Monday in July and close at 5.00pm on the 2nd Monday in July in the quadrennial election year.
- 12.12.2 Where an election is conducted to fill a casual vacancy, the State Council shall fix the closing time for nominations.
- 12.12.3 Nominations shall be called by advertisement in the "ETU News" or in a newspaper or newspapers, or on the Union website, having regard for the district or region to which the Office relates.
- 12.12.4 Such advertisement shall be in the form of a notice setting out the name of the Union, the title of the Office, the place for lodging nominations, and inviting members eligible for election in accordance with the provisions of this Rule, to stand for election for the vacant Office
- 12.12.5 All nominations shall be in writing and endorsed by two financial members, other than the candidate, who have been at least three months in the Union. Before going to a ballot, candidates shall signify in writing their willingness to accept Office if elected.



- 12.12.6 Provided that if the Returning Officer finds a nomination defective he/she shall, before rejecting the nomination, notify the person concerned of the defect and, where it is practical to do so, give such person the opportunity to remedy the defect within seven days of being so notified.

**12.13 CONDUCT OF ELECTIONS COLLEGIATE ELECTIONS**

- 12.13.1 Where the election provided by these Rules is to be conducted otherwise than by direct election by a secret postal ballot, the Returning Officer shall call for nominations at the relevant meeting, or as prescribed by these Rules.
- 12.13.2 Where nominations are called for under 12.13.1 above, and the Returning Officer finds that a nomination is defective he/she shall take all reasonable steps to give the person nominating an opportunity to remedy the defect.
- 12.13.3 In conducting the ballot, the Returning Officer shall take all reasonable steps to ensure the secrecy of the ballot and may give all reasonable directions to ensure that no irregularity occurs.
- 12.13.4 For collegiate elections at or by the State Council, the following persons shall be eligible to stand for the positions indicated in the manner below:-

<b>COLLEGIATE ELECTIONS</b>		
<b>Positions</b>	<b>Persons Eligible</b>	<b>Electors</b>
Executive Members and alternates (where applicable) other than Secretary or President	Sectional Representatives from each Section	Sectional Representatives from each Section
Vice President	State Executive	State Councillors

**12.14 CONDUCT OF ELECTIONS DIRECT VOTING**

- 12.14.1 Where an election is to be conducted by a direct secret postal ballot of the members of the Union, the Returning Officer shall call for nominations for election to each of the offices according to these Rules. Each nomination shall be in writing and shall be signed by the candidate and otherwise be in accordance with these rules.
- 12.14.2 Nominations shall be called for by advertisement in a daily newspaper circulating in Western Australia, and, where the election time table permits it, in the "ETU News" or on the Union website.
- 12.14.3 If no more nominations for election to any office are received than the number of vacancies in such office, then the Returning Officer shall forthwith declare the person or persons nominated to have being elected to such office.
- 12.14.4 If there are more nominations for election to any office than there are vacancies in such office, the Returning Officer shall fix dates when the ballot shall open and close provided that the ballot shall close not later than the day specified in these Rules. The period between the opening and closing dates of the ballot shall be not less than ten (10) days nor more than twenty-one (21) days.
- 12.14.5 The election shall be by means of a secret ballot and the Union shall provide the Returning Officer with a post box address for the return of the ballot papers.
- 12.14.6 The Returning Officer shall obtain the keys of a box at a post office in Perth. Such keys shall not pass from the possession of the Returning Officer at any time during an election. The Returning Officer shall give each scrutineer reasonable notice of his/her intention to open the post office box and any scrutineer may as a result of such notice be in attendance.

