# RULES

of

THE ELECTRICAL AND COMMUNICATIONS ASSOCIATION OF WESTERN AUSTRALIA (UNION OF EMPLOYERS)

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RULES

of

THE ELECTRICAL AND COMMUNICATIONS ASSOCIATION OF WESTERN AUSTRALIA (UNION OF EMPLOYERS)

1 - NAME

The name of the Association shall be “The Electrical and Communications Association of Western Australia (Union of Employers)”. The registered office of the Association at which the business of the Association shall be conducted shall be at Unit 18, 199 Balcatta Road, Balcatta or at such other place or places as the Executive shall from time to time decide.

2 - OBJECTS

The object of the Association is to protect and further the interests of employers in the electrical contracting and communications industries in Western Australia and for that purpose –

a) To protect its members in the fair and proper execution of such works or supplies, as they may from time to time contract for.

b) To protect by any lawful means the interests of its members from excessive State and/or Federal interference.

c) To watch and/or foster legislation affecting its members and proposed measures in the same direction.

d) To adopt and entering into whatever lawful procedure may be considered advisable for the purpose of protecting, promoting and furthering the social and economic interests of members.

e) To undertake, defend or intervene in any proceedings in any Court or Commission of law or arbitration which in the opinion of the Association may affect the rights and or interests of a member and or members.

f) To undertake by arbitration, mediation or otherwise the settlement of disputes.

g) By any lawful means to act conjointly with or without the co-operation of other public or private bodies in representing the interests of members before the Government and; if necessary, the State or Federal Parliament.

h) To establish a place or places of meeting for the transaction of Association business.
i) To borrow or raise or secure the payment of money in such manner as the Association may think fit and to secure the same or the repayment or performance of any debt liability contract or other engagement incurred or to be entered into by the Association in any way and in particular by the issue of debentures perpetual or otherwise, charged upon all or any of the Associations property (both present and future) and to purchase, redeem, or pay off any such securities.

j) To provide services to members of the Association and or to engage or enter into arrangements with persons, firms and companies for the purposes of providing services and or advice to the Association and its members.

k) To encourage, promote and undertake the training of apprentices and employees in the electrical and communications industries.

l) To employ and indenture apprentices to itself and second such apprentices to various private employers.

m) To register as and administer a Group Training Organisation and Registered Training Organisation in relation to such apprentices and employers.

n) To advance the education of the community and any section of it, with respect to management, supervisory, trade, post-trade and pre-vocational training in the electrical and communications industries and with respect to apprenticeships in the electrical and communications industries.

o) To train any member of the public who has the appropriate aptitude for a building trade apprenticeship and who wishes to become an apprentice or trainee to any trade in the electrical and communications industries.

p) To produce or cause to be produced training aids for the education of persons in the community in relation to the electrical and communications industries or who wish to become apprentices in the electrical and communications industries and also those persons who wish to become involved in the skilled, semi-skilled, professional and non-professional occupations relevant to or servicing the electrical and communications industries.

3 - QUALIFICATION FOR MEMBERSHIP

Membership shall be open to any person who is either an Electrical Contractor or a Communications Contractor and whose is substantially engaged in the work usually performed by either an Electrical Contractor or a Communications Contractor or a Refrigeration and Airconditioning Contractor.

For the purposes of this clause:

a) Electrical Contractor means a person who holds an Electrical Contractors Licence and who employs at least one person (which may include themselves) who is, a person who holds an Electrical Worker’s Licence issued under the provisions of the Electricity (Licensing) Regulations 1991 (WA); and

b) Communications Contractor means a person who employs a person (which may include themselves) or persons who perform, work which is regulated by the Australian Communications & Media Authority under the provisions of the Telecommunications Act 1997 (Cth); and
c) Refrigeration & Airconditioning Contractor means a person who employs a person (which may include themselves) who is a person who holds a Refrigeration & Airconditioning Mechanic Licence, issued under the provisions of the Electricity (Licensing) Regulations 1991 (WA).

4 - ELECTION OF MEMBERS

(a) Any person, firm or company eligible for membership as aforesaid who desires to become a member of the Association, must be nominated by two members of the Association on the form provided by the Secretary and shall be balloted for at the next meeting of the Executive. Election to membership shall be by simple majority. The completed nomination form shall be accompanied by the required subscription under the provision of Rule 5.

(b) The Executive shall have the power to receive and accept nominations for membership from those who are unable to provide members’ signatures on their application forms. The election of those nominated must be by a two third majority of the Executive members present.

c) i) The Executive shall have the power to admit to provisional membership for the Association, for a period not exceeding one calendar year, companies licensed as Electrical Contractors within one year of such license being granted by the Electrical Contractors Licensing Board or its successor.

ii) Provisional members shall be exempt from the provisions of Rule 5 – Subscriptions.

iii) Provisional members shall not be empowered to vote at any meeting of the Association held pursuant to Rule 20 – General Meetings of the Association and shall not be eligible to hold any Office or position.

d) i) The Association may accept Associate members in the following circumstances;

A) The organisation is one which performs a similar role to the Association in a similar or different industry grouping or:

B) Approval of the President has been given.

ii) Associate members shall be bound by Rule- 5 Subscriptions.

iii) Associate members shall not be empowered to vote at any meeting of the Association held pursuant to Rule 20 – General Meetings of the Association and shall not be eligible to hold any Office or position.

5 - SUBSCRIPTIONS

Subscriptions shall be paid annually, monthly or in any manner determined by the Executive in advance at such rate as the Executive shall from time to time determine.
The subscriptions shall be due on the first day of July in each year or in the manner determined by the Executive in accordance with this clause. Any member elected after that day shall be liable for the payment of fees on a pro rata basis, based on the portion of the financial year remaining. All outstanding subscriptions must be paid before any member may again be entitled to vote or use any of the rights, privileges and services of the Association.

6 - LIFE MEMBERS

Any individual who has been a member for an extended period of time and has given outstanding or meritorious service to the Association may be nominated by the Executive and appointed as a Life member of the Association by members at a meeting of the Executive. A person, who has been for the whole or part of the said period, a nominee of a firm or company member, shall be regarded as having been a member in his own right, for the purposes of this Rule, for the whole of the period during which he has been such a nominee. Life Members shall not be entitled to vote in the event that they cease to be a member pursuant to Rule 4. Notwithstanding anything in this Constitution, life members are not required to pay any membership fees to the Association with respect to their life membership.

7 - RESIGNATION OF MEMBERS

a) Subject to Rule 8 below, a member, including a provisional member, associate member and a Life member, may discontinue his membership with the Association by giving written notice of resignation to the Association and serving such notice of resignation on the Association by:

i) delivering the notice personally to the registered office of the Association, or

ii) sending by certified mail to the address mentioned in sub paragraph (i) or to the address of the Association as ascertained by referring to a current directory of telephone numbers, or

iii) sending by email to the address of the Association as ascertained by referring to the Association’s current website, or

iv) in a format approved by the Executive.

b) The notice of resignation takes effect on the day on which it was served on the Association or on a later day specified in the notice.

c) A member who has ceased to be eligible to be a member of the Association or who has become disqualified from continuing, as a member shall upon request being made to the Secretary and with the approval of the Executive be issued with a notification of clearance and thereupon membership of such member shall terminate.

d) Subject to Rule 8 nothing in this Rule prevents the Association from recovering all unpaid fees, fines, levies or other dues payable by a member under the Rules to the end of the period covered by the notice or upon the date of issue of a clearance card.
8 - TERMINATION OF MEMBERSHIP

a) A member becoming bankrupt, assigning his estate for the benefit of his creditors, entering into any scheme or arrangement with his creditors or comprising with his creditors (or in the case of a partnership, company or corporation being dissolved or wound up,) shall cease to be a member.

b) Where a member fails to pay his subscription with 3 months of the subscription becoming due, that member’s membership to the Association will expire at the end of that 3 month period.

c) Nothing in this Rule shall prevent any individual who has ceased to be a member from being eligible for re-election.

9 - MANAGEMENT OF THE ASSOCIATION

Subject to these rules, the management and business of the Association shall be conducted by the Executive, which shall have full power to act in the name of the Association.

10 - ELECTION OF THE EXECUTIVE

a) The Executive shall be elected yearly and shall consist of a President, Vice President, Treasurer and six (6) ordinary members, who shall continue to act until their successors are appointed.

aa) Sub-rule deleted.

ab) For transitional purposes, in 2013, the Members shall elect three persons to a three year term, three persons to a two year term and three persons to a one year term. A person is not eligible to be nominated for more than one position.

b) Save for the Secretary, all members of the Executive shall hold office for a term of three years commencing from the declaration of their election and terminating on the date of the declaration of the result of the Executive election held three years thereafter. Each year three members of the Executive shall retire and those offices shall be subject to election such that in any year only one-third of the Executive shall be subject to election. (The Secretary shall keep a register of attendances of members of the Executive at meetings of the Association and shall be required to circularise to every ordinary member a list of such attendances before voting for the Annual Election of Officers takes place).

c) Before the 1st day of May in each year the Returning Officer shall cause a notice to be given to each member of the Association calling for nominations for the Executive and shall advise members of the closing date of nominations which shall be not earlier than 14 days after the date of giving the notice and of the number of persons to be elected to the Executive. The Returning Officer shall close the roll of voters for the election of the Executive 10 working days prior to calling for such nominations. The Secretary will cause for a copy of the Register of Members as at the close of this roll to be kept for a period of 7 years.

d) Nominations for the office of a member of the Executive shall be made in the form prescribed by the Returning Officer.
e) Each nomination shall be made by a financial member of the Association and shall be signed by the nominator, a seconder and the candidate and shall be addressed to the Returning Officer at the office of the Association and shall be posted or delivered so as to reach that office not later than the closing date.

f) After close of nominations the Returning Officer shall inspect the nomination and satisfy himself that they are regular and valid.

g) If the Returning Officer finds a nomination to be defective he shall before rejecting such nomination notify the person concerned of the defect and, where it is practicable to do so, give him the opportunity of remedying the defect within not less than seven days of it being so notified.

h) If only the required number of nominations or less to fill the number of members on the Executive are received, the Returning Officer shall by letter addressed to the Secretary declare the persons nominated to be elected unopposed.

i) If more than the number of nominations required to the Executive are received elections shall be conducted by the Returning Officer by a secret postal ballot to determine which of the candidates shall fill the offices.

j) In relation to any election the Returning Officer shall:

   (i) Prepare or caused to be prepared such number of ballot papers as there are members, upon which ballot papers the names of the nominated candidates shall appear;

   (ii) Not later than 31 May in the current year forward by prepaid post to each financial member of the Association one ballot paper which the Returning Officer shall have previously initialled for such election together with a declaration envelope suitable for containing ballot papers and not disclosing otherwise any identification and supply therewith to each such member an envelope addressed to the Returning Officer at the address arranged by him for the return of the ballot papers as provided in paragraph (iv) hereof being an envelope that may be posted without expense to the voter;

   (iii) With each such ballot paper forward to each member a notification -

       (A) Of the closing date for the receipt of returned ballot papers which shall not be earlier than 14 days after the forwarding of the ballot paper and not later than 15 June in the current year,

       (B) That the voting is to be conducted by striking out the name of each candidate for whom the member does not desire to vote,

   (iv) hire or otherwise arrange for a post office box or other post office receptacle to which ballot papers may be forwarded to him and arrange as
far as possible that such box or receptacle shall not be available to be opened nor be opened by any person other than himself;

(v) after the closing date collect the envelopes containing the ballot papers and remove the sealed envelopes containing the ballot papers and remove the declaration attached thereon before opening the same, and mix the ballot papers so that they cannot be identified;

(vi) Admit the ballot papers properly marked and count the votes thereon indicated;

(vii) In the case of a tie between candidates, draw lots;

(viii) Immediately following the conclusion of the count advise the Chapter Secretary by letter of the names of the persons declared by him to be elected.

k) A member who is entitled to vote, who will be absent during the period of the election may apply for an absent vote by lodging with the Returning Officer prior to the distribution of the ballot papers, a written request for an absent vote together with an address at which he can receive communications. The Returning Officer shall forward a ballot paper to the address so specified and shall notify the member of the closing date for an absentee vote to be lodged.

l) A candidate for election may appoint a member of the Association as scrutineer. The appointment shall be in writing and shall be signed by the candidate and lodged with the Returning Officer not less than seven days prior to the last day for the return of ballot papers.

m) All scrutineers shall be entitled to observe the form and distribution of ballot papers, the collection of ballot papers on their return, the admission and counting of votes, the conduct of the determination of the election by lot (if any) and the declaration of the result of the ballot. In every case it shall be the right and the duty of the scrutineers to observe any act performed or directed by the Returning Officer which may affect the result of the election and the Returning Officer shall take all reasonable steps by notification or otherwise to enable each scrutineer to exercise this right; but no election shall be invalidated by reason of the fact that the scrutineer does not, in fact, exercise all or any of such rights if he has had a reasonable opportunity to do so. A scrutineer shall direct the attention of the Returning Officer to any irregularity he may detect whether in the nomination forms, the form of distribution of ballot papers or in respect of any other matter to be observed or done under these rules in connection with the election. A scrutineer shall do all things necessary so that the conduct of an election shall conform to these Rules and so that the secrecy of the ballots shall be observed.”

11 – ELECTION OF OFFICE BEARERS
a) At the first meeting of each Executive to be held after the Executive election the members present shall elect by collegiate voting the office-bearers.

b) Office bearers shall hold office for a term of one year commencing from the declaration of their election and terminating at the date of the meeting at which the next Office Bearers are elected. Retiring members shall be eligible for re-election, except that the President may hold office only for three (3) consecutive years.

c) The Returning Officer shall call for nominations from those present at the meeting for all of the offices to be filled.

d) Each nominee shall be a member of the Executive and shall be proposed and seconded by two members of the Executive. A nomination shall only be valid after the candidate has signified his acceptance of the nomination.

e) If the Returning Officer finds a nomination to be defective he shall, before rejecting the nomination notify the person concerned of the effect and, where it is practicable to do so, give him an opportunity of remedying the defect within the period of one half hour or such other period as he deems to be reasonable.

f) If only the required number of nominations to fill any office or offices is received the Returning Officer shall declare the person or persons so nominated elected.

g) If more than the number of nominations required to fill in any office is received an election shall be taken by a secret ballot of all members of the Executive then present and shall be conducted as provided in sub-rule (h) hereof.

h) A member of the Executive who is entitled to vote, and who will be absent during the period of the election may apply for an absent vote by lodging with the Returning Officer prior to the distribution of the ballot papers, a written request for an absent vote together with an address at which he can receive communications. The Returning Officer shall forward the ballot paper to the address so specified and shall notify the member of the closing date for an absentee vote to be lodged.

i) The Returning Officer shall -

   (i) Permit any duly nominated candidate to appoint any member of the Organisation a scrutineer to represent him at the election. The conduct and duties of a scrutineer shall be the same as those prescribed by Rule 23(i) for a scrutineer at an election for members of an Executive;

   (ii) Satisfy himself so far as he reasonably can that the nominations of candidates are regular and valid;

   (iii) Prepare or cause to be prepared such number of ballot papers as there are Executive members present upon which ballot papers the names of the duly nominated candidates shall appear in alphabetical order;
(iv) Supply to each Executive member present one ballot paper which the Returning Officer shall have previously initialled;

(v) Direct each Executive member present to strike out on the ballot paper the name of each candidate for whom he does not desire to vote and thereafter to so fold the ballot paper so that the marking thereon is not visible until unfolded and to deposit the same in a receptacle which the Returning Officer shall have procured;

(vi) Remove the folded ballot papers from the receptacle;

(vii) Admit the ballot papers properly marked and count the votes thereon indicated;

(viii) In the case of a tie between candidates, draw lots;

(ix) At the conclusion of the count, including the counting of any absentee votes, declare the candidate or candidates as the case may be receiving the majority of votes elected.”

12 - DUTIES OF OFFICERS – PRESIDENT AND VICE PRESIDENT

The President shall preside at all meetings of the Association and Executive. The President shall have the same rights of speaking on any question under discussion as any other member and have a deliberate vote and a casting vote. The President shall, on pressing emergency, have power in the interim between meetings to suspend any employee for flagrant misconduct or neglect of duty. Should the President be absent from three consecutive meetings without leave of the Executive, the President shall forfeit his position, subject, however, to a resolution passed by the Executive to this effect.

a) The Vice-President shall assist the President in the execution of the duties and shall deputise for him in his absence.

13 - CHAIRPERSON

In the absence of both the President and the Vice President from any meetings of the Association, one of the members of the Executive shall be Chairperson, with full powers of the President for and in respect of that meeting.
14 - POWERS OF THE EXECUTIVE

The powers outlined in this Rule in no way limit the powers of the Executive as establish by Rule 9 to act in the name of the Association. The Executive shall meet whenever necessary for the benefit of the Association. The Executive shall have the power to regulate its own proceedings. The proceedings and resolutions of the Executive since the last meeting of the Association shall be reported to the next meeting of the Association. Three (3) Executive members shall constitute a quorum. Any motion affecting the interests of the Association may be introduced by any member of the Executive and discussed. The Executive shall have power to pass all accounts due by the Association and order the payment of the same. In the event of any member of the Executive being absent from (3) three consecutive meetings without leave his seat may be declared vacant by the Executive. The Executive shall have the power to appoint from time to time such Regional and Sub-Committees for such purposes and with such powers as they deem necessary. The Executive may approve of the formation of separate sections within the Association, such sections to be financially self-supporting. The Executive shall have the power from time to time to employ such staff as may be necessary for the proper conduct and management of the affairs of the Association upon such terms and conditions as the Executive and employee shall mutually agree, but subject nevertheless to the Rules of the Association. The Executive shall have the power to appoint State and National representatives and a Returning Officer for the purposes of conducting elections for Executive members and Office Bearers.

15 – INDEMNITY

Every Officer, Executive Member, Secretary or Employee for the time being of the Association acting in relation to any affairs of the Association and every of their executors and administrators shall be indemnified and held harmless by the members thereof from and against all actions, costs, charges, losses, claims, demands, damages and expenses which they or any of them, their or any of their executors or administrators shall or may incur or sustain by or by reasons of any act done, concurred in or omitted in or about the execution of their duty or supposed duty in their respective office or trusts.

16 - SECRETARY

The Secretary of the Association shall be appointed by the Executive. The Secretary shall perform such duties in relation to or on behalf of the Association as the Executive may require of him. The Secretary shall attend all meetings of the Association and shall record minutes of the same, prepare under instructions from the Executive, reports to be submitted to general or other meetings of the Association, submit to each yearly general meeting a properly audited balance sheet showing receipts and expenditure for the previous twelve months and prepare each half year a list of unfinancial members. The Secretary shall keep all accounts of the Association. The Secretary shall receive all subscriptions, etc. and pay the same into the bank account of the Association, receive, submit to the President and answer all correspondence, lay the same before the Executive and perform such other duties as may be necessary to carry out the objects and rules of the Association. The Secretary not be entitled to vote.
17 - TREASURER

The Treasurer shall ensure that all monies received on behalf of the Association are paid to the credit of the bank account of the Association and pay all accounts, which have been passed by the Executive. The Treasurer shall ensure that a statement of finances is produced at Executive meetings, where requested by a member of the Executive.

18 - AUDITORS

Auditors shall be elected yearly at the Annual General Meeting of the Association. The auditors shall attend at a place appointed before the holding of the Annual General Meeting by arrangement with the Secretary and shall thoroughly examine all the accounts of the Association for the period since last audit in accordance with generally accepted accounting standards. They may also attend at the next Annual General Meeting or at any ordinary General Meeting of the Association to answer any questions as to the Balance Sheets and Accounts. The auditors need not be members of the Association. They shall audit the accounts at least once in every year.

19 - REPRESENTATION OF ASSOCIATION

The Association may be represented in proceedings before the W.A. Industrial Relations Commission, the W.A. Industrial Appeals Court, or any other Court or Commission of law or arbitration by the Secretary or such other persons as the Executive shall from time to time appoint for that purpose.

20 - GENERAL MEETINGS OF THE ASSOCIATION

There shall be at least one General Meeting in each year, which shall be an Annual General Meeting. Special General Meetings may be called at the instance of the President or any ten members. The Annual General Meeting shall be held in the months of September or October in each year. At least two week's notice shall be given by circular to the members of the date of the Annual General Meeting. Seven days notice shall be given to members by circular, of any general of any general or special meeting.

Notice by circular may be by hard copy sent by pre-paid ordinary mail or by email. If the circular is sent by pre-paid ordinary mail, the circular is taken to be received on the second Business Day after the date of posting (or on the seventh Business Day after the date of posting if posted to an address outside Australia). If the circular is sent by email, the circular is taken to be received as provided under sections 14 and 14A of the Electronic Transactions Act 1999 (Cth).

For the purpose of this clause, Business Day means a day that is not a Saturday, a Sunday or a public holiday in the place concerned.
21 - QUORUM

The quorum for any Ordinary or Special General Meeting shall be fifteen. If a quorum be not obtained within fifteen minutes of the time specified in the notice calling the meeting, the meeting shall lapse and another meeting to be held within seven days shall be called. At the second meeting, if a quorum is not present within fifteen minutes, the members present shall be empowered to hold the meeting and deal with the business for which it has been called.

22 – MEETING AGENDA

An Agenda will be provided 7 days in advance of all meetings of the Executive.

23 – REGIONAL and SUB COMMITTEES

Members may, with the approval of the Association form Regional or Sub Committees of the Association in various metropolitan and country centres, with power to meet and to make recommendations to the Executive and the Association on matters of local or general interest. They shall appoint their own Chairperson, who shall forthwith report to the Secretary of the Association the resolutions and recommendations of such Regional or Sub Committee.

24 - POWER TO INSPECT BOOKS

The books of the Association and the register of members may be inspected by every member or by such persons as are authorised by the Registrar at any reasonable time upon giving reasonable notice to the Secretary.

25 - REGISTER

A Register of Members shall be kept by the Secretary. The Register shall show the names and addresses of all members, the date of joining the Association and of resignations, contributions, and all dues paid into the funds of the Association by each member. Whenever any member shall be 3 months in arrears with the payment of dues prescribed by the rules the Secretary shall strike the name of that member from the register of members provided that the member so struck off shall not thereby be released from liability for payment of such arrears. The names of provisional and associate members shall be recorded in the register under a separate heading so named for the purpose.

26 - COMMON SEAL AND SEAL HOLDERS

The Secretary shall have custody of the Common Seal which shall only be used with the authority of the Executive. Every instrument to which the Seal is affixed shall be signed by any two of the President, the Secretary and Treasurer. The Common Seal of the Association shall bear the name of the Association and the words 'Common Seal' and such other device as the members in general meeting shall from time to time decide.
27 - INTERPRETATION OF RULE

In case a question at any time arises which is not provided for in these rules or any doubt exists as to interpretation of these rules or any of them, the same shall be determined by the Association at a general or special meeting, whose decision shall be final.

28 - AMENDMENT OF RULES

Subject to the provisions of this Rule, the Rules may be amended by a resolution passed at a general meeting of the members of the Association.

No amendment of the Rules shall be made unless:

a. Notice of the meeting is given to all members at least one month prior to the date upon which the meeting is held;

b. That notice sets out the proposed amendment of the Rules and the reasons for the amendment;

c. The notice of meeting explains that, notwithstanding the fact that the resolution may be passed at the meeting, any member may object to the proposed amendment by forwarding a written objection to the Registrar of the Western Australian Industrial Relations Commission to reach him no later than 14 days after the date of the meeting; and

d. The resolution is passed by at least two thirds of those members attending the meeting, either in person or by proxy, who are eligible to vote.

29 - DISSOLUTION

So long as six members remain clear on the books of this Association, it shall not be dissolved, nor its funds appropriated to any purpose other than those set forth in the foregoing rules. This rule shall not be rescinded or amended unless twelve month's notice has been given to that effect at a general meeting of members of the Association.

If on the winding up of the Association, any property of the Association remains after satisfaction of the debts and liabilities of the Association and the costs, charges and expenses of that winding up, that property shall be distributed to another organisation/association which;

(a) by its constitution is required to apply its profits (if any) or other income in promoting its objects;

(b) objects are similar to the objects of the Association; and

(c) is prohibited from paying any dividend to its members.

30 - VOTING

Every financial member, except provisional and associate members or those otherwise debarred by the Rules, shall have the right to vote at all meetings of the Association provided that:
a) in the case of a company being a member the vote shall be cast by the person nominated by the company as its representative for that purpose,

b) in the case of a firm or partnership being a member in circumstances whereby the members of such firm or partnership are by operation of these Rules also members, only one vote shall be cast on behalf of that firm or partnership and the members thereof collectively and the person to cast such vote shall be nominated by the firm or partnership for that purpose.

Subject to the Rules relating to the election of the Executive and Officers, all questions shall be decided on a show of hands of those present, except when a ballot is requested by any member, then the voting shall be by ballot. A simple majority shall decide all matters put to vote except as otherwise stated in these Rules.

31 - CONTROL OF PROPERTY AND INVESTMENT OF THE FUNDS

The control of the property of the Association shall be vested in the members who by resolution passed at any general or special meeting may decide any question as to the acquisition, use or disposal of such property. Any property and or assets, including funds, owned and or acquired by the Association both now and in the future shall remain under the control of the Association for the benefit of its members. The Association is prohibited from paying any dividend to its members. The investment of the funds of the Association shall be the responsibility of the Executive, which shall, subject to any general or special direction of the members in general meeting, have full authority to invest any funds of the Association not immediately required for the purposes of the Association.

32 - LEGAL EXPENSES

The funds of the Association shall not be applied for legal costs or advice without the sanction of the Executive of a general or special meeting of members.

33 - POWER TO MAKE BY-LAWS

The Association may from time to time make such by-laws and regulations as appear necessary for the purpose of prescribing anything necessary to supplement or render more effectual the provisions of these rules, or which it may be necessary or convenient to regulate or give effect to these rules.

34 - PENALTY FOR BREACHES

If the Executive is of the opinion that any member or Associate member has committed a breach of the rules, the Member’s Code of Conduct or any by-laws of the Association or committed an act which in the reasonable opinion of the Association may bring the Association’s name in to disrepute, it may suspend or expel such member but should the member so dealt with feel aggrieved at the decisions of the Executive he may appeal to the next general meeting or to a meeting called for that purpose and the decision of such meeting shall be final.
35 - AGREEMENTS

All industrial agreements, deeds and instruments required to be made under seal shall be executed in accordance with Rule 26 and all other agreements, deed and instruments shall be executed in the name of the Association by the Secretary.

36 - INDUSTRIAL DISPUTES

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

All industrial disputes in which the Association or any of its members may be concerned shall, unless settled by mutual consent, be referred for settlement pursuant to the Industrial Relations Act 1979 as amended.