

**RULES OF THE  
WESTERN AUSTRALIAN MUNICIPAL, ADMINISTRATIVE, CLERICAL  
AND SERVICES UNION OF EMPLOYEES**

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DEPUTY REGISTRAR  
14 December 2010

## **RULES OF THE WESTERN AUSTRALIAN MUNICIPAL, ADMINISTRATIVE, CLERICAL AND SERVICES UNION OF EMPLOYEES**

### **1. - NAME**

The name of the Union shall be the Western Australian Municipal, Administrative, Clerical and Services Union of Employees.

The trading name of the Union shall be the Western Australian Services Union (WASU).

### **2. - REGISTERED OFFICE**

The registered office of the Union shall be at Kenafick House, 102 East Parade, East Perth WA 6004.

### **3. - DEFINITIONS**

**Union** means the Western Australian Municipal, Administrative, Clerical and Services Union of Employees.

The **Western Australian Services Union**, or the acronym **WASU**, shall mean the trading name and abbreviation respectively of the Western Australian Municipal, Administrative, Clerical and Services Union of Employees.

**Committee of Management** shall mean the honorary Committee of Management of the Union, consisting of President, Deputy President, Secretary, Assistant Secretary and the financial member(s) elected from the Administrative, Clerical and Customer Services Division, the financial member(s) elected from the Transport Division and the financial member(s) elected from the Social and Community Services Division.

**President** means the President of the Union.

**Deputy President** means the Deputy President of the Union.

**Secretary** means the Secretary of the Union.

**Assistant Secretary** means the Assistant Secretary of the Union

**Executive Officers** means the honorary positions of President, Deputy President, Secretary and Assistant Secretary of the Union.

**Branch** means the Western Australian Branch of the Australian Municipal, Clerical and Services Union (ASU).

**Branch Secretary** means the Secretary of the Western Australian Branch of the Australian Municipal, Administrative, Clerical and Services Union.

**AMACSU** shall mean the Australian Municipal, Administrative, Clerical and Services Union of Employees, WA Clerical and Administrative Branch, an organisation of employees registered pursuant to the WA Industrial Relations Act 1979.

**WA ROU** shall mean the Western Australian Railway Officers' Union, an organisation of employees registered pursuant to the WA Industrial Relations Act 1979.

**Transitional Committee of Management** shall mean the persons holding the positions of General President, General Vice President, General Secretary and General Treasurer of the Western Australian Railways Officers Union as at the date of amalgamation and the persons holding the positions of President, Vice President, Secretary and Treasurer of the Australian Municipal, Administrative, Clerical and Services Union of Employees, WA Clerical and Administrative Branch as at the date of amalgamation.

#### **4. - OBJECTS**

The Objects of the Union are to:

- a. uphold the rights of organised labour, to improve, protect and foster the best interests of its members and to subscribe to and/or co-operate with a policy of improving the cultural and living standards of its members.
- b. watch over, improve, foster and protect the interests of its members.
- c. obtain and maintain for its members reasonable hours of work and fair wages and industrial conditions by collective bargaining and industrial campaigning.
- d. improve the social and economic position of its members.
- e. enter into financial management and administrative arrangements with the Branch to gain economies of scale and to improve the efficient operation of the Union.
- f. introduce industry divisional membership structures into the rules of the Union which reflect as far as practicable the divisional membership structures within the rules of the Branch.
- g. assist at the discretion of Committee of Management any financial member in difficulty by reason of any action in connection with his duties.
- h. cooperate, affiliate, federate, amalgamate, merge with, or absorb any association, organisation or union of employees whether registered or not, pursuant to any law within Australian.

#### **5. - ELIGIBILITY FOR MEMBERSHIP**

The following persons and classes of persons shall be eligible for membership of the Union, namely:

- a. persons engaged in the services of the Western Australian Government Railways in receipt of an annual salary or, in the case of temporary clerks, paid on wages sheets, also Union Head Office staff.

- b. persons employed at an annual salary rate in the rail transport industry by:
  - (i) any statutory body representing W.A.G.R. in any such right as aforesaid; or
  - (ii) any instrumentality or authority whether corporate or unincorporated acting under the control of or for or on behalf of or in the interest of W.A.G.R. in any such right as aforesaid; or,
  - (iii) any Company or Corporation in which at least fifty per centum of the issued shares are held by or for or on behalf of or in the interest of W.A.G.R. in any such right as aforesaid.
  - (iv) persons employed at an annual salary rate in the Western Australian Railways Institute.

The Union shall also consist of:

- a. persons, male or female, engaged in any clerical capacity, including telephonists, or in the occupation of shorthand writing or typing or calculating, billing or other machines designed to perform, or assist in performing any clerical work whatsoever within the State of Western Australia, but excepting that portion of the State within the 20th and 26th parallels of latitude and the 125th and the 129th meridians of longitude.
- b. provided that no person shall be a member who is not an employee within the meaning of the "Industrial Relations Act, 1979".

The Union shall consist of an unlimited number of bona fide employees of Municipal County and Shire Councils or other Local Government Authorities or Trusts, Municipal Trusts Water Supply and/or Sewerage Boards or Trusts, Road Boards and other Boards, Corporations, Commissions or Trusts, carrying out or entrusted with the carrying out of works operations or functions similar to those usually or generally performed by Municipal or Shire Councils or other Local Government Authorities before the appointment of such Boards, Corporations, Commissions or Trusts and of health boards, the board or governing body of any park, reserve or racecourse, cemetery board or any person acting for, under or on behalf of any of such boards or bodies and of employees to contractors to any of such Councils, Authorities, Boards, Corporations, Commissions or Trusts

Provided that the Union shall not admit as members employees engaged on new construction work in connection with services which have not passed to the authority which on the completion of such construction work is responsible for the provision and maintenance of those services; and provided further that the union shall not admit persons eligible to be members of the Civil Service Association of Western Australia Incorporated under its state rules as at 1 December 2010.

The Union shall also consist of any person employed or usually employed for hire or reward on a full or part-time basis in or in connection with the industry of professional social work other than by

- (i) the Crown in right of the State; or
- (ii) any Statutory body representing the Crown in right of the State, or
- (iii) any Instrumentality or Authority whether corporate or unincorporate acting under the control of or for or on behalf of or in the interest of the Crown in right of the State, or

- (iv) any Company or Corporation in which at least 50 per centum of the issued shares are held by or for or on behalf of or in the interest of the Crown in right of the State or if there are no issued shares in which the governing body by whatever name called includes nominees appointed by and appointed for or on behalf of, or in the interest of the Crown in right of the State.

The Union shall also consist of any person employed or usually employed for hire or reward on a full-time or a part-time basis in or in connection with the industry of social and/or welfare work except

1. persons employed as an officer under and within the meaning of the Public Sector Management Act 1994 or in any of the established branches of the Public Service, including State trading concerns, business undertakings and government institutions controlled by boards; provided the management of such bodies is appointed by, or under the control of, the Western Australian Government; and
2. persons employed under the Forest Products Act 2000, the Main Roads Act, or any act now in force or hereafter enacted whereby any Board Commission or other body is constituted to administer any such Act; provided the management of such body is appointed by, or is under the control of the Western Australian Government; and
3. persons employed by any public or private hospital; and
4. persons employed by the Western Australian School of Nursing; and
5. persons employed by the Western Australian division of the Red Cross Society, the Spastic Welfare Association of Western Australia (Incorporated), the Silver Chain Nursing Association (Incorporated), S.L.C.C. (Incorporated) (an Association for developmental disability W.A.) the Paraplegic-Quadriplegic Association of Western Australia (Incorporated), Good Samaritan Industries, FCB Industries or Nulsen Haven Association (Inc); and
6. persons employed by any service ancillary to the practice of medicine but this exception does not apply to non-government community health organisations (including any which are funded by the Western Australian Drug and Alcohol Authority); and
7. persons eligible to join the Federated Miscellaneous Workers Union of Australia in accordance with its Rules as at 23.2.87 and employed in convalescent homes, nursing homes, rest homes or other institutions established to provide care for aged, sick or infirm persons, and engaged in the provision of accommodation and ancillary services within one of the above establishments, or as nurse assistants (including supervisory nurse assistants); provided this exception shall not apply to persons primarily engaged in social welfare counselling; and
8. Persons eligible to be members of the Civil Service Association of Western Australia Incorporated under its state rules as at 1 December 2010.

## **6. - APPLICATION FOR MEMBERSHIP**

- a. An eligible employee may apply for membership of the union by completing and signing the application form as determined by the Committee of Management.

- b. The applicant shall be deemed to be a member of the union from the date upon which he or she signed the application form and shall be liable to pay all subscriptions due to the Branch from that date.
- c. An employee eligible for membership of the union who has also applied for membership of the Branch and is, or becomes, a financial member thereof may be admitted as, and deemed to be, a financial member of this union without any further payment during the currency of their financial membership of the Branch.

## **7. - LIFE MEMBERS**

At the date these rules come into operation any person who was a life member of the WA ROU or the AMACSU shall be deemed to be a life member of the Union.

## **8. - DIVISIONS - ALLOCATION OF MEMBERS**

- a. Every member of the Union shall be allocated to one of the following Divisions by the Secretary:
  - i. Administrative, Clerical and Customer Services Division; or
  - ii. Transport Division; or
  - iii. Social and Community Services Division
- b. The Secretary shall keep, or cause to be kept, a separate register of members for each Division.
- c. The Secretary shall call a meeting of the financial members of each Division at least once every year and at such other times as the members of the Division may decide, for the purpose of discussing organising, campaigning and the industrial affairs relevant to the Division.

## **9. - FINANCIAL YEAR**

Unless the Committee of Management decides otherwise, the financial year for the Union shall commence on 1<sup>st</sup> July and conclude on the 30<sup>th</sup> June the following calendar year.

## **10. - FINANCIAL MEMBERS**

A member of the Union shall become a financial member of the Union upon paying all subscriptions due to the Branch.

## **11. - REGISTER OF MEMBERS**

The Secretary must:

- a. ensure a register of the members of the union is kept showing the name and residential address of each member and details of the financial status of each member in respect of his or her membership.

- b. ensure the above-mentioned register is purged on not less than four occasions in each year by striking off the names of members whose membership has ended by operation of sections 64A or 64B of the WA Industrial Relations Act 1979 or by the operation of these rules.

## **12. - REGISTERED ADDRESS**

- a. At the time of joining, members must register a postal address with the Union. Any changes to this address must be notified to the Union within fourteen days.
- b. Subject to these rules, anything required by or permitted to be posted to a member shall be deemed to have been received by the member in the ordinary course of the post if sent by pre-paid post to such member at that member's registered address.
- c. Members may also register an email address at the time of joining which may be used for general purposes or for the service of documents.

## **13. - RESIGNATION OF MEMBERSHIP**

- a. Termination of membership of the Union shall be effected by the giving of written notice of intention to resign to the Secretary.
- b. A notice of resignation takes effect:
  - (i) where the member ceases to be eligible for membership of the union:
    - 1. on the day on which the notice is received; or
    - 2. the day specified in the notice, which is a day not earlier than the day when the member ceased to be eligible to become a member;
    - 3. whichever is the later; or
  - (ii) in any other case, on the day specified in the notice.
- c. Any member resigning shall be liable for the payment of all subscriptions, fines and levies owing to the Branch under these Rules at the date of leaving, and such monies may be sued for and recovered in the name of the Union.
- d. Any subscription paid by a member in respect of a period beyond the end of the quarter, in which the member's notice of resignation expires shall be remitted to the member if so requested and a member who pays annual subscription by instalments shall not be liable to pay any instalment for any period after the end of the quarter in which the member's notice of resignation expires and a member who resigns where the member ceased to be eligible to become a member of the Union as herein before mentioned shall be entitled to the same remission.

## **14. - OFFICERS OF THE UNION**

The Officers of the Union shall be the President, Deputy President, Secretary, Assistant Secretary and one financial member for each 600 financial members or part thereof from the Administrative, Clerical and Customer Services Division, and one financial member for each 600 financial members or part thereof from the Transport Division, and one financial member for each 600 financial members or part thereof from the Social and Community Services Division.

The Officers of the Union shall be elected each four years by and from the financial members of the Union in accordance with Rule 28. The term of office shall commence from the declaration of the ballot and elected officers shall continue in office until their successors are declared elected.

Each office within the Union may, from such time as the Committee of Management may determine, be held by the same person who, in accordance with the rules of the Branch, holds the corresponding office in that body.

## **15. - PRESIDENT**

The President shall:

- a. preside at all meetings of the Union when present and preserve order thereat so that business may be conducted with propriety and in conformity with the Standing Orders of the union.
- b. be impartial in all transactions and see that the Union's Rules are adhered to.
- c. upon confirmation of the minutes of meetings of the Committee of Management, sign such minutes confirming them as a true and accurate record of the meetings.

## **16. - DEPUTY PRESIDENT**

The Deputy President shall assist in the maintenance of strict order during meetings, and shall discharge the duties of the President during any absence.

## **17. - SECRETARY**

The Secretary shall:

- a. do all things necessary to further the objects of the Union and as determined by meetings of members of the union.
- b. be the Chief Executive Officer of the Union who, between meetings of the Committee of Management shall conduct and manage the affairs of the Union.
- c. convene General Meetings of Members, at least annually.
- d. be eligible to attend all meetings of the Union and shall carry out any lawful resolutions of the members.



- e. do all things necessary to comply with the requirements of the Western Australian Industrial Relations Act 1979 or its successor.
- f. publicly represent the Union and attend all hearings before a court or the Western Australian Industrial Relations Commission or delegate another person to represent the union as required.

The Secretary may enter into cooperative arrangements with the ASU Branch Secretary to delegate all administration, accounting and financial management functions of the Union to the ASU Branch.

### **18. - ASSISTANT SECRETARY**

The Assistant Secretary shall assist the Secretary as directed and shall perform the functions of the Secretary in the absence of the Secretary or when, for any reason, the Secretary is unable to perform the functions.

The Assistant Secretary shall perform the Secretary's functions in accordance with any administrative, industrial or management arrangements made between the Secretary and the Branch Secretary.

### **19. - CASUAL VACANCIES**

In the event that any Officer of the Union resigns or is unable for any reason to complete the four year term of office, the Committee of Management shall meet as soon as possible and shall appoint an eligible financial member to fill the vacancy for the remainder of the term of office of the vacant position.

Where a casual vacancy occurs, and the unexpired portion of the term of office is more than three quarters of the term, the vacancy shall be filled by election in accordance with these rules

### **20. - GOVERNMENT OF THE UNION**

- a. The supreme governing body of the Union shall be the General Meeting of Members which shall meet at least annually and which shall have all the powers necessary or convenient to give effect to these Rules and the purposes of the Union. The Committee of Management shall carry out all of the directions given by resolution of the members of the Union in such General Meetings.
- b. The Committee of Management shall govern and exercise general supervision over the affairs of the Union between General Meetings and within that time the management of the Union shall be vested in the Committee of Management.

- c. The Committee of Management shall consist of the Executive Officers and the honorary member(s) elected by and from the Administrative, Clerical and Customer Services Division, and the member(s) elected by and from the Transport Division, and the member(s) elected by and from the Social and Community Services Division as provided for in Rule 14. The voting on business before the Committee of Management shall be by show of hands provided, however, that a resolution in writing may be submitted to all members of the Committee of Management by the Secretary and if signed by a majority of them shall be valid and effectual. At meetings of the Committee of Management, four (4) members shall form a quorum.
- d. The Executive Officers of the Union shall be the honorary positions of President, Deputy President, Secretary and Assistant Secretary.

## **21. - POWERS AND DUTIES OF COMMITTEE OF MANAGEMENT**

The management and control of the Union shall be vested in the Committee of Management between General Meetings of Members.

In addition to the powers and authority expressly conferred upon it by these rules, it shall have the power to:

- a. do all such acts and things as may be exercised or done by the Union and which are not hereby required to be exercised and done by a meeting of members.
- b. make such regulations as it thinks proper as to the summoning and holding of its meetings, and for the transaction of business thereat, and it may adjourn or postpone any meetings.
- c. make such By-laws as may be deemed necessary, provided they are not inconsistent with the Rules.
- d. authorise the Secretary of the Union to delegate some or any of his or her powers to the Branch Secretary by a written instrument of authority signed by the Secretary of the Union so that the Branch Secretary may act as if he or she is the Secretary of the Union for the time so authorised and to be empowered to represent the Union to any person and in any industrial negotiations, to appear before any industrial tribunal on behalf of the Union and to sign Industrial Agreements and any other documents on behalf of the Union.
- e. expel or fine any person guilty of improper conduct or disobedience of the rules or By-laws, provided that any such member shall have the right of appeal to a General Meeting of members called to consider the appeal.
- f. grant leave of absence to any member of the Committee of Management for a period of not exceeding six (6) months.
- g. appoint, in the absence of the President and Vice-President from any meeting, any member to preside at such meeting.
- h. convene a Special General Meeting of members to consider any subject or subjects deemed to require attention.

The powers of the Committee of Management shall continue notwithstanding any vacancy as long as there remain four (4) members duly qualified to act which shall constitute a quorum.

## **22. - MEETINGS**

- a. Meetings of the Committee of Management shall be convened by the Secretary sending to each member thereof a notice of the date of the holding of such meeting by post, telephone or electronically in sufficient time to enable the member to reach the place at which the meeting is to be held. The Committee of Management shall meet at least four times each year and at such other times as the Committee of Management may decide.
- b. A Special General Meeting of members of the Union shall be called by the Secretary on requisition signed by a majority of members of the Committee of Management or on requisition signed by ten percent (10%) of the members of the Union. All such requisitions shall contain the nature of the business to be transacted at the meeting.
- c. Special General Meetings may be summoned by the Secretary inserting in a newspaper circulating in the State of Western Australia a notice of such meeting at least two (2) days before the holding thereof.
- d. The General Meeting of Members and Special General Meetings of the Union shall be conducted in the following manner:
  - (i) A quorum at a meeting of the Union shall be in the aggregate 10 members.
  - (ii) The members of the Union assembled shall elect from the body of the hall a chairperson to preside over the proceedings and he or she shall have a deliberate vote only.
  - (iii) Each of the items on the agenda shall be submitted to the members present by way of motion and voted upon by the members.

## **23. - MANAGEMENT AND CONTROL OF FUNDS AND PROPERTY OF UNION**

Any funds and property of the Union may be managed and controlled in accordance with any Memorandum of Agreement entered into between the Union and the Branch

## **24. - SEAL**

- a. The device of the Union seal shall be a circle with the words Western Australian Municipal, Administrative, Clerical and Services Union on the inner rim of the circle surrounding the capital letters WASU in the centre of the circle.
- b. The Seal shall be kept in the Registered Office of the Union in the custody of the Secretary.
- c. The Seal may be affixed by the Secretary, or at his direction, to any document requiring it, provided that it shall not be affixed to any agreement or document which requires the endorsement of the Union, the Committee of Management or a General Meeting of members until such endorsement has occurred.

## **25. - ELECTIONS FOR OFFICE**

- a. Commencing in March 2011 and thereafter every fourth year, an election shall be held for the purpose of electing the President, Deputy President, Secretary, Assistant Secretary and the required number of Divisional members for the Committee of Management of the Union.
- b. Not less than four months before the expiry of the term of office of the members of the Committee of Management, the Secretary shall, in writing, notify the Electoral Commission that an election will be required for the Committee of Management members of the union. The union will provide to the Electoral Commission all information as required by the Electoral Commission for the calling of nominations and the proper conduct of the election.
- c. Should the Electoral Commission refuse to conduct the election, the union shall appoint an alternative Returning Officer who shall not be the holder of any office in or an employee of the union.
- d.. The Returning Officer shall conduct such election in accordance with these Rules and shall be empowered to appoint such assistant(s) as may be required to assist in the conduct of the election in accordance with these rules, but such assistant(s) shall not be the holder(s) of any office in, or employee(s) of, the Union.

## **26. – ELIGIBILITY OF CANDIDATES**

- a. Only members of the Union who are financial at the date on which nominations close, and have been continuously financial for twelve months immediately preceding that date, shall be eligible to be nominated for any Office within the Union. For the purposes of this rule, financial membership of an organisation whose members have, by means of an amalgamation, become members of the Union, shall be counted in the calculation of any period of membership.
- b. For the purposes of this Rule, a member who elects to pay payroll deduction subscriptions shall be deemed to be financial.
- c. Should a member's authority to deduct such subscriptions from salary be withdrawn, such member shall be deemed to be unfinancial from 30 days after such withdrawal of authority.
- d. In addition to the qualifications set out in a. hereof,
  - (i) candidates for the Divisional representatives on the Committee of Management must be nominated by financial members from their respective Divisions; and
  - (ii) only members allocated to a Division, created by, or in, the Union pursuant to these Rules, may be nominated for an Office for which the members of such Division form the sole electorate.

## 27. – NOMINATION OF CANDIDATES

- a. The Returning Officer shall call for nominations for:

President;

Deputy President;

Secretary;

Assistant Secretary;

One or more financial members from each of the Administrative, Clerical and Customer Services Division, Transport Division and Social and Community Services Division, as determined in accordance with Rule 14 of these rules;

on the first Wednesday in March in the year in which an election is due to be held.

- b. The Returning Officer shall call for nominations by placing advertisements in at least one major capital city daily newspaper and such regional newspapers circulating in areas where eligible members may reside, where such members do not have in the opinion of the Returning Officer, reasonable access to capital city daily newspapers on the day of their issue.
- c. All advertisements or notices calling for nominations shall specify the dates, times, places and postal addresses for the receipt of nominations by the Returning Officer.
- d. Nominations shall close 21 days after they are called.
- e. All candidates must be nominated by two members of the Union who are financial members to and by the end of the month preceding the calling of nominations, with the candidate's consent in writing.
- f. i. A group of eligible members may nominate as members of a "Team Nomination" which must have a name.
- ii. The name of a Team Nomination must not be the same as or similar to the name of another Team Nomination or the name of any member of another Team Nomination or be deceptive of any other way.
- iii. In determining which Team Nomination may use a name (which is not a candidate's name) regard is to be had to all relevant factors including the history of use of the name in question.
- iv. If, in the view of the Returning Officer, the name of any Team Nomination is the same as or similar to that of any other Team Nomination, or is deceptive in any other way, the Returning Officer must:
- (a) approach the candidate for Secretary of the offending Team Nomination, and request him/her to make such changes to the Team Nomination's name as the Returning Officer thinks necessary; and
- (b) if such changes are not made, decide whether to accept the Team Nomination.
- v. A Team Nomination must nominate an eligible candidate (or the required number of people) for each position for which nominations have been called whereupon each person will be considered to have nominated for each position concerned.

- vi. A Team Nomination must be in writing and signed by each candidate.
- vii. No member of a Team Nomination may nominate in the election other than for that Team Nomination.
- viii. The withdrawal from the ballot of a member of a Team Nomination after the close of nominations does not invalidate that Team Nomination.
- ix. In the event of a withdrawal in accordance with sub-rule viii, the person who has withdrawn can be replaced by another eligible person who has nominated as a candidate for any position, who is not a member of any other Team Nomination, and who consents to becoming a member of the Team Nomination. Provided that the Returning Officer must be notified of the change before the time and date set by the Returning Officer for the sending of the ballot paper to the printer for printing.
- x. The discovery of a candidate's ineligibility will not affect the validity of the election to office of any other member of a Team Nomination of which that candidate is a member.

## **28 - PROCEDURE AT ELECTIONS**

- a. The method of electing Executive Officers and Divisional members to the Committee of Management, shall, except where otherwise specified in the Rules, be by secret postal ballot of all financial members entitled to vote in such elections.
- b. The ballot shall open no later than four weeks after the close of nominations, and shall close 21 days thereafter.
- c. The procedures to be followed in all elections held pursuant to this rule shall be as follows:
  - i. In the conduct of any election, the Returning Officer upon finding a nomination to be defective shall, before rejecting the nomination, notify the member concerned of the defect and, where it is practicable to do so, give the member the opportunity of remedying the defect within a period, of not less than seven (7) days after being notified.
  - ii. If a member is nominated for more than one office in any election, such member must, within seven days after the close of nominations, advise the Returning Officer, in writing, which one of such offices the member wishes to stand for, and withdraw any nomination or nominations for the other office or offices for which the said member was nominated, failing which, the Returning Officer shall reject all nominations for positions submitted for that member.
  - iv. Upon lodging a nomination, or at any time thereafter up to the declaration of the result of the election, each candidate may appoint by notice in writing to the Returning Officer a scrutineer for any and each place at which the election is conducted.

Scrutineers so appointed, may be present and scrutinise every act performed or directed by the Returning Officer in connection with the election.

The Returning Officer shall notify all scrutineers of the dates, times and place at which it is proposed to take each step in any election.

- v. If, at the close of nominations, only the required number of nominations has been received for any offices, the members nominated for such offices shall be declared elected and the Returning Officer shall proceed to conduct a ballot in accordance with these rules for any offices for which more than the required number of nominations was received.

Provided however that the Returning Officer may allow a member to withdraw a nomination for any office for which such member was a candidate, in writing, within seven (7) days of the close of nominations, in which case, if there is then only the required number of nominations remaining, those candidates shall be declared elected.

- vi. For the purpose of an election, the roll of voters shall close on the fifteenth day of the month immediately preceding the date of calling nominations, and only members shown in the records of the Union on that date as financial shall be eligible to vote in the election, and to have a ballot paper forwarded to them.

The Secretary shall, when required by the Returning Officer, or no later than thirty days after the close of nominations, provide to the Returning Officer a certified list of members eligible to vote, showing the name and the residential or postal address appearing in the Union records in respect of each eligible member.

- vii. To safeguard against irregularity the Returning Officer shall ensure that all ballot papers are printed on security paper of the same weight and colour and that the printing is of the same colour. The Returning Officer shall take all steps reasonable and necessary to certify the number of ballot papers printed, to secure the ballot papers prior to dispatch, to secure surplus ballot papers and ballot papers returned unclaimed, and to ensure that no additional ballot papers are printed without the written authorisation of the Returning Officer. The Returning Officer shall ensure that all envelopes in which ballot papers are sent to and returned by members are of such a type and weight that the secrecy of the ballot is preserved.

The Returning Officer shall make such arrangements with Australia Post as will, for the dispatch by post, and the return by prepaid post of ballot papers, ensure that no unauthorised person has access to the ballot papers.

- viii. The Returning Officer shall prepare and forward or cause to be forwarded by pre-paid post to each member entitled to vote a ballot paper with a declaration envelope in the form prescribed, in which the ballot paper is to be sealed and a prepaid, return addressed envelope for the return of the ballot paper in the declaration envelope without expense to the member.

Each ballot paper shall bear the initials of the Returning Officer, or a facsimile of those initials, but shall not bear any mark that would disclose the identity of the member voting.

- 1. If there is at least one Team Nomination the ballot paper must have two parts divided by a horizontal line.

2.
  - (a) The position of all candidates names and Team Nomination names on the ballot paper shall be determined by drawing lots.
  - (b) The name of the incumbent person (if any) shall be indicated by an asterisk.
3. The ballot papers must contain a clear instruction, in a prominent position, to the effect that a member voting in the election may vote in two ways:
  - (a) By completing the first part of the ballot paper (voting “above the line”), by voting each member of a Team Nomination by marking a Team Box with a cross (“X”) in which case only one Team Box should be marked; or
  - (b) By completing the second part of the ballot paper (voting “below the line”), by voting for individual candidates (including members of a Team Nomination if so desired) by marking the box next to the name of the candidate which the member voting wishes to vote for in the elections with a cross (“X”), in respect of the positions for which an election is being conducted.
  - (c) If there are not two parts to the ballot paper, the instructions referred to in paragraph (b) hereof shall appear on the ballot paper with the necessary changes.
4. The ballot papers must also contain:
  - (a) the date and time of closing of the ballot; and on the first part:
  - (b) the name of each Team Nomination; and
  - (c) boxes beside the names of the Team Nominations;but otherwise be unmarked in that part.
5. The ballot papers must contain on the second part (or on the ballot paper itself in the event there is no Team Nomination):
  - (a) the name of the position being elected;
  - (b) the name of each candidate, as each name appears on the nomination form, for election to the position;
  - (c) the name of the Team Nomination of each candidate (where applicable);
  - (d) boxes beside the names of the candidates.

To ensure the secrecy of the ballot, the Returning Officer shall remove the flap or label contained on the declaration envelope before removing the ballot paper from the envelope.

The ballot paper shall be posted to each eligible member at the address shown on the certified list or lists provided by the Secretary in accordance with vi. hereof.



Any eligible member who will be unable to receive a ballot paper at the residential or postal address appearing in the branch records may lodge a request with the Returning Officer for an absent vote together with an address where such member can receive communications and if any member has done so the Returning Officer shall not declare the result of the ballot until such member has been given reasonable opportunity to vote.

- ix. The Returning Officer shall arrange for the collection and counting of the Ballot papers in the presence of the scrutineers present at the appointed time and place.

If any ballot paper is challenged during the counting of the ballot papers the Returning Officer shall cause that ballot paper to be set aside and whether or not the votes recorded on that ballot paper are admitted to the ballot, shall ensure that it is kept separately from the ballot papers not challenged.

- x. Each voter shall be entitled to cast as many votes as there are candidates to be elected, by placing an X next to the name of a candidate or candidates, and the candidate or candidates securing the highest number of votes shall be declared elected, unless Union rules provide otherwise.
- xi. A vote for a Team Nomination counts as a vote for each member of the Team Nomination remaining in the ballot.
- xii.
  - 1. Where a member voting in the ballot completes the ballot paper by voting both above and below the line, any inconsistency which might arise will be resolved in favour of the expression of the member's preference which constitutes a valid vote.
  - 2. If the expression of the member's preference in both parts of the ballot paper constitutes a valid vote the inconsistency will be resolved in favour of the expression of the member's preference indicated below the line.
- xiii. In the event of there being a tie a candidate who, at the date of nominating, holds the office in question shall be declared elected by the Returning Officer. If there is no such candidate then, in the event of there being a tie, the result of the ballot shall be determined by lot by the Returning Officer.

- d. Except in so far as any Act from time to time provides otherwise, whenever any member has been declared elected to any office, the member declared to be elected to such office shall hold office notwithstanding anything else in these Rules and notwithstanding any defect or irregularity which may have occurred in or in connection the calling for and dealing with nominations or the conduct of the Ballot and every member of the Union shall be bound to recognise the member as validly holding such office.

## **29 - ALTERATION, REPEAL AND MAKING OF NEW RULES**

- a. These Rules may be altered or rescinded or new Rules made by the Committee of Management, subject to the following:

- b. A resolution in writing to alter, rescind or make new Rules in conformity with this Rule shall be submitted to all members of the Committee of Management, and if signed by a majority of them shall be as valid and effective as if it had been passed at a meeting of the Committee of Management duly called and constituted.
- c. A proposal to alter, rescind or make new Rules may be made by any financial member of the Union.
- d. The Rules of the Union shall not be altered, or rescinded, or new Rules made until:
  - (i) notice of the proposed alteration, rescission, or new rule and reason/s therefore is given to all members of the Union; and
  - (ii) all members are advised that they may lodge a written objection to the Committee of Management and/or the Registrar of the WA Industrial Commission within 21 days of having received notice of the proposed alteration, rescission, or new rule; and
  - (iii) a period of 21 days has expired after notice has been given and the members so advised.

### **30 - TRANSITIONAL RULE**

From the date of the approval of the amalgamation of the WA ROU and AMACSU the persons holding the positions of General President, General Vice President, General Secretary and General Treasurer of the Western Australian Railways Officers Union and the persons holding the positions of President, Vice President, Secretary and Treasurer of the Australian Municipal, Administrative, Clerical and Services Union of Employees W A Clerical and Administrative Branch shall constitute a Transitional Committee of Management pending the election referred to Rule 25 a of these rules .

The person holding the position of General President of the WAROU shall be the transitional President of the WASU.

The person holding the position of Secretary of the AMACSU shall be the transitional Secretary of the WASU.

During the period immediately after the amalgamation until the results are declared in accordance with Rule 28 of these Rules, the Transitional Committee of Management will have all powers as provided by Rule 21 - Powers and Duties of Committee of Management.