- 12.14.7 Each Returning Officer shall have compiled a list of all members who are eligible to vote and shall use such list in the conduct of the said election.
- 12.14.8 Every member of the Union who is financial at the closing time for nominations shall be eligible to vote.
- 12.14.9 The elections shall be conducted under the 'first past the post' voting system. The position of all candidates' names for each office on the ballot paper shall be drawn for.
- 12.14.10 The Returning Officer shall cause to be prepared sufficient ballot papers which shall not be numbered or otherwise marked except with the Returning Officer's initials together with prepaid envelopes addressed to the box number at the post office referred to in Sub-Rule 12.14.6. The ballot papers shall contain in a prominent position the date and time of the closing of the ballot and ballot papers received after that date shall not be included in the ballot.
- 12.14.11 The Returning Officer shall by prepaid post forward a ballot paper and reply-paid envelope in the presence of such scrutineers as wish to be present on a date to be determined by the Returning Officer to each voter entitled to vote within the union in accordance with the voters' list.
- 12.14.12 A candidate may in writing appoint any member of the Union who is not a candidate in the election to be his/her scrutineer but such scrutineer shall not in any way obstruct the Returning Officer in the performance of his/her duties nor shall the Scrutineer in any way interfere with the conduct of the ballot.
- 12.14.13 A scrutineer shall, so far as it is possible having regard to the time of appointment and to the form of election to be conducted, be entitled to observe the forwarding of nominations forms by the Returning Officer, the consideration of nomination forms, to inspect the nomination forms, to observe the form and distribution of ballot papers, the collection of the envelopes containing the ballot papers from the post office box where appropriate, the checking of votes, the conduct and determination of the election by lot and the declaration of the ballot and to observe every act performed or directed by the Returning Officer which may affect the result of the election. The Returning Officer shall take all reasonable steps by notification or otherwise to enable each scrutineer to exercise these entitlements. A scrutineer shall direct the attention of the Returning Officer to any irregularity he/she may detect whether in the nomination forms, nominations, the form of distribution of ballot papers, or in respect of any other matters to be observed or done under these rules. A scrutineer shall do all these things necessary so that the conduct of the election shall conform to these rules and so that the secrecy of the ballot shall be observed.
- 12.14.14 At the close of the ballot, the Returning Officer in the presence of the scrutineers and all candidates (if available) shall count all ballot papers and shall within fourteen (14) days of the close of the ballot declare the result of the elections and the persons declared elected shall occupy their respective positions forthwith, or otherwise in accordance with these rules.
- 12.14.15 A person elected to office pursuant to the provisions of this rule shall, unless otherwise provided in these rules, retain it until a successor is duly elected unless he/she dies, resigns or is removed from office in accordance with these rules.
- 12.14.16 The Returning Officer shall make reasonable arrangements for the recording of absentee votes.
- 12.14.17 In conducting the ballot, the Returning Officer shall take all reasonable steps and may give all reasonable directions to ensure that no irregularity occurs.
- 12.14.18 For direct elections by the members of the union the following persons shall be eligible to stand for the positions indicated in the manner below:-

<b>ELECTIONS VOTING BY SECRET POSTAL BALLOT</b>		
<b>Positions</b>	<b>Persons Eligible</b>	<b>Electors</b>
President Secretary Assistant Secretary And Organisers	Financial members for two years	All financial members of the Union
Sub-branch and/or Section Representatives on State Council and State Conference	Financial members of the Sub-branch concerned for one year	All financial members residing in the Sub- branch concerned

## **12.15 CANDIDATES**

- 12.15.1 Candidates for the positions of President, Secretary, Assistant Secretary or Organiser, must have been financial members of the Union in accordance with Rule 4 for each quarterly period as it fell due within two years immediately preceding the date of nomination.
- 12.15.2 No member shall be eligible to nominate for more than one of the positions contained in 12.15.1 at the same time. Provided that in filling casual vacancies a member holding one of those positions shall not be prevented from nominating for, or being nominated for, any of those other positions without having to resign the position held by the member unless elected to such other position.
- 12.15.3 Candidates for all other positions must have been financial members of the Union for each quarterly period as it fell due within one year immediately preceding the date of nomination except where there is only one nominee when the candidate shall be a financial member of the Union in accordance with Rule 4.

## **12.16 CONTRACTORS/EMPLOYERS INELIGIBLE TO HOLD OFFICE**

In the event of members becoming contractors and/or employers they shall not be eligible to hold an Office in the Union.

## **12.17 QUALIFICATION OF VOTERS**

To be eligible to vote in elections, members shall be financial at the closing time for nominations.

## **12.18 ABSENT VOTING**

Provisions shall be made for absentee voting in any ballot, for any Office conducted under this section of these rules.

## **12.19 METHOD OF VOTING**

Persons eligible to vote shall record their votes by placing a cross on the ballot paper opposite the name of the candidates they desire to vote for, and the candidate who receives the highest number of votes shall be declared elected.

## **12.20 EQUAL VOTING**

When the voting is equal in any election conducted under these rules, in the event of one of the candidates being the retiring office-holder, such candidate shall be declared elected. In other cases in which a tie occurs the matter shall be decided by the toss of a coin.

## **12.21 SCRUTINEERS**

- 12.21.1 In any election conducted under these rules, candidates may appoint a scrutineer, who shall be a member of the Union to represent them at the ballot.
- 12.21.2 Scrutineers shall have the right to inspect ballot papers but shall not handle ballot papers unless given permission by the Returning Officer.
- 12.21.3 Scrutineers shall accept responsibility for being present during the times fixed by the Returning Officer for the counting of the ballot, and counting of the ballot shall not be delayed by the absence of any or all of the scrutineers.

## **12.22 DECLARATION OF ELECTION**

- 12.22.1 Each Returning Officer shall, at the completion of the count, declare the election and submit a written report to the Secretary. Persons elected to an office shall take up that office immediately.
- 12.22.2 The Secretary shall notify the CEPU Electrical Division Secretary of the names of the elected Officers within thirty (30) days of the completion of such elections.
- 12.22.3 The Secretary shall announce the result of the election at the next appropriate State Council meeting.

## **12.23 CASUAL VACANCIES**

- 12.23.1 Where the occupant of an office within the Union or Regional sub-branch resigns, dies, or is removed from office in accordance with the Rules, the State Council may appoint a member of the Union or Regional sub-branch eligible to nominate for the office in accordance with the rules to carry out the functions of the office. The person so appointed shall assume all duties, responsibilities, rights and entitlements of the office.
- 12.23.2 Where the unexpired portion of the term exceeds three-quarters of the term of the office or if it is less but State Council so decides, an election shall be held to fill the office. Such election shall be conducted in accordance with the relevant provisions of Rule 12. Elections shall be commenced within six (6) months of the vacancy occurring. The successful candidate shall hold Office for the unexpired term of his predecessor unless he resigns, dies or is removed from Office in accordance with the rules.

## **13 - SEAL**

The Seal shall be oval in shape and contain the name of the Union as detailed in Rule 1. -Name.

It shall remain in the custody of the Secretary and be used for the purpose of executing all documents on behalf of the Union.

## **14 - ADDRESS**

The Registered Office of the Union shall be at 3 Focal Way, Baywater WA 6053 until otherwise decided by resolution of State Conference or State Council.

## **15 - PROPERTY AND FUNDS**

### **15.1 PROPERTY**

The Union may sue and be sued and may purchase, take on lease, hold, sell, lease, mortgage, exchange, and otherwise own, possess, and deal with any real or personal property.

### **15.2 FUNDS**

15.2.1 The funds of the Union which are allocated to and the expenditure of which is administered by the Union, and which shall be managed and controlled in accordance with the Rules of the Union shall consist of:

15.2.1.1 Eighty-seven and one-half (87½) per centum of the entrance fees and contributions paid by the members of the Union. (The remaining twelve and one-half [12½] per centum of the entrance fees and contributions paid by the members of the Union shall be paid to the CEPU Electrical Division Divisional Council).

15.2.1.2 Levies raised by the Union.

15.2.1.3 Contributions, payments or receipts to the Union from any other source.

15.2.1.4 Such other property or funds as are deemed to be part of the Union fund.

15.2.2 Banking and Investments

The funds which are retained by the Union shall ordinarily be invested in a bank registered under the Banking Act 1959 (Cwth). The State Council may authorise the Secretary to invest any portion of the Union funds in Government securities, bonds or debentures, or by fixed deposit in a bank registered under the Banking Act 1959 (Cwth); but the Secretary shall not make any other investments without the approval of a two-thirds majority of the State Council, except that where approval has been obtained by the Secretary for investment the Secretary may re-invest the amount in bonds or debentures at the maturity date of that investment.

15.2.3 Where a current account is opened with a bank in the name of the Union, withdrawals shall be by Officers and/or staff authorised by State Council.

15.2.4 The State Council or Executive Committee shall have no power to vote a sum exceeding five (5) per centum of its accumulated funds for any purpose other than that of administration, provided that upon application by the Union the CEPU Electrical Division Divisional Executive may authorise expenditure in excess of the abovementioned amount.

15.2.5 Levies

15.2.5.1 State Conference or State Council shall have power to impose a levy upon the members, subject to the consent of CEPU Electrical Division or Divisional Executive. Such levies shall not exceed the sum of two dollars (\$2.00) per week per member plus GST. Payment of such levies imposed by State Conference or State Council shall not be compulsory if made for any political purpose or on behalf of any business scheme, whether co-operative or otherwise.

- 15.2.5.2 Junior workers and apprentices (other than adult apprentices) shall not be required to pay levies.
- 15.2.6 Control of Union Funds
- 15.2.6.1 The Secretary shall, as directed by the State Council, deposit all moneys accruing to the Union in a bank to the credit of the Union at least once a week.
- 15.2.6.2 Subject to the policies and procedures relating to the expenditure of the Union determined pursuant to these rules, the Secretary, or delegate of the Secretary, may authorise payments, including by credit card, and withdraw money from the Union Fund within the powers set out in the rules.
- 15.2.6.3 Except in case of extreme urgency all proposals to commit the Union to new expenditure shall be referred to the Executive Committee for report.
- 15.2.6.4 A summary of income and expenditure shall be tabled at each Executive Committee Meeting.
- 15.2.7 Other Special Funds
- 15.2.7.1 In addition to and distinct from, the general funds and trust funds of the union as outlined in 15.2.1, 10.8.7 and 11.6.5 State Conference or State Council shall have the power to establish funds for sustenance of members involved in industrial disputes, or for particular industrial or political campaigns.
- 15.2.7.2 ~~Moneys paid into funds referred to in 15.2.7.1 shall not be paid from the Unions general fund except by specific decision of the State Conference or State Council to do so. Moneys raised by special donation or by special fund raising projects may be placed in a special fund.~~  
*(Disallowed – See Order 2194 of 1997 of 11/07/2000)*
- 15.2.8 Financial Year and Balance Sheet
- 15.2.8.1 The financial year of the Union shall be from 1st January to 31st December (inclusive) each year.
- 15.2.8.2 The Secretary shall submit annually a properly audited balance sheet of receipts and expenditure to the Annual General Meeting and State Council.

## **16 - AUDITORS**

The State Council shall appoint an Auditor, who shall be a Chartered Accountant or a registered Public Accountant, who shall audit the accounts yearly and see that the same are correctly kept. They shall have power at any time to call for the books, papers, vouchers and documents belonging to the Union. They shall make a report of each audit to the State Council and sign the necessary papers certifying to the audit and the financial position of the Union. They shall be paid such fees as may be fixed for that purpose by the State Council.

## **17 - OFFENCES, CHARGES AND PENALTIES**

### **17.1 OFFENCES**

- 17.1.1 Failing to observe any of the Rules of the Union.
- 17.1.2 Knowingly failing to observe any resolution of the CEPU Electrical Division Divisional Council, Divisional Executive, State Conference, State Council, Executive Committee or Sub-Branch to which the member belongs or any other meeting provided for in Rule 7.
- 17.1.3 Working in contravention of an Award, Order or Agreement by which the Union is bound.
- 17.1.4 Knowingly giving false or misleading information to CEPU Electrical Division Divisional Council, Divisional Executive, State Conference, State Council, Executive Committee, Sub-Branch or to any Officer or employee of the Union on a matter which is the concern of the Union.
- 17.1.5 Obstructing the CEPU Electrical Division Divisional Council, Divisional Executive, State Conference, State Council, Executive Committee, Sub-Branch or any other lawful Committee or Body of the Union, in any way in the performance of any of its functions.
- 17.1.6 Obstructing any Officer or employee of the Union in the course of his/her duties.
- 17.1.7 After having been reasonably requested to assist, failing to assist any lawful Committee or Body of the Union in any way in the performance of any of its functions.
- 17.1.8 After having been reasonably requested to assist, failing to assist any Officer, or employee of the Union who is a member of the Union, in the course of his/her duties.
- 17.1.9 Wrongfully claiming to be the occupant of any office or position in the Union or to be entitled to represent the Union in any capacity (to which charge it shall be a defence that the member believed bona fide and on reasonable grounds that he/she was entitled so to act).
- 17.1.10 Lending or selling his/her contribution book, badge, O.K. card or other document used to identify a member or financial member.
- 17.1.11 Circulates or causes to be circulated any report which may be considered detrimental to the well-being of the Union, or calculated to injure any member thereof.
- 17.1.12 Has made a false statement to become a member of the Union.
- 17.1.13 Divulges any business detrimental to the interests of the Union or does any act which injures the Union.
- 17.1.14 Attends any meeting of the Union in an intoxicated condition, interrupts the business of the meeting, or fails to withdraw when requested to do so by the Chairperson of such meeting.
- 17.1.15 Aiding or encouraging any other member in any offence under this Rule.

### **17.2 LAYING OF CHARGES**

- 17.2.1 Any financial member wishing to charge another member (or members) with a breach of these Rules shall outline the complaint in detail, in writing, to the Secretary.
- 17.2.2 The Secretary upon receipt of a complaint shall within seven (7) days inform the accused member(s) by personal delivery, Security Post or by some other means of recorded delivery to the member's address, or members' addresses, as registered with the Union, of the detail of the charges and the date of the next Executive Committee meeting which shall determine the date for a hearing to be held into the charges.

- 17.2.3 The Executive Committee at the meeting referred to in 17.2.2 shall fix a date for the hearing of the charges which should normally and reasonably expect to take place no later than a further thirty-five (35) days but shall also allow the complainant and the accused at least fourteen (14) days notice of said hearing.
- 17.2.4 The Secretary shall advise the complainant and the accused personally, by Security Post or by some other means of recorded delivery to the member's address, or members' addresses, as registered with the Union, of the date of hearing of the charges at which the member(s) shall be entitled to attend and put before (which expression shall include the giving of evidence) the Executive Committee such matters as they may think relevant.
- 17.2.5 If the member charged does not attend the hearing as outlined in 17.2.4, or any adjournment of such hearing, charge(s) may be heard in the absence of the accused unless a satisfactory explanation of his/her absence has been received.
- 17.2.6 Having heard the parties the Executive Committee shall consider the matter and may find the charges proved, unproved or frivolous.
- 17.2.7 If either the accused or the complainant are aggrieved by the decision of the Executive Committee they may appeal to the State Council which shall have power to confirm, quash or vary the decision. Notice of the appeal shall be in writing and delivered to the Secretary within twenty-one (21) days of the decision of the Executive Committee. The appeal shall be heard by the State Council at its next meeting after the delivery of the notice of appeal.
- 17.2.8 If either the accused or the complainant are aggrieved by the decision of the State Council they may appeal to the CEPU Electrical Division Divisional Council which shall have power to confirm, quash or vary the decision. Notice of the appeal shall be in writing and delivered to the CEPU Electrical Division Divisional Secretary within twenty-one (21) days of the decision of the State Council.
- 17.2.9 The decision of the CEPU Electrical Division Divisional Council on the appeal shall be final and binding on all members of the Union.

### **17.3 PENALTIES**

- 17.3.1 If the Executive Committee finds the charges proven it may do one or more of the following:
- 17.3.1.1 Impose no penalty.
  - 17.3.1.2 Impose a fine not exceeding five hundred dollars (\$500.00) on each charge.
  - 17.3.1.3 Impose a suspension from membership or suspension of any right or benefit of membership for any specified period. Suspension from membership shall deprive a member of the benefits of membership, but shall not relieve him/her of the obligations of membership and shall not exceed six (6) months for any offence.
  - 17.3.1.4 Dismiss the member from any office or position held within the Union.
  - 17.3.1.5 Expel the member from the Union.
- 17.3.2 Provided always that nothing in the provisions of this Rule shall provide for or enable the dismissal from Office of a person elected to an Office within the Union unless found guilty, in accordance with the Rules of the Union of misappropriation of the funds of the Union, a substantial breach of the Rules of the Union or gross misbehaviour or gross neglect of duty or has ceased according to the Rules of the Union, to be eligible to hold the Office.



17.3.3 If the Executive Committee finds that the charges laid were frivolous it may do one or more of the following:

17.3.3.1 Impose no penalty.

17.3.3.2 Impose a fine on the complainant not exceeding five hundred dollars (\$500.00).

## **18 – STATE COUNCIL AND EXECUTIVE COMMITTEE MEETINGS BY CORRESPONDENCE**

In cases where it is considered by the Secretary and/or the President impractical to hold a face to face meeting of the State Council or Executive Committee or a meeting of the State Council or Executive Committee using teleconferencing or similar facilities under Rule 19 "Meetings by Telephone or Video Conferencing", the business to be decided by the State Council or Executive Committee may be referred to the members of the State Council or Executive Committee by the Secretary for a decision by correspondence. The business so referred may be forwarded by post, facsimile transmission or email. The Secretary may prescribe a time in which the vote shall be returned and/or a preferred method by which members should return their votes.

The State Council or Executive Committee members shall record their vote on the matter submitted to them and send it to the Secretary by post, facsimile transmission or email within the prescribed time where relevant. Each vote must be signed by the State Council member or Executive Committee member recording it. If a time is prescribed for the return of the vote, failure to vote within that time will mean the vote will not be recorded. Failure to lodge a vote in a prescribed time will not render the ballot invalid.

## **19 – STATE COUNCIL AND EXECUTIVE COMMITTEE MEETINGS BY TELEPHONE OR VIDEO CONFERENCING**

Where a decision is taken to hold a meeting of State Council or the Executive Committee, the Secretary and/or President (or person convening the meeting in their absence) may decide to hold a meeting of the State Council or Executive Committee by the use of "telephone conferencing" or "video-conferencing" facilities.

## **20 - STANDING ORDERS**

### **20.1 GENERAL PRINCIPLES**

20.1.1 The Standing Orders are designed to achieve the orderly and efficient conduct of the Union's meetings without unnecessarily restricting debate.

20.1.2 Chairpersons should ensure flexibility in their application when dealing with inexperienced members and at rank and file meetings.

20.1.3 The Chairperson is required to impartially conduct meetings under the Standing Orders.

20.1.4 The Standing Orders shall apply to all of the Union's meetings including State Conferences, State Council, Executive Committee, General, Sub-Branch and any other where the formal conduct of an agenda is required.

### **20.2 TIME, PLACE AND DURATION OF MEETINGS**

20.2.1 The regular time and place of meetings of State Council, other Committees and Sub-Branched shall be determined as required by the body concerned, provided it conforms with the relevant provisions of Rules 5 and 6.

20.2.2 The intended duration of any meeting shall be established at its commencement and any decision to extend shall require a two-thirds majority.

20.2.3 There shall be no limit to the length or number of extensions.

### **20.3 SPECIAL MEETINGS**

20.3.1 Special Meetings of State Council, other Committees and Sub-Branched may be called as provided for in the relevant sections of Rules 5 and 6.

### **20.4 ORDER OF BUSINESS**

20.4.1 The order of business at any meeting shall be as determined by the Committee or Officer responsible for compiling the Agenda subject to confirmation or alteration by the meeting concerned and the relevant provisions of Rules 5 and 6.

### **20.5 QUORUMS**

20.5.1 No meeting conducted under the Standing Orders shall continue without a quorum being present, as required in Rule 8.

### **20.6 RULES OF DEBATE - GENERAL**

20.6.1 Discussion at all meetings conducted under the Standing Orders shall either be formal DEBATE or informal "IN COMMITTEE".

20.6.2 All discussion as outlined in 20.6.1 shall be under the control of the Chairperson and all those taking part shall conduct themselves in a proper manner, address the Chairperson when speaking and observe the Chairperson's rulings.

20.6.3 Any person who continues to behave in a disruptive manner, after having been warned by the Chairperson, may be ordered by the Chairperson to leave the meeting.

20.6.4 Any such instruction by the Chairperson may be overturned by the meeting following the same procedure as that outlined for dissent from Chairperson's rulings in 20.10.

20.6.5 Any member whose conduct at a meeting is so seriously disruptive as to warrant more serious action may be charged under 17.1.14.

### **20.7 REPORTS AND ADDRESSES**

20.7.1 Reports may be made by any financial member of the Union, on any subject consistent with the Union's objects, to any meeting, by agreement of the meeting concerned.

20.7.2 Addresses by any person may be made to meetings on any subject, by agreement, of the meeting concerned.

20.7.3 Reports and addresses as outlined in 20.7.1 and 20.7.2 may be followed by a period of questions for such a time as agreed to by the meeting concerned.

20.7.4 Each report or address shall be limited to ten (10) minutes unless the meeting decides otherwise.

20.7.5 Any meeting conducted under these Rules may decide by a motion properly moved and seconded and carried by a two-thirds majority to go into Committee as provided for in 20.9 to discuss any report or address.

20.7.6 Any decisions arising from a report or address shall be made under the procedures provided for in 20.8.

## **20.8 THE MAKING OF DECISIONS**

- 20.8.1 The making of decisions can only be done under the procedures of FORMAL DEBATE as laid down in the following provisions of 20.8.
- 20.8.2 Only those attending meetings with full voting rights may participate in the making of decisions, including the moving and seconding of motions, amendments or procedural motions, the ensuing debate and votes.
- 20.8.3 Any proposal for a decision to be made shall be moved and presented to the Chairperson in writing, and if desired, spoken to by the mover for up to the time allotted under 20.8.29 and 20.8.30.
- 20.8.4 After a motion has been moved, and if desired, spoken to by the mover, it must be seconded before any further debate can proceed.
- 20.8.5 Any motion that is not seconded shall lapse without further discussion and the meeting shall proceed with further motions or the next item on the agenda.
- 20.8.6 The seconder of any motion shall have the right to speak for up to the time allotted under 20.8.29 and 20.8.30, but shall not be entitled to reserve that right for use later in the debate.
- 20.8.7 After a motion has been moved and seconded and there are no amendments moved or speakers in opposition, the motion shall immediately be put to the vote.
- 20.8.8 After a motion has been moved and seconded and amendments are moved or opposition expressed the debate shall proceed on the basis of no more than two (2) speakers speaking in succession for or against the proposal.
- 20.8.9 Any number of amendments, seeking to add to, delete from or alter the original motion may be moved and seconded, provided that no amendment shall constitute a negative of the original motion.
- 20.8.10 The procedures for moving and seconding amendments shall be the same as that provided for motions under 20.8.3 to 20.8.6.
- 20.8.11 All amendments shall be discussed simultaneously with the original motion.
- 20.8.12 The mover and seconder of any amendment may withdraw their amendment at any time during the debate prior to the vote(s) being taken.
- 20.8.13 The mover and seconder of the original motion may agree to include any amendment in that motion thus disposing of the need to vote on that amendment.
- 20.8.14 At the conclusion of the debate the mover of the original motion shall have the right of reply. There is no right of reply for the mover of an amendment.
- 20.8.15 No one shall speak more than once during the debate except the mover of the original motion in reply, or by permission of the Chairperson on a point of factual information.
- 20.8.16 After the mover of the original motion has replied, the Chairperson shall immediately put any amendments and the motion to the vote.
- 20.8.17 Amendments shall be put first in the order in which they were moved. Any amendment defeated is discarded. Any amendment carried adds to, deletes from or modifies the original motion.

- 20.8.18 The original motion (in its modified form if any amendments have been carried) is then put to the vote.
- 20.8.19 For all votes necessary the Chairperson shall call upon those in favour to say AYE, those against to say NO and then to ask if there are any abstentions.
- 20.8.20 If there are no abstentions or NO votes the Chairperson shall declare the motion or amendment carried unanimously.
- 20.8.21 If abstentions or NO votes are voiced the Chairperson shall then call for and count a show of hands of those FOR, those AGAINST and those ABSTAINING.
- 20.8.22 Unless otherwise provided for in these Rules the Chairperson shall declare the motion or amendment CARRIED if those in favour outnumber those against and declare it LOST, if those against outnumber or equal those in favour, irrespective of the number abstaining in either case.
- 20.8.23 The Chairperson shall have a deliberative but not a casting vote.
- 20.8.24 At the conclusion of any speaker's time a motion "that the question now be put" or "that the question be adjourned" or "that the next business be proceeded with" may be moved, provided that the opportunity has been given for at least two (2) speakers for and two (2) speakers against the original motion.
- 20.8.25 A member having already spoken in debate shall not be entitled to move any of the procedural motions outlined in 20.8.24.
- 20.8.26 Any procedural motion as outlined in 20.8.24 shall be put without debate and shall require a two thirds majority to be carried.
- 20.8.27 If the motion "that the question now be put" is carried, the mover of the original motion being debated shall have the right of reply, before the vote is taken on the original motion and any amendments.
- 20.8.28 If the motion "that the next business be proceeded with" is carried it effectively disposes of the original motion and any amendments that were being debated.
- 20.8.29 Movers of motions shall be limited to seven (7) minutes speaking time. Seconders of motions, movers and seconders of amendments, movers in reply and all other speakers in debate shall be limited to five (5) minutes.
- 20.8.30 Any speaker in debate may be granted five (5) minute extensions of time, without limit as to the number of extensions. Each motion for such an extension shall be put without debate and require a two thirds majority to be carried.

## **20.9 IN COMMITTEE DISCUSSION**

- 20.9.1 "IN COMMITTEE" or informal discussion is designed to allow members or visitors to any meeting to express opinions outside the strict formalities of 20.7 and 20.8. However the general provisions contained in this Rule requiring the orderly conduct of meetings shall still apply.
- 20.9.2 At any time during the debate on an agenda item, at the conclusion of any speakers time, and before the right of reply has been exercised a motion "to go into committee" may be moved and if seconded shall be put without debate and require a two thirds majority to be carried.

- 20.9.3 At any time during an "IN COMMITTEE" period of discussion, at the conclusion of any speakers time a motion "to go out of committee" may be moved by a member with voting rights and if seconded shall be put without debate and require a simple majority to be carried.
- 20.9.4 During a period of "IN COMMITTEE" discussion all those Union members present at the meeting may express opinions about the agenda item being considered for five (5) minutes with the right of five (5) minute extensions granted by a simple majority, moved and seconded by members with voting rights.
- 20.9.5 Speakers shall be called by the Chairperson in the order in which they indicate an intention to speak.
- 20.9.6 Any member present may speak more than once during an "IN COMMITTEE" discussion period.
- 20.9.7 No decisions can be made during an "IN COMMITTEE" discussion period except on the procedural matters provided for in 20.9.3 and 20.9.4 and challenges to the Chairperson's rulings as provided for in 20.10.

## **20.10 DISAGREEMENT WITH THE CHAIRPERSON'S RULING**

- 20.10.1 Any member with voting rights may challenge the Chairperson's conduct of any meeting being conducted under the Standing Orders.
- 20.10.2 The procedure to be followed in any such challenge shall be as provided for in 20.10.3 to 20.10.9.
- 20.10.3 The person making the challenge shall move "dissent with the Chairperson's ruling".
- 20.10.4 The motion of dissent must be seconded or lapse.
- 20.10.5 If the motion of dissent is seconded the Chairperson shall hand the control of the meeting over to a Vice President or other person authorised by the meeting.
- 20.10.6 The mover may then speak for up to five (5) minutes, with no right of extension, explaining the reasons for the motion of dissent.
- 20.10.7 The Chairperson may then speak for up to five (5) minutes, with no right of extension, defending the ruling being challenged.
- 20.10.8 The Acting Chairperson shall then put the motion of dissent, without debate, under the provisions of 20.8.18 to 20.8.23.
- 20.10.9 The Chairperson shall then resume control of the meeting and adopt the procedure as decided in the debate on the motion of dissent.

## **20.11 REMOVAL OF CHAIRPERSON**

- 20.11.1 If any Chairperson of any meeting persists in violating the Standing Orders, or whose conduct is disruptive of orderly procedures laid down in the Standing Orders, any member present with voting rights may move for that Chairperson to be replaced, and if required, to be removed from the meeting.
- 20.11.2 Once such a motion has been moved the procedures to be followed shall be the same as in 20.10.
- 20.11.3 Any Chairperson whose conduct at a meeting is so seriously disruptive as to warrant more serious action may be charged under 17.1.14.

## **20.12 REVISION OF DECISIONS**

- 20.12.1 At any time when there is no other matter under debate, at any Conference, Committee or Sub-Branch meeting, any member with voting rights may move for the rescission of any previous decision made by that Conference, any previous Conference, Committee or Sub-Branch.
- 20.12.2 Debate on such a rescission motion shall proceed as provided for in 20.8 except that any motion to rescind a previous decision shall require a two thirds majority to be carried.

## **21 - ALTERATIONS TO RULES**

- 21.1 No amendment, addition to, variation, repeal or substitution of these rules shall be made unless endorsed by an Annual General Meeting or a Special General Meeting as provided for in Rule 7.
- 21.2 The Executive Committee or the State Council shall give seven (7) days notice specifying the time, place and objects of such meeting as referred to in 21.1 by conspicuously publishing a copy of a notice hereof in the major daily newspaper circulating in Western Australia, or by publishing a copy on the Union website and by posting a copy of the notice in a conspicuous place outside the Union office, also by notification to Job Representatives.
- 21.3 Notwithstanding anything hereinbefore contained no alteration to these Rules shall be made unless twenty one (21) days notice of the proposed alteration and the reasons therefore is given to members. The said notice and reasons shall be in writing and distributed to all members of the Union, or published on the Union's website or published conspicuously in the major daily newspaper circulating in Western Australia.
- 21.4 The notice referred to in 21.3 shall inform members that they or any of them may object to the making of the application for alteration or to the proposed alteration by forwarding written objection to the Registrar of the Western Australian Industrial Relations Commission to reach the Registrar no later than twenty one (21) days after the date of distribution or publication of the notice